

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

February 12, 1985

The meeting of the Local Government Committee was called to order by Chairman Paula Darko on February 12, 1985 at 3:20 p.m. in Room 312-2 of the State Capitol.

ROLL CALL: All members were present; however, Rep. Wallin and Rep. Brown were late in arriving.

Chairman Darko told the committee we have nine bills so our time is short, and she would appreciate everyone's cooperation in making their testimony short. Rep. Kadas took over the chair for Chairman Darko when she presented her bill, as Vice Chairman Wallin was not present.

CONSIDERATION OF HOUSE BILL NO. 580: Rep. Paula Darko, District 2, Libby, appeared before the committee as sponsor of this bill, which authorizes a county to fund search and rescue units established or recognized by the county after approval by a vote of the people of the county. She said this bill was drafted at the request of the county search and rescue in Libby. It provides a 1 mill maximum levy that will be voted on by the people. It is for the good of all people and part of the reason for the bill. It is becoming hard for fund raising when there is not a lot of money available.

PROPOSERS: Daryl Anderson, Libby, stated that the purpose of the bill is the cost of operating their search and rescue. They ask for donations but people are tired of coming up with the money so they are asking for a mill levy to help with the financial problems. The search and rescue people are all volunteers and they are low priority in the county. However, to maintain the proper search and rescue operation, you have to have proper equipment, which we don't have, and we get very little funding from the county. Most of our equipment is from donations. In the last couple of years, they have had more and more search and rescue missions in the mountains and they do not have the proper equipment for these missions. The purpose of this bill is to help with a little more financing.

Jim Rizza, Jefferson County Search and Rescue, from Clancy, stated there are many reasons for supporting HB 580. By state law the county sheriff is responsible for search and rescues. The cost for outside assistance is outstanding. During the search for a little girl from their county, the total cost exceeded \$50,000. These figures could have been drastically reduced if they had had a search and rescue operation in their county. It costs \$2,400 for a radio, and they would need six of them to carry out their mission. That is just

one small but essential item. Their unit has had to spend a lot of time in fund raising when they should be spending it on training. He finished by saying they hope to convince the committee to support HB 580 so they could get more funding.

There were no opponents to HB 580.

In closing, Rep. Darko stated the things to consider are that these organizations cost a lot of money to operate, and it is all volunteers, so because of that we should not have to spend a lot of time. She stated she would appreciate a Do Pass from the committee.

DISCUSSION OF HOUSE BILL NO. 580: Rep. Pistoria stated that if you were going to have an election, elections sometimes cost more than the levy. Rep. Darko replied there would not be a special election for this purpose.

CONSIDERATION OF HOUSE BILL NO. 517: Rep. Stella Jean Hansen from House District 57, sponsor of this bill, appeared before the committee to present the bill. She explained this bill would permit the clerk of the district court to charge a \$5 handling fee for each child support payment processed. Page 2 asks that that payment be allowed to be added to the support payment.

PROPOSERS: Gordon Morris, Montana Association of Counties, said he is pleased to appear in favor of Rep. Hansen's bill. This is a very simple bill and it does propose revenue to the district court, which is one of the most critical places for funding. He handed out Exhibit 1 which shows child support handling fees for 15 counties. This is a bill that will add, for administrative purposes, a very nominal fee to help the court administer to the many payments made for child support in Montana. He then passed out another handout (Exhibit 2). House Bill 125 has come through third reading, and the amendment which they are proposing in Exhibit 2 coincides with HB 125. The revenue derived from child support payments would be receipted to the district court fund if such a fund exists, and to the general fund if it does not. He asked for a Do Pass.

Howard Schwartz, representing Missoula County, also appeared in support of this bill. He would like to second what Gordon Morris said. In their county they were kind of uneasy about it. He said the bill would be easy to put into the process if they had a computer. If this bill passes they would have the revenue for a computer and they would be able to modernize and put it into practice. It will be a godsend, according to Mr. Schwartz. They are also in support of Mr. Morris' amendment. This is a fair and just fee since the counties are acting as escrow agents.

Greg Jackson of the Urban Coalition, stated the impact is more evident in large counties as far as dividing support payments. As far as funding, they go on record in support of HB 517.

There were no opponents to HB 517.

In closing, Rep. Hansen wanted to remind the committee that on lines 10 and 11, it is permissive, not mandatory.

DISCUSSION OF HOUSE BILL NO. 517: Rep. Sands asked Gordon Morris if he really thinks that \$5 is required, that wouldn't \$3 or \$3.50 be enough to cover it. Mr. Morris said the question should be addressed to Rep. Hansen, who answered by saying that \$5 is not a magic figure. It takes 7-10 minutes to handle each case. The process involves considerable staff time.

Rep. Sands then asked if right now some counties don't deduct a certain percentage of the child payments to go to the county for administration, and Gordon Morris replied that right now he didn't think there is any such law.

CONSIDERATION OF HOUSE BILL NO. 727: Rep. Stella Jean Hansen, District 57, presented this bill to the committee. This bill expands the rulemaking authority of local boards of health to ensure maintenance of sewer systems not controlled by the department. In Missoula County, two systems have experienced problems with sewers, as well as other areas of the state. There are some proposed changes in 50-2-124, where the fine for violation will go from \$50 to \$500.

PROPONENTS: Jim Carlson of the Missoula County Health Department, stated they have had several instances of ground water problems, as well as sewer problems, which have cost a lot of money to fix. He mentioned one system in E. Missoula where an individual's basement was filled with sewage. He stated the part of the bill that raises the fine from \$50 to \$500 would remain in the local justice court. They do not feel very strongly about it and in many instances it would be easier to pay the fine than comply with local ordinances.

Al Sampson of Missoula, passed out a copy of a report from the Missoula County Health Department (Exhibit 1) which said the department's laboratory had tested 2,502 water samples, the highest number ever. The number of contaminated samples appeared to be on the rise.

Will Selser, representing the Lewis and Clark Health Department, stated they are seeing increasing numbers of multi-family sewer systems that are big enough to have problems. No one is really in charge of maintaining these systems. Several years ago Montana adopted ways of taking care of them and at that time the Health Department said they did not have enough personnel to take care of the problems. They have little or no authority

now, but this amendment would help to bring local health departments to these people. For those reasons, they stand in support of this bill.

There were no opponents to HB 727.

In closing, Rep. Hansen said she would like to point out that the State Health Department has the authority to make the inspections. She requested support of HB 727.

DISCUSSION OF HOUSE BILL NO. 727: Rep. Gilbert asked Rep. Hansen if this bill passes, on page 3, line 13-18 - does it mean one of these individuals could come and inspect his permanent septic tank. Rep. Hansen replied that the intent of this bill is not to violate the personal septic tank. Rep. Gilbert then asked if they could come to his place and inspect his system without his permission. Rep. Hansen said it may be possible under these rules. Rep. Gilbert then said when he sees the words "for the control" he suspects this could possibly be done; therefore, he felt there should be some changes.

Rep. Sands addressed Jim Carlson and said all of the rest of the authority that is contained in the current law deals with contagious communicable diseases that might endanger human life - none of it applies to section 5. He asked why the bill was drafted without the qualifying phrase? Mr. Carlson answered that it would be alright with them to include service connections.

CONSIDERATION OF HOUSE BILL NO. 616: Rep. Jan Brown, sponsor of the bill, appeared before the committee to present the bill. The purpose of this bill is to authorize creation of business improvement districts. This legislation would give a business district the ability to split taxes such as a shopping center.

PROPOSERS: Pat Melby, Helena Improvement Society, stated this is a society made up of downtown businesses in Helena. They use this as another tool to pursue that problem. This is enabling legislation that would authorize businesses and property owners in an area to get together. A petition of 60% of the property owners in the area would be a business district area. It would authorize a protest to be filed with the local government. A public hearing would be held to decide if a district should be approved. If over 50% would protest it would prevent proceedings for one year. The chief executive of the local government would appoint a board of trustees with the approval of the governing body, of 5-7 members. The city commissioner would hold a public hearing so residents could come to oppose or approve it. The funds raised through the levy would be used to administer the district. He concluded by saying that the people in downtown Helena have been interested in this type of legislation for a long time and they are asking for the opportunity to create such a district.

Larry Douglas, staff member of the Montana Department of Commerce, reported he is here to support this bill. This past year they have conducted meetings and workshops in 23 Montana communities. In reviewing the proposed legislation in HB 616, they have found several features that are of interest to the survival of "main street America" which they like. Montana communities of all sizes benefit from this legislation. He said he appreciated the opportunity to appear before the committee and urged favorable passage of this legislation.

Ed Jasmin, President of Northwest Bank of Helena, stated this piece of legislation assists in incentives to create business improvement districts.

Jim Davison of Anaconda, stated this is the type of legislation that the Montana Economic League likes to support. This provides local businesses a way to help themselves. It is a tool of funding for private citizens to provide for a special need for a special district. It provides benefits for an entire area.

Bill Verwolf, representing the City of Helena, stated they have been a backer and supporter of this concept for a long time. This is one of the priorities for the development of Helena. It provides a mechanism whereby the local government can assist without funding. Local governments can help set up and establish a business industry without costing money. He said they strongly support this.

Greg Jackson of the Urban Coalition said they would like to go on record in support of this bill as it provides a unique way for businesses and communities to work together.

Gordon Morris, Montana Association of Counties, also said they would like to go on record in support of HB 616.

Alec Hansen, Montana League of Cities and Towns, said their organization supports this bill.

Roger W. Young, President of the Great Falls Chamber of Commerce, submitted a letter in support of HB 616, which is attached as Exhibit 1.

Rep. Paul Pistoria presented three telegrams from supporters of this bill from Great Falls. They are: Rod Spencer, Steve Dimino and Ira M. Kaufman, Jr. These are attached as Exhibit 2.

OPPONENTS: George Allen, lobbyist for Montana Retailers Association, stated he is representing himself. He is very reluctantly opposing this bill because of the way it is written. On the bottom of page 6 where it deals with the manner of assessing costs by the governing body, and on page 7, line 3, he is in objection to paragraph 1. If this is adopted, you

could have a building seven stories high on a small piece of land. In paragraph 2, assessing property on an assessed value is a more fair way of doing it rather than on a square footage. If we go with paragraph 1 instead of 2, we could tax government buildings. He concluded by saying he would oppose the bill as it is written but would support it if the wording is changed.

DISCUSSION OF HOUSE BILL NO. 616: Rep. Sands asked Rep. Jan Brown what kind of empathy this is for tax purposes and liability purposes. Rep. Brown said she would ask Mr. Melby to answer, and he said that as far as liabilities are concerned, there is a provision that limits local governments' liabilities. Rep. Sands then asked for tax purposes, this organization would not pay taxes, to which he was told no, they would not pay taxes. Rep. Sands then asked if he sued the district for negligence and received a judgment, how would he collect that judgment? The answer was that the city commissioners would request the district to carry sufficient liability insurance, and if they do not have sufficient insurance, they would have to have sufficient funds in the budget for this purpose. Rep. Sands also asked if they don't have the funds, could the individuals be liable. The answer was the individual property owners would not be liable or subjected to this.

Rep. Pistoria addressed Al Johnson of Great Falls, and told him he had just gotten a telegram from Steve Dimino, president of Alpha Management Associates, supporting this bill and Rep. Pistoria assumed that Mr. Johnson also came to support it. Mr. Johnson said, in general, he would be in support of the bill. The main problem he has with the bill is there is a provision for the removal of members. Rep. Pistoria asked if this is for a business district or a residential district. The answer was that there was nothing to prevent residential districts from doing this but he didn't know why they would want to.

CONSIDERATION OF HOUSE BILL NO. 519: Rep. Walter Sales, District #76, sponsor of this bill, presented it to the committee. This bill requires payment of property taxes before a parcel of land may be divided. He said this was requested several years ago.

PROPOSERS: Charles Graveley, on behalf of the County Treasurers' Association, stated they are fully in support of this bill. As Rep. Sales indicated, it is to make sure taxes are paid before land can be divided. Page 1, line 18 through line 9 on page 2 lists the types of transfers that are exempted from the subdivision act. This simply closes loopholes. They asked the committee's favorable recommendation as it will go a great distance to require that taxes are paid before plats are filed.

Jim Pritchard of Property Planners, stated this bill will help to keep better records.

Gordon Morris representing the Montana Association of Counties, stated that on behalf of MACO, he would like to go on record in support of HB 519.

There were no opponents to HB 519.

Rep. Sales closed his presentation.

There were no questions from the committee members.

CONSIDERATION OF HOUSE BILL NO. 414: Rep. Iverson of District 12, sponsor, presented the bill to the committee. He said the bill was drafted at the request of two county commissioners. He passed out amendments which he went over. Page 1, line 22, following "specified", insert "for the sheriff". Page 1, line 24, includes longevity. Page 2, line 1, following "salary", strike remainder of line 1 and all of line 2. This is to make sure we are not including longevity.

PROPOSERS: Joe Gottfried of Shelby, said this is their bill. He said that Rep. Iverson pretty well described the part they are really interested in which is the housekeeping part of the bill. He said they are unique in that they are on the Canadian border and 52% of the prisoners are in their county because of their location. This would allow a consolidation from all law enforcements. They would be able to pay their people what they should be paid. In 1979 they were eligible to form a consolidated form of law enforcement. This increased the salaries of the police department, and it took a lot of work from the city police. It also allows for better scheduling of men.

Rae Kalbfleisch of Shelby passed out written testimony, Exhibit 1, which explains the laws pertaining to sheriffs' salaries and deputies under non-consolidated sheriff departments, as well as laws pertaining to director and employees of consolidated city-county department of public safety.

There were no opponents to HB 414.

In closing, Rep. Iverson stated all they want is the authority to set their own salaries which is the intent of this bill. The reason there are no opponents is that he spent a lot of time with the peace officers to make sure there would be no problem.

CONSIDERATION OF HOUSE BILL NO. 673: Rep. Mike Kadas appeared as sponsor of the bill, which changes the time when a local government may bring a suit challenging the validity and constitutionality of a petition and proposed action. The current law says that a city may file in court to say if a ballot is valid. He says this bill does two things: It sets up front, instead of at the end, to collect signatures for a petition that it is not constitutional, and when a city sues on a problem like this, it has to sue at least 20 of the people who signed

the petition.

PROPONENTS: Jim Nugent, City Attorney for the City of Missoula, presented written testimony in support of the bill. This is attached as Exhibit 1. He stated that the purpose of this bill is to move up the point in time at which a local government could request a court ruling as to the validity or constitutionality of an initiative petition proposal, and is it in the best public interest. He called attention to line 14, page 1, which says 30 days, and suggested that be shortened to 10 working days or 15 calendar days.

John Toole, Mayor of Missoula, stated this bill is kind of a cleanup bill that makes it possible to appear on the ballot legally.

There were no opponents present to HB 673.

In closing, Rep. Kadas said he thinks this could save a lot of time and energy, as well as local antagonism.

DISCUSSION OF HOUSE BILL NO. 673: Rep. Brandewie asked Rep. Kadas about page 2, line 2, which says the complaint shall name as defendant the person who submitted the petition. Rep. Kadas replied it was checked as to the legality of it.

CONSIDERATION OF HOUSE BILL NO. 384: Rep. Toni Bergene of District #41, appeared before the committee as sponsor of the bill. She explained this legislation will give a property owner who does not reside on the property the same right to annex property as a resident now enjoys.

PROPONENTS: Jim Nugent, City Attorney for the City of Missoula, and representing the Montana City Attorneys' Association, said the purpose of the bill is intended to be a housekeeping measure. It currently allows electors to petition for annexation. It does not include a person who does not live on the land to be annexed to be able to petition the city government to annex his properties. He proposed an amendment for page 2, line 14 (ii) to insert "any one owner".

Alec Hansen, representing the Montana League of Cities and Towns, said this is a problem all across the state of Montana. They feel it is logical that property owners should have the right to petition and also have the right to use all city services. For this reason they support the bill.

Greg Jackson, representing the Urban Coalition, stated they would like to go on record as supporting HB 384.

Al Sampson, alderman from the city of Missoula, passed out written testimony in support of HB 384, which is attached as Exhibit 1.



Vern Erickson, representing the Montana Firemens' Association, stated they would like to go on record in support of the bill.

Al Johnson, City Manager of Great Falls, stated both HB 384 and 385 are part of the Montana League of Cities and Towns' package. It is to clarify annexation laws in this state and he asked the committee's favorable consideration of HB 384.

There were no opponents to HB 384.

In closing, Rep. Bergene asked the committee's support of this bill.

DISCUSSION OF HOUSE BILL NO. 384: Rep. Pistoria asked Rep. Bergene what effect this bill would have on Black Eagle in Great Falls if there is someone who would like to be annexed but does not live on the property. She answered it needs to be an owner of the property but he doesn't have to reside there.

Rep. Wallin questioned if they were talking about undeveloped land and if the person living on the land is a freeholder. He received the answer that no, if that person who is developing the property would like to be annexed, it would give that person who owns the property but does not live on it the right to come into the city.

CONSIDERATION OF HOUSE BILL NO. 385: Rep. Bergene, sponsor of the bill, presented it to the committee and explained that the bill will expand the list of types of land that may separate territory from a municipality and still allow that territory to be considered contiguous.

PROPONENTS: Jim Nugent, City Attorney of Missoula, presented written testimony in support of HB 385. This is attached as Exhibit 1. He said this is another bill that is considered a housekeeping bill. He also proposed an amendment which is attached as Exhibit 2.

Ardi Aiken, City Commissioner from Great Falls, stated she is here in support of HB 385, which would expand the definition of land considered contiguous. Local governments do need to be given more options in decision making. This bill will provide this in the annexation process. Therefore, she asked the committee's favorable consideration of the bill.

Vern Erickson, representing the Montana Firemens' Association, Missoula, stated he would like to go on record in support of this bill.

Al Sampson, alderman from the city of Missoula, passed out written testimony in support of this bill. This is attached as Exhibit 3.

Greg Jackson, Urban Coalition, stated they are in favor of the bill because it clarifies the term "continuous".

Bill Verwolf, representing the City of Helena, stated the City of Helena is in support of this bill.

Alec Hansen, representing the Montana League of Cities and Towns, said this bill proposes to allow cities to go behind protected properties and bring areas into the cities. He said we are getting to the point where we have walled cities. The law is written that the Missouri River is not a barrier to annexation; Interstate 15 is not a barrier to annexation. This bill is intended to rectify problems of annexation. He asked the committee to please consider this bill and give it a favorable consideration.

Al Johnson, City Manager of Great Falls, said what this bill proposes may not be needed for all communities. Recently, in Great Falls, they had a discussion of the proposed annexing of their airport. The land is owned by the city of Great Falls and is not contiguous to the city. It could not be annexed without forming some kind of connection between the city and the airport.

OPPONENTS: Rep. Budd Gould of Missoula, stated this was not just a simple housekeeping bill but it is one of the most far reaching bills he has ever seen. It should be looked at closely because it is taking the basic rights away from the people. The one thing that is not done when it comes to annexing is for the cities to go out and sell themselves.

Rep. Bernie Swift of District #64, stated he is here to vehemently oppose the bill as it wipes out any and all barriers to cities that want to cover areas without people having anything to say about it. For someone to say this is a simple housekeeping bill doesn't see what this bill does. There is no resident freeholder here who is for this bill. People outside the city should be able to continue to do things for themselves until they are ready to come into the boundary. He concluded by saying he hoped the committee would kill the bill.

Lois Harris, President of the Missoula Wapikiya Homeowners' Association, presented written testimony in opposition to the bill which is attached as Exhibit 4.

Vera Cahoon of the Missoula Freeholders, stated they are strongly opposed to this bill as it challenges constitutionality. She strongly urged the committee to protect property owners by opposing this bill.

Rich Gebhardt, representing the Missoula Rural Fire District, stated that the right to protest will be greatly reduced or eliminated in this bill. On page 1, line 22, there is a fine distinction between right-of-way and ownership of the property.

Julie Hacker, Vice Chairman of the Missoula County Freeholders, asked the committee to please defeat the bill. She also read a letter from Martha Powell, a resident of Missoula which is attached as Exhibit 5.

R.A. Ellis, West Helena Valley Fire District, said the opponents have stated his feelings. People who are leaving are doing it at their own choice, not at the city's choice.

John Wittenberg of Missoula stated he opposes the bill for many reasons. This involves thousands of homes in Missoula who can't afford to move to the city. These people are trying to raise families and are living there because that is where they can afford to live.

In closing, Rep. Bergene said there is such a vast difference between how she interprets the bill compared to the way the opponents are interpreting it. This only the annexing of land that the municipalities own - she is not talking about personal property.

DISCUSSION OF HOUSE BILL NO. 385: Rep. Pistoria asked Rep. Bergene what this bill will do for Black Eagle. Under this bill, could it be annexed? She replied that it could not because most of the area is personal property. Alec Hansen said the bill does not affect Black Eagle in his judgment. It does not affect, in any way, the protest provision in the existing law; it only defines contiguous.

Rep. Gilbert addressed Rep. Bergene that she had said this bill only affects municipalities. He said he does not see this in the bill. Rep. Bergene said they are still following the procedures in HB 384.

Rep. Kadas addressed Rich Gebhardt and said there seems to be some confusion as to what the bill says. Are there any changes in the procedure for annexing land? Mr. Gebhardt said that it just has more power, specifically in the right-of-way.

Rep. Brandewie told Rep. Bergene that she had said this didn't affect private property. Therefore, if they are not going to take private property, what do they want to take on? Rep. Bergene said there could be some city property that might want to be annexed. Rep. Brandewie then asked if these people want to be annexed, they can be now, or if they wanted to be taken in by the city they could do that. Rep. Bergene said they could come in in the procedure stated in HB 384. Rep. Brandewie then asked if they can already come in, why do we need this method? Mr. Sampson answered that this does not create a new method of annexation. On page 3, railroad property, etc. is already in the definition of contiguous. A school district is not included. It is viewed as a housekeeping bill, not to expand annexing.

Rep. Gilbert asked Mr. Gebhardt if there is a barrier, the city cannot annex, and Mr. Gebhardt replied no. Rep. Gilbert then asked if he was not concerned about the barriers, to which Mr. Gebhardt replied that he is concerned, and they are looking at the package proposal of the League of Cities and Towns.

Rep. Bergene closed her presentation of HB 385.

The committee then went into executive session for action on bills. However, due to the power being off earlier, the Chairman stated that they would only have 15 minutes of daylight in which to work so they would probably not be able to take action on all bills.

DISPOSITION OF HOUSE BILL NO. 580: Rep. Sales moved to DO PASS HB 580, seconded by Rep. Brown, who also pointed out this was up to 1 mill. Question being called, Rep. Sales' motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 519: Rep. Kadas moved that HB 519 DO PASS, seconded by Rep. Brown. The motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 517: Rep. Hansen moved that HB 517 DO PASS, seconded by Rep. Kadas. Rep. Sales moved to AMEND by inserting "deposit fund in the county trust fund". Rep. Sands asked what the district fund is and Lee Heiman said it is the 6 mills established. Rep. Switzer asked if there is some lack of statutes and is this just a means of raising a \$5 fee without putting a border on locating authority, or are they, for some reason, prevented from raising at this time. He was told that all court fees are set. The motion to amend PASSED UNANIMOUSLY.

Rep. Sales then moved the second amendment to change the fee from \$5 to \$2, seconded by Rep. Sands. Rep. Hansen said she wanted to address the second amendment and spoke in opposition to it. In one county they have to hire one person to handle only those payments. The question being called for, Rep. Sales' motion CARRIED UNANIMOUSLY.

Rep. Sales then moved that HB 517 DO PASS AS AMENDED, seconded by Rep. Fritz. Motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 673: Rep. Kadas moved that HB 673 DO PASS, seconded by Rep. Brown. Rep. Fritz moved to amend 30 days to 10 working days, seconded by Rep. Kadas. Question being called, motion PASSED UNANIMOUSLY. Rep. Brown then moved that HB 673 DO PASS AS AMENDED, seconded by Rep. Wallin. Rep. Brown's motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 414: Rep. Brown moved that HB 414 DO PASS, seconded by Rep. Kadas. Rep. Brown then moved the

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amendments which the committee had before them, seconded by Rep. Kadas. It was explained that the reason for the amendments is the sheriff's fee structure. Rep. Brandewie then stated he thought they should quit as it was getting too dark and postpone action on HB 414.

The meeting was adjourned at 6:00 p.m.

*Rep. Paula Darko*  
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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. 12, 1985

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

# STANDING COMMITTEE REPORT

.....February 12..... 19 85.....

MR. ....**SPEAKER:**.....

We, your committee on .....**LOCAL GOVERNMENT**.....

having had under consideration .....**HOUSE**..... Bill No. **580**.....

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

**AUTHORIZING COUNTY FUNDING OF SEARCH AND RESCUE UNITS.**

Respectfully report as follows: That .....**HOUSE**..... Bill No. **580**.....

~~DG-PASS-~~

STATE PUB. CO.  
Helena, Mont.

.....**PAULA DARRO,**.....  
Chairman.

COMMITTEE SECRETARY

# STANDING COMMITTEE REPORT

February 12, 19 25

MR. **SPEAKER:**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **HOUSE** Bill No. **519**

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

**PAYMENT OF PROPERTY TAXES REQUIRED BEFORE LAND MAY  
BE DIVIDED.**

Respectfully report as follows: That **HOUSE** Bill No. **519**

DO PASS.



# STANDING COMMITTEE REPORT

February 12, 1935

**SPEAKER:**

MR. ....

**LOCAL GOVERNMENT**

We, your committee on .....

having had under consideration ..... **HOUSE** ..... Bill No. **517**

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

**DISTRICT COURT CLERK MAY CHARGE \$5 CHILD SUPPORT  
HANDLING FEE.**

Respectfully report as follows: That ..... **HOUSE** ..... Bill No. **517**

**BE AMENDED AS FOLLOWS:**

1. Title, line 5.

Strike: "\$5"

Insert: "\$2"

2. Page 1, line 21.

Strike: "\$5"

Insert: "\$2"

3. Page 1, line 24.

Following: "fund"

Insert: "unless the county has a district court fund. If  
the county has a district court fund, the amount must be  
paid into such fund"

**AND AS AMENDED,**

**DO PASS**

# STANDING COMMITTEE REPORT

February 12, 1985

SPEAKER:

MR. ....

## LOCAL GOVERNMENT

We, your committee on .....

HOUSE

673

having had under consideration ..... Bill No. ....

first

white

reading copy ( )  
color

ADVANCING TIME FOR TESTING LOCAL PETITION VALIDITY  
IN COURT.

Respectfully report as follows: That ..... HOUSE ..... Bill No. 673

BE AMENDED AS FOLLOWS:

1. Page 1, line 14.  
Strike: "30"  
Insert: "10 working"

AND AS AMENDED,

DQ PASS

nd  
2/13/85  
9:35am

**MONTANA  
ASSOCIATION OF  
COUNTIES**

*Exhibit 1  
HB 517  
2-12-85  
Rep. Hansen*  
1802 11th Avenue  
Helena, Montana 59601  
(406) 442-5209

HOUSE BILL 517

CHILD SUPPORT HANDLING FEE

HOUSE LOCAL GOVERNMENT COMMITTEE

FEBRUARY 12, 1985

COUNTY	# OF MONTHLY SUPPORT PAYMENTS (ESTIMATE)
BLAINE	11
CASCADE	750
DANIELS	20
DAWSON	30
GALLATIN	350
JEFFERSON	40
MADISON	30
MISSOULA	800
PHILLIPS	15
ROSEBUD	125
SHERIDAN	20
STILLWATER	25
TREASURE	1
YELLOWSTONE	375
LEWIS AND CLARK	509

**MACo**

**MONTANA  
ASSOCIATION OF  
COUNTIES**

*Exhibit 2*  
*HB 517*  
*2-12-85*  
*Rep. Hansen*  
1802 11th Avenue  
Helena, Montana 59601  
(406) 442-5209

TO: Paula Darko  
Chair, House Local Government Committee

FROM: *Gordon*  
Gordon Morris  
Executive Director

RE: House Bill 517

DATE: February 11, 1985

The Montana Association of Counties wishes to suggest an amendment to HB 517 by adding the following to line 24:

general fund unless the county has a district court fund.

If the county has a district court fund, the amount must be  
paid into such fund.

GM/mrp

**MACo**

Environmental Health Division

Air Quality: Three new air pollution monitoring devices were purchased and installed to measure the inhalable (less than ten micron) fraction of airborne particles. One of the devices, manufactured by Dasibi, operates continuously and automatically, and provides hourly particulate levels. The two other instruments are high volume samplers fitted with special sampling heads for measuring specific particulate size fractions. The Dasibi has been installed at the Rose Park site and the two inhalable high volume samplers are located at Rose Park and Boyd Park. The data collected on these new devices will be used to assess the effect of Missoula's wood-burning regulations and to provide air quality data for calling ALERTs during future winters.

HB  
727

The Division called two ALERTs during the quarter. Both occurred in December - the first December 6th to the 9th and the second from December 19th to the 21st. Staff enforced the regulations during both ALERTs, giving out 25 packets of educational materials (educational enforcement only) during the first ALERT, and issuing 26 first offense Notice of Violations during the second ALERT. The Division received approximately 50 citizen complaints per day during the ALERTs, and enforcement staff made a concerted effort to respond to as many complaints as possible while in the field. Approximately 90 sole source and special need permits were issued during the quarter; staff also conducted inspections of the five permitted point sources.

Licensed Establishments: This program continues to steam right along with approximately 47 percent of Missoula County's licensed establishments having been inspected at least once so far this year. Nearly all environmental health specialists are registered sanitarians now, and every sanitarian has received licensed establishment inspection assignments as a part of their normal routine. 241 inspections were conducted during the quarter with approximately 10 percent of those being repeat or follow-up inspections.

Water Quality: During the 1984 calendar year, the Department's laboratory tested 2502 water samples, the highest number ever. The number of contaminated samples also appears to be on the rise, with over 331 wells showing bacterial contamination. Concerned that Missoula County's aquifers are beginning to show signs of degradation, the Division proposed the creation of a Water Quality Advisory Council. This group would assist the staff and the Board of Health in evaluating current policies and practices with regard to protecting the area's water resource and in formulating new ways to prevent continued degradation. The Council will consist primarily of individuals with expertise in hydrology, soils, chemistry, and other related disciplines.

Staff issued 99 new and replacement sewer permits, reviewed 4 subdivisions (consisting of a total of 41 lots), 52 COSs, and conducted 6 site evaluations during the quarter.

Day Care: Three day care centers were inspected by the Division during the quarter. Greg Oliver, in addition to conducting the licensing inspections, is teaching classes on child health topics, writing health protocols, and contributing a communicable disease column to a day care newsletter.

Received 1/28/85  
off report



OFFICE OF THE CITY ATTORNEY

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

EXHIBIT 1  
HB 385  
2-12-85  
Rep. Bergen

February 11, 1985

85-79

House Local Government Committee Members  
Montana State House of Representatives  
Montana State Capitol  
Capitol Station  
Helena, Montana 59620

Re: House Bill-385 to make definitions of contiguous uniform and to expand the list of the types of land that may separate territory from a municipality and still allow that territory to be considered contiguous

Dear House Local Government Committee Members:

I would like to take this opportunity on behalf of the Montana League of Cities and Towns and the City of Missoula to urge your favorable support for the enactment of House Bill 385 entitled "An act to expand the list of types of land that may separate territory from a municipality and still allow that territory to be considered contiguous." The member cities and towns of the Montana League of Cities and Towns voted at their 1984 annual meeting to make legislation such as HB-385 one of their priorities to seek enactment for at the 1985 Montana State Legislature.

The primary intent of this House Bill is that of a house keeping nature in order to achieve uniformity in the definition of the word "contiguous" throughout the various annexation methods that exist in state law, while at the same time adding to the list of the type of lands not actually included within a city's limits that may separate territory from a municipality and still allow that territory to be considered contiguous for purposes of annexation laws.

The purposes of House Bill 385 are: 1) to seek uniformity of the definition of the term "contiguous" to the city limits, in the various methods of annexation that are set forth in Title 7, chapter 2, Montana Code Annotated by making those definitions the same. There are currently three divergent definitions. 2) To expand the list of types of land that may separate territory from a municipality and still allow that territory to be considered contiguous by including in the list of lands a school district or other public educational institution lands and those lands that a city is currently prohibited, and would continue to be prohibited, from annexing pursuant to the wholly surrounded method of annexation alternative as a result of the restrictions on annexation power set forth in Section 7-2-4503, M.C.A..

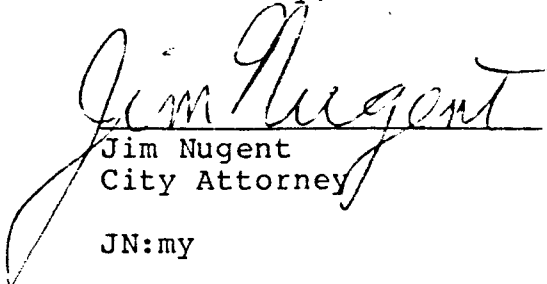
As long as the lands identified in Section 7-2-4503, M.C.A. have a special protected status exempting them from annexation pursuant to 7-2-4501, M.C.A. et. seq., and as long as those same specially protected lands are not included in the list of the types of

House Local Government Committee Members  
February 11, 1985  
Page Two

land considered contiguous, currently non-contiguous city limit property owners who abut the non-city limit sides of the lands given special protective status in Section 7-2-4503, M.C.A. may be deprived of the ability to seek annexation to the city. For example, a non-resident property owner/developer whose property is contiguous to the city limits can be annexed to the city limits in order to obtain city services; but, if the non-resident owner/developer of that same, identical piece of property is not considered contiguous to the city limits because the land specially protected from annexation pursuant to Section 7-2-4503, M.C.A. lies between the non-resident owner/developer's land and the city limits, no method of annexation exists whereby that owner/developer can obtain city services pursuant to an annexation.

Lastly, I would like to note that there is one important point about the drafting of HB-385 which should be called to your attention on page 3 of HB-385, in Section 7-2-4704(1)(d), M.C.A. It should be noted and emphasized that the current definition of the term "contiguous" in Section 7-2-4704(1), M.C.A. includes "lands owned by the state." HB-385 underlines the words "of the state" on page 3 in Section 7-2-4704(1)(d), and thereby gives the erroneous impression that Section 7-2-4704(1), M.C.A. is being expanded to include state lands, when in fact that type of land is already included in the current definition of the word contiguous.

Yours truly,



Jim Nugent  
City Attorney

JN:my

cc: Alec Hansen, Executive Director Montana League of Cities  
and Towns  
Missoula County State Representatives Eudaily, Gould, Hammond,  
Lory, Moore, Ream, Waldron who are not on House Local Government  
Committee

Exhibit 2  
HB 385  
2-12-85  
Rep. Berger

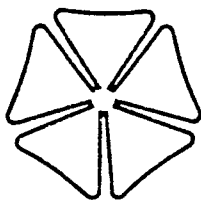
Amendment to HB 385:

Page 2 line 4 - after 7-2-4503 - add EXCEPT AGRICULTURE

Page 2 line 23 after 7-2-4503 - add EXCEPT AGRICULTURE

Page 3 line 16 after 7-2-4503 - add EXCEPT AGRICULTURE





THE GARDEN CITY  
HUB OF FIVE VALLEYS

# Missoula, Montana 59802

Exhibit 3  
HB 385  
2-12-85  
Rep. Bergene

OFFICE OF THE CITY COUNCIL  
201 West Spruce Street  
Phone 721-4700

To: House Local Government Committee

Re: House Bill 385

This bill merely makes the definition of contiguous consistent in all of the methods of annexation. It does not allow the annexation of lands that are now restricted because of their use as listed in 7-2-4503; however it would allow annexation beyond these restricted properties as though they did not intervene.

In all of the major cities in the state there are many examples of these inconsistencies that hamper orderly growth and development. In Missoula we have 4 golf courses, a campus, a railroad, a sawmill, a river and at least 2 athletic fields that separate the city from areas of development.

While the passage of this bill would not make it easier to annex these restricted properties, it would make it possible to have a more orderly and planned growth.

I urge your favorable consideration.

Al Sampson  
Alderman  
Missoula, Montana

EXHIBIT 4  
HB 385  
2-12-85  
Rep. Bergene

To: House Local Government Committee in care of Paula Darko, Chairwoman

From: Lois Harris, President, Wapikiya Home Owners Association

Date: Feb. 10, 1985

Re: H.B. 385 " An act to expand the list of types of land that may separate territory from a municipality and still allow that territory to be considered contiguous for the purposes of annexation laws."

The 400 household members of the Wapikiya Home Owners Association of Missoula, wish to express their opposition to H.B. 385, which would expand the list of types of land that may separate territory from a municipality and still allow that territory to be considered contiguous for the purposes of annexation.

This amendment would allow municipalities to annex across railroads, agricultural land, and land owned by the city, county state and school districts. In the Missoula area, this would allow the city to annex unincorporated towns such as East Missoula, Lolo, Bonner and Milltown. Some of these areas are as far as 10 miles from the Missoula city limits, but this would be no barrier under the proposed amendments. The Wapikiya area is separated from the city limits by agricultural land in some areas.

This amendment would make a mockery of the concept of contiguous land, would unreasonably expand the annexation powers of municipalities and would threaten areas of the county far removed from the city limits. It would also impose severe additional taxation burdens on low income, fixed income and single income families.

For these reasons we request that you give a do not pass recommendation to H.B. 385.

Re: HB385

Exhibit 5  
HB 385  
2-12-85  
Rep. Bergene

The bottom-line reason for cities, especially Missoula, to force annexation, is that they refuse to live within their budgets. There is no need to have budgets drawn if there is no intent to follow them, unless they are only used as guidelines to know how much they will need extra, from the taxpayers, to cover their "pie-in-the-sky expenditures."

I firmly believe that the legislature should require that cities live within their budgets, just as our State must live within a balanced budget. I see no difference between the two, especially since we have first-hand knowledge, through the actions of the U.S. Congress, and what their lack of concern for the budget has done to our nation.

The Keynesian philosophy of economics, of deficit spending, has long proven to be a disastrous failure.

Thank you,

Martha Powell

P.O. Box 3867

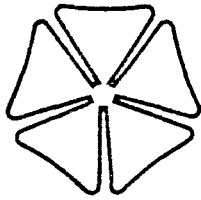
Missoula, Mt. 59806

Amend House Bill 385

1. Title, line 4

Strike: "EXPAND THE LIST"

Insert: "PROVIDE UNIFORMITY IN THE LISTS"



THE GARDEN CITY  
HUB OF FIVE VALLEYS

# Missoula, Montana 59802

Exhibit 1  
HB 384  
2-12-85  
Rep. Bergene

OFFICE OF THE CITY COUNCIL  
201 West Spruce Street  
Phone 721-4700

To: House Local Government Committee

Re: House Bill 384: Annexation by Petition


This bill simply gives a property owner who does not reside on his properties the same right to petition the city government to annex his properties as a resident freeholder now enjoys.

Presently, a resident free holder may request by petition and the city may annex property if they feel it is in the best interest of the city even if the property is not contiguous to the existing city limits.

This is not true if an owner does not reside on the property. Even though the owner petitions and the city deems it in the best interest of all concerned, the property may not be annexed unless it is contiguous to the existing city limits.

There are several such areas in the Missoula area where people have requested the extension of sewer and the receipt of other city services. In some instances, the city has allowed the sewer extension under a contract sewer arrangement with an annexation protest waiver. And, in some cases, it was found not to be practical and the request was either dropped or denied.

This bill would give citizens more flexibility and options to develop their land and also will aid cities and planning departments in a more orderly growth. I urge your favorable consideration.

  
Al Sampson  
Alderman  
Missoula, Montana

Amend House Bill 384

1. Page 2, line 14.

Following: "(ii)"

Insert: "any one owner or"

Following: "of"

Insert: "the"

February 11, 1985

House Local Government Committee Members  
Montana State House of Representatives  
Montana State Capitol  
Helena, Montana 59620

Re: HB-673 to change the time when a local government may bring  
a suit challenging the validity and constitutionality of  
a petition

Dear House Local Government Committee Members:

City of Missoula officials urge your favorable support in enacting House Bill-673 to change the time when a local government may bring a suit challenging the validity and constitutionality of a petition. Pursuant to Article III, Section 4(1) and Article XI, Section 8 of the Montana Constitution, the people are only authorized to enact laws by initiative.

Historically, several Montana cities have initiated lawsuits to determine the legality of an initiative petition. The Montana Supreme Court has for decades followed the generally established legal rule that initiative does not exist for city government matters that are administrative in nature. Four Montana Supreme Court decisions in this area of the law involving petitions are as follows:

1. City of Billings v. Nore, 148 Mont. 96, 417 P.2d 458 (1966) held that initiative did not exist to repeal a city ordinance creating a city-wide special improvement district for a storm sewer system and establishing rates, charges and manner of collection for use of sewer facilities, for the reason the ordinance was an administrative act executing existing law and as such was not subject to initiative.

2. Dieruf v. City of Bozeman, 173 Mont. 447, 568 P.2d 127 (1977) held that a city ordinance adopting a formula for assessing property for the purpose of creating an off-street parking facility was a city commission act performing an administrative function and not a legislative function.

3. Allen v. City of Butte, 55 Mont. 205, 175 P. 595 (1918) held that a city council resolution for the creation of a special improvement district for the grading of streets and construction of a sanitary sewer was not a matter of general legislation and therefore initiative and referendum did not apply.

4. City of Shelby v. Sandholm, 676 P.2d 178 (1984) held that a city council resolution creating a special improvement district to construct and install a storm sewer system that involved most of the property within the city limits was not

a legislative, but was instead an administrative act which was not subject to the initiative or referendum procedure. The Supreme Court in this case also again decreed a long-established legal "policy that a city must be free to perform valid administrative acts without having to refer them to the voters. Otherwise, small groups of dissatisfied voters would have it in their power to constantly frustrate the efforts of local government". Supra at 180.

The Montana Supreme Court in the cases of City of Billings v. Nore, 148 Mont. 96, 417 P.2d 458 (1966), and Dieruf v. City of Bozeman, 173 Mont. 447, 568 P.2d 127, 129 (1977) has recognized that a reasonable test to be used in determining whether a city ordinance is a legislative action or instead an administrative or executive action is to determine whether the act (i.e., enactment of an ordinance) was an act creating a new law (legislative) or executing an already existing law (administrative). The Montana Supreme Court in these two (2) decisions quoted with approval the following language from a Utah Supreme Court decision:

"The problem of differentiating between legislative actions and administrative or executive actions is often difficult. Appellants suggest, and we accept, that one reasonable test to be used in making such differentiation is whether the act was one creating a new law (legislative) or executing an already existing law (administrative). See Keigley v. Bench, 97 Utah 69, 89 P.2d 480, 122 A.L.R. 756."

Obviously, a legal mechanism and procedure must exist pursuant to which legal questions concerning the validity and constitutionality of a petition can be determined by a court. The public interest would be better served if this legal determination could be obtained prior to the circulation of a petition.

The purpose of HB-673 is to move up the point in time at which a local government could request a court ruling as to the validity or constitutionality of an initiative petition proposal.

Further, HB-673 would amend the existing law to provide that instead of suing petition signers, if there are any legal questions concerning a petition's validity or constitutionality, the organization or individuals that submitted the petition to the county elections office prior to its circulation could be named in the caption of the lawsuit.

If the point in time at which a local government governing body was expressly authorized to raise an issue concerning the validity or constitutionality of a petition was moved up to a point in



House Local Government Committee Members  
February 11, 1985  
Page Three

time prior to the circulation of the petition, it would save the public and local government officials the time and expense of circulating and responding to a petition that is fatally defective.

In a 1982 Montana Supreme Court decision involving a lawsuit against the Yellowstone County Election Administrator for rejecting petitioners' recall petition, the Montana Supreme Court in Steadman v. Halland, 641 P.2d 448, at 452 (1982) stated:

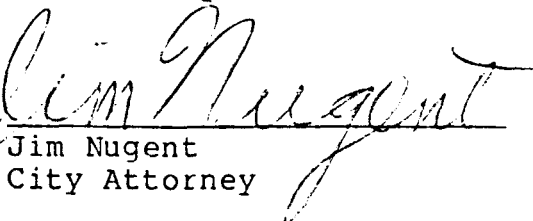
"... the initial review of recall petitions is intended to save the public and government officials the time and expense of circulating and responding to a petition which is fatally defective. . . ."

Currently, an elected county clerk and recorder or an elected county attorney could most likely also reject an initiative petition or referendum if they thought it might be fatally defective, and the legal questions could be decided at that point in time, prior to circulation of the petition. However, if it is a politically controversial issue, or an issue whose legality is uncertain, or if the elected county official agrees philosophically with the petition and therefore declines to reject the petition, a local governing body is not statutorily authorized to challenge the validity or constitutionality of that petition until after it has been circulated. The timing of the current statutory authorization for local government challenge has the potential to waste a lot of time, money and effort of the public and governing body, as well as needlessly create a lot of ill will in a community.

Therefore, your support is urged for the enactment of HB-673.

Thank you in advance for your support.

Yours truly,



Jim Nugent  
City Attorney

JN:my

cc: Alec Hansen, Executive Director Montana League of Cities  
and Towns  
Missoula County Representatives Eudaily, Gould, Hammond,  
Lory, Moore, Ream and Waldron

LAWS PERTAINING TO SHERIFF'S  
SALARIES AND DEPUTIES UNDER  
NON-CONSOLIDATED SHERIFF'S  
DEPARTMENT

SHERIFF'S SALARIES:

Section 7-4-2503(1)(a), M.C.A. sets the salaries of the county officers based upon class of county and population.

Section 7-4-2503(2)(a), M.C.A. increases the sheriffs base salary by \$2,000.00 per year.

Section 7-4-2504, M.C.A. provides for cost of living increments for sheriff.

DEPUTY SHERIFF'S SALARIES:

Section 7-4-2508, M.C.A. establishes compensation for the undersheriff at 95% of the sheriff's salary and also authorizes the sheriff to fix the compensation of a deputy sheriff at a percentage of the sheriff's salary and in Toole County with a population of less than 15,000.00 the deputies salary must be set by the sheriff at 85% to 90% of his salary.

DEPUTY SHERIFF WORK PERIOD:

Section 7-4-2509, M.C.A. provides a deputy sheriffs work period shall not exceed 2080 hours in any year.

DEPUTY SHERIFF'S LONGEVITY OF ITS  
EMPLOYEES:

Section 7-4-2510, M.C.A. provides for a 1% of base salary longevity payment for each year of service as a deputy sheriff.

INTERPRETATION:

Section 7-4-2507, M.C.A. provides that in the event of a conflict between the above mentioned Sections 7-4-2508 through 7-4-2510 and any other law that Sections 7-4-2508 through 7-4-2510 shall govern with reference to undersheriffs and sheriff's deputies.

LAWS PERTAINING TO DIRECTOR AND  
EMPLOYEES OF CONSOLIDATED  
CITY-COUNTY DEPARTMENT OF PUBLIC  
SAFETY:

PUBLIC SAFETY DIRECTOR AND EMPLOYEES  
SALARIES:

Section-32-105, M.C.A. reads as follows:

"The provisions of Section 7-4-2503, M.C.A. notwithstanding, the salaries of the director and employees of the Department of Public Safety shall be established by the Public Safety Commission and shall be paid by the city or town with the board of county commissioners. Said salaries in any event shall not be less than those specified in 7-4-2503."

STATUS OF TOOLE COUNTY CITY OF  
SHELBY CONSOLIDATED DEPARTMENT OF  
PUBLIC SAFETY:

(a) Created in 1980;

(b) Public Safety Commission established the director's salary at \$22,500.00;

(c) Public Safety Commission established salaries of its employees at more than 85% of the salary the Toole County Sheriff would have received as a non-consolidated sheriff under Section 7-4-2503 but less than 85% of the salary of the director of Public Safety Commission:

(d) Public Safety Commission established the salary of each based upon experience, training and dedication rather than a straight fixed percentage of the director's salary as was previously used and is still in use by non-consolidated sheriff's departments.

LAW SUIT:

In 1983, certain employees of the Department of Public Safety filed a law suit against the Director of Public Safety, Toole County, the City of Shelby, and the Public Safety Commission to recover longevity, overtime and 85% of the director's salary.

JUDGES RULING:

In July of 1984, the District Judge ruled that the Department of Public Safety employees are in reality deputy sheriffs and although the Department of Public Safety may establish the salaries of the director and its employees, it must pay the department employees 85% of the salary of the director not just 85% of the sheriff's statutory salary under a non-consolidated sheriff's office. The Judge also awarded Plaintiffs longevity payments. The Court found that Sections 7-4-2507 through Section 7-4-2510 apply to employees of the Department of Public Safety but the actual salary is to be determined by the Public Safety Commission.

PROPOSED AMENDMENTS TO HB 414

1. Page 1, line 22  
Following "specified" insert "for the sheriff"
2. Page 1, line 24  
Following 7-4-2508 insert "and 7-4-2510 combined"
3. Page 2, line 1  
Following "salary", strike remainder of line 1 and  
all of line 2

Exhibit 1  
HB 616  
2-12-85  
Rep. Jan Brown



**GREAT  
FALLS AREA  
CHAMBER OF COMMERCE**

P.O. BOX 2127  
926 CENTRAL AVENUE  
GREAT FALLS, MONTANA 59403  
(406) 761-4434

February 13, 1985

To: House Local Government Committee

From: Roger W. Young, President

Subject: **BUSINESS IMPROVEMENT DISTRICTS HB616 (J. BROWN)**

The Great Falls Area Chamber of Commerce supports the passage of HB 616 which gives local business communities another tool to use in stimulating economic prosperity. This bill authorizes the creation of Business Improvement Districts and provides procedures governing their establishment, operation and funding. Similar in nature to Special Improvement Districts, which typically deal with physical improvement and construction projects, BID's provide a means to harness the collective power of businesses in an area for promotion, maintenance, beautification, mutual security, etc. It is a device that is implemented only when the majority of affected property owners want it. Protests to a BID's formation are handled in the same manner as SID's so the rights of everyone involved are protected.

The business improvement district is something which could help to revitalize downtown Great Falls in a "self-help" manner. We have discussed the experiences downtown Salt Lake City has had with its BID. They are very pleased with what it has done to help control and manage situations so as to make the area more functional and attractive.

Although we are unaware of any immediate plans or intent to implement a business improvement district in Great Falls should HB 616 pass, we do advocate the Legislature giving us the option of having it. We think it has come potential and no risk.

cc: Cascade County Delegation

Exhibit 2

FEB 12 '85 13:06 WU PTLD OR 8005471371 PO1 HB 616



western union

Telegram

885 FEB 12 PM 11:02

*J Brown*

1-015974A043 02/12/85  
ICS IPHPTUH PTL  
01711 02-12 1252P PDT PTUG  
ICS IPHPTUZ

FAX 406-442-8407 WU LEG HEL

4-030090S043 02/12/85  
ICS IPMRNCZ CSP  
4067274260 POM TDRN GREAT FALLS MT 13 02-12 0312P EST  
PMS REPRESENTATIVE PAULA DARKO  
HELENA MT 59601  
URGE SUPPORT HB616 ENABLE BID FORMATION SUCCESSFUL NEIGHBORING STATES  
DEVELOPMENT TOOL FOR DOWNTOWNS.  
STEVE DIMINO PRESIDENT ALPHA MANAGEMENT ASSOCIATES  
600 CENTRAL PLAZA  
GREAT FALLS MT 59401

1544 EST

1603 EST

FEB 12 '85 12:48 WU PTLD OR 8005471371 P02



western union

Telegram

1985 FEB 12 PM 12:33

1-014657A049 02/12/85

ICS IPMPTUB PTL

03661 02-12 1216P PST PTUA

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TELECOPIER 406-442-8407

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PMS PAULA DARKO

HELENA MT

URGE PASSAGE HB616 BILL WELL WRITTEN SID WORKS WELL OTHER AREAS UTAH  
ETC

IRA M KAUFMAN JR

411 CENTRAL AVE

GREATFALLS MT 59401

1511 EST

1521 EST

FEB 12 '85 12:47 WU PTLD OR 8005471371 P01



western union

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406/613030 POM TORN GREAT FALLS MT 24 02-12 0247P EST

HOUSE REPRESENTATIVE PAULA DARKO

HELENA MT 59601

I URGE YOUR SUPPORT OF HOUSE BILL 616 SO THAT GREAT FALLS AND OTHER MONTANA COMMUNITIES WILL HAVE THE TOOLS TO PROGRESS AND PROSPER.

ROD SPENCER

SPENCERS OF MONTANA

525 CENTRAL AVE

GREAT FALLS MT 59401

1030 EST

1244 EST



## VISITORS' REGISTER

Local Government COMMITTEE

BILL NO. HB 580

DATE Feb. 12, 1985

SPONSOR Rep. Darks

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Local Government COMMITTEE

DATE \_\_\_\_\_

Feb. 12, 1985

SPONSOR

SPONSOR Rep. Stella Jean Hansen

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Local Government COMMITTEE

DATE \_\_\_\_\_

Feb. 12, 1985

SPONSOR

Rep. Stella Jean Hansen

Wacker

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

Local Government COMMITTEEBILL NO. HB 616DATE Feb. 12, 1985SPONSOR Rep. J. Brown

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Jim Dawson	Anguon	✓	
Pat Melby	Helena	✓	
Greg Jackson	Urban Coalition	✓	
Ed JASMIN	HIS AND HIS WIFE	✓	
B. W. Kowolf	Helena City	✓	
Al Johnson	Great Falls	✓	
Harry T Douglas	Helena, D.O.C.	✓	
B. George Allen	HELENA		X
Clark Cyfer	Helena	✓	
Alec Hansen	MLCT	✓	
Alan Nicholson	Helena	✓	
Julia E Morales	Helena		

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Local Government COMMITTEE

DATE Feb. 12, 1985

SPONSOR Rep. Sales

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

Local Government COMMITTEEBILL NO. HB 414DATE Feb. 12, 1985SPONSOR Rep. Iverson

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
<i>J. B. Goutard</i>	<i>Shelby MS</i>	✓	
<i>Rae V. Kallphus</i>	<i>Shelby</i>	✓	
<i>G. Morris</i>	<i>MAA</i>	✓	
<del><i>Larry T. Douglas</i></del>	<del><i>Helena</i></del>		

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Local Government COMMITTEE

DATE Feb. 12, 1985

SPONSOR Rep. Kadas

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

Local Government COMMITTEEBILL NO. HB 384DATE Feb. 12, 1985SPONSOR Rep. Bergene

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
<u>V. Lucken</u>	<u>Missoula</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Jim Nugent</u>	<u>Missoula</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Al Smith</u>	<u>Missoula</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>R. A. Ellis</u>	<u>Helena Valley</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Lyle P. Nagel</u>	<u>Simms</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Greg Jackson</u>	<u>Urban Coalition</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Steve Cottrell</u>	<u>City of Bozeman</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<del>John</del>			
<u>Julie Hacker</u>	<u>DR Bonner</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Wendy Carlson</u>	<u>DR Bonner</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>John G. Fox</u>	<u>Missoula</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>David L. Fox</u>	<u>MISSOULA</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Ellen Smadun</u>	<u>Missoula</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Verna Smadun</u>	<u>Missoula</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Jodi Hicken</u>	<u>Great Falls</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>John B. Wittenberg</u>	<u>Missoula</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Kerth Verral</u>	<u>Missoula</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<del>Ed Verwolf</del>	<u>Helena</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Al Johnson</u>	<u>Great Falls</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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## VISITORS' REGISTER

Local Government COMMITTEEBILL NO. HB 385DATE Feb. 12, 1985SPONSOR Rep. Bergene

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Bruce Suenram	Msia		✓
V. Huelber	Missoula	✓	
J. M. Nugent	Missoula	✓	
A. Samsen	Msia	✓	
B. A. Ellis	Helena Valley		✓
Lyle R. Nagel			✓
Greg Jackson	Urbanization	✓	
Shirley Cottrell	City of Bozeman	✓	
JAMES LOFFTUS	MONTANA FIRE DIST. ASSN.		✓
Julie Barker	S.R. Bonner		✓
Mera Carlson	" Bonner		✓
David L. Fox	MISSOULA		✓
Reba G. Fox	"		✓
Lois M. Harris	"		✓
Ellen Imboden	Missoula		✓
Gene Imboden			✓
Ardis Tihney	Great Falls	✓	
John W. Wetherby	Missoula		✓
Kelith Unial	Missoula		✓

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Great Falls  
Missoula