

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

March 5, 1985

The eighteenth meeting of the Local Government Committee was called to order at 1:00 p.m. on March 5, 1985 by Chairman Dave Fuller in Room 405 of the Capitol Building.

ROLL CALL: All members were present with the exception of Senator McCallum, who was excused.

CONSIDERATION OF HOUSE BILL 333: Representative Dorothy Bradley, District #79, is the sponsor of this bill. The bill was introduced to allow a Justice of the Peace or Municipal Court Judge, with the approval of the county commissioners, to designate a qualified person to act in his place whenever he is sick, disabled, or absent. Representative Bradley distributed a yellow copy (Second Reading Copy) of the bill to show what was originally introduced. The bill was amended on the House floor to add the requirement of county commissioner prior approval. She would like to see the amendment removed.

PROPONENTS

Judge H. B. Goen, Justice of the Peace for Department #1 in Gallatin County, spoke in favor of the bill. He said the JP courts are very busy and this bill would let them properly manage their case load. He said it makes sense for the local judge to call on someone when needed in order to allow the case load to flow in an orderly and speedy manner. He said county commissioners are not familiar with what goes on in the courts in terms of case load. This adds to the problem and contributes to the back log of cases.

Jim Jensen, representing the Montana Magistrates' Association, spoke in favor of the bill. He said line 5 on Page 1 of the bill contains the phrase "or municipal court judge" which is incorrect because the bill does not deal with municipal court judges. He requested this be amended out of the bill.

Gordon Morris, representing the Montana Association of Counties, spoke in favor of the bill. They have no problems with the county commissioners approving the selection if the bill is not amended back to its original state.

OPPONENTS

There were no opponents to HB 333.

Chairman Fuller opened the hearing for questions.

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Senator Crippen asked Representative Bradley to explain the original intent of the bill. She said the original intent of the bill was to let a JP call on a replacement without having to go through the county commissioners for prior approval. She said the bill was amended hastily on the House floor and that the standing committee rejected the amendment.

Senator Eck asked about the possibility of having a number of substitutes approved by the county commissioners before the beginning of the term. Mr. Morris said that would be feasible.

The hearing was closed on HB 333.

CONSIDERATION OF HOUSE BILL 8: Representative Bob Marks, District #75, is the sponsor of this bill. The bill was introduced to generally revise and clarify laws relating to local government.

PROPOSERS

Lee Heiman, Legislative Council, spoke in favor of the bill and explained the proposed amendments to the bill. The proposed amendments are attached as Exhibit A to these minutes.

Gordon Morris, representing the Montana Association of Counties, stated his support of the bill.

Alec Hansen, representing the Montana League of Cities and Towns, spoke in favor of the bill. He said the bill would clear up confusion in the existing law.

OPPOSERS

There were no opposers to HB 8.

Chairman Fuller opened the hearing for questions. There were no questions from the Committee regarding HB 8.

The hearing was closed on HB 8.

CONSIDERATION OF HOUSE BILL 104: Representative Bob Marks, District #75, is the sponsor of this bill. The bill was introduced to allow counties to invest in registered warrants of school districts and municipalities, and provide that the Board of County Commissioners may establish the amount of such warrants to be purchased and the interest rate to be paid to the county.

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PROPOSERS

Dennis Burr, representing the Montana Taxpayers' Association, spoke in favor of the bill. He said this would be an opportunity for the counties to help out school districts at zero interest rates. Bankers that he talked to seemed to have no problems with the bill.

Gordon Morris, representing the Montana Association of Counties, stated his support of the bill.

Alec Hansen, representing the Montana League of Cities and Towns, spoke in favor of the bill. He said it would save cities and towns interest expenses on their warrants.

OPPOSERS

There were no opposers to HB 104.

Chairman Fuller opened the hearing for questions. There were no questions from the Committee regarding HB 104.

The hearing was closed on HB 104.

CONSIDERATION OF HOUSE BILL 125: Representative Ray Peck, District #15, is the sponsor of this bill. The bill was introduced to require that witness and juror fees be paid from a county's district court fund if the county has such a fund.

PROPOSERS

Gordon Morris, representing the Montana Association of Counties, spoke in favor of the bill. He said the bill clarifies the law for counties who do not have district court funds and, currently fund these costs out of the general fund.

OPPOSERS

There were no opposers to HB 125.

Chairman Fuller opened the hearing for questions.

Chairman Fuller asked Gordon Morris if there were a settlement prior to the trial, once the jury had been impaneled, would the money go back into the general fund. Mr. Morris said it currently would but, with this bill, it would go back into the district court fund.

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Senator Mohar asked if there could ever be a time when the district court fund was insolvent and they had to pay out of the general fund, but could not because of this bill. Mr. Morris said the general fund is always an available revenue source.

The hearing was closed on HB 125.

CONSIDERATION OF HOUSE BILL 128: Representative Les Kitselman, District #95, is the sponsor of this bill. The bill was introduced to authorize a city or town council or other legislative body authorized to create a Board of Adjustment to specify the term of appointment of board members.

PROPONENTS

Alec Hansen, representing the Montana League of Cities and Towns, spoke in favor of the bill. He said the current three year term is inconsistent with many other boards and commissions. Local governing bodies need to be given the ability to set those terms. This bill would also prevent an outgoing administration from stacking a board for three years.

OPPONENTS

There were no opponents to HB 128.

Chairman Fuller opened the hearing for questions. There were no questions from the Committee regarding HB 128.

The hearing was closed on HB 128.

ACTION TAKEN ON HOUSE BILL 8: Senator Crippen moved the Committee adopt the proposed amendments to HB 8. The motion passed unanimously with Senator McCallum absent.

Senator Hirsch moved that HB 8 BE CONCURRED IN. The motion passed unanimously with Senator McCallum absent. Senator Hirsch will carry the bill.

ACTION TAKEN ON HOUSE BILL 104: Senator Harding moved that HB 104 BE CONCURRED IN. The motion passed unanimously with Senator McCallum absent. Senator Harding will carry the bill.

ACTION TAKEN ON HOUSE BILL 125: Senator Harding moved that HB 125 BE CONCURRED IN. The motion passed unanimously with Senator McCallum absent. Senator Pinsoneault will carry the bill.

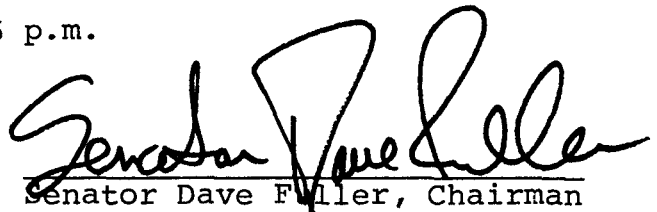
ACTION TAKEN ON HOUSE BILL 128: Senator Eck moved that HB 128 be concurred in. The motion passed unanimously with Senator McCallum absent. Senator Hager will carry the bill.

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FURTHER CONSIDERATION OF HOUSE BILL 333: Senator Story moved the Committee adopt an amendment to strike "or municipal court judge" from Line 5 of the title and to strike lines 19 and 20 on Page 2, also containing municipal court judge language. The motion passed unanimously with Senator McCallum absent.

Senator Hirsch asked if the county commissioners would still administer an oath if the the bill passed. Karen Renne will verify this. She will also prepare an amendment for the bill having county commissioners approve a group of JPs at the beginning of the term.

The meeting was adjourned at 2:15 p.m.



Senator Dave Fuller, Chairman

ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

49th
~~XXXX~~ LEGISLATIVE SESSION -- 1985

Date 3-5-85

SENATE
SEAT

#

NAME	PRESENT	ABSENT	EXCUSED
13 Senator Crippen, Bruce	✓		
18 Senator Eck, Dorothy	✓		
11 Senator Harding, Ethel	✓		
47 Senator Hirsch, Les	✓		
4 Senator McCallum, George	✓		✓
28 Senator Mohar, John (V.Chair)	✓		
14 Senator Pinsoneault, Dick	✓		
19 Senator Regan, Pat	✓		
21 Senator Story, Pete	✓		
43 Senator Fuller, Dave (Chair)	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

MARCH 5

85

19.....

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on.....

HOUSE BILL

having had under consideration..... No. 8

THIRD

BLUE

reading copy ()
color

REVISE AND CLARIFY LOCAL GOVERNMENT LAW

HOUSE BILL

8

Respectfully report as follows: That..... No.....

be amended as follows:

1. Page 4, line 12.

Following: line 11

Insert: "Section 4. Section 7-4-2105, MCA, is amended to read:

"7-4-2105. Term of office. The term of office of county commissioners is 6 years. A county commissioner takes office on the first Monday of January succeeding the date of the election at which the county commissioner was elected."

Renumber: subsequent sections

AND AS AMENDED
BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXXXX~~

Senator Dave Fuller

Chairman.

STANDING COMMITTEE REPORT

I

MARCH 5

19 **85**

MR. PRESIDENT

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **HOUSE BILL** No. **104**

THIRD reading copy (**BLUE**)
color

ALLOW COUNTY TO PURCHASE WARRANTS OF SCHOOL DISTRICTS AND MUNICIPALITIES

Respectfully report as follows: That **HOUSE BILL** No. **104**

BE CONCURRED IN

~~XXXXXXXXXX~~
~~DO PASS~~

~~XXXXXXXXXXXXXX~~
~~DO NOT PASS~~

Senator Dave Fuller

Chairman.

STANDING COMMITTEE REPORT

YEAR MARCH 5 19 85

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on.....

HOUSE BILL

125

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

THIRD

BLUE

reading copy ()
color

WITNESS & JUROR FEES TO BE PAID OUT OF COUNTY DISTRICT COURT FUND

HOUSE BILL

125

Respectfully report as follows: That..... No.....

BE CONCURRED IN

~~XXXXX~~
DO PASS

~~XXXXXXXXX~~
DO NOT PASS

Senator Dave Fuller

Chairman.

STANDING COMMITTEE REPORT

MARCH 5

19 85

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on

HOUSE BILL

having had under consideration

No. 128

THIRD

reading copy (BLUE)
color

PROVIDING FOR DISCRETIONARY TERM OF APPOINTMENT TO BOARD OF
ADJUSTMENT

BE HOUSE BILL

Respectfully report as follows: That

No. 128

BE CONCURRED IN

XXXXXX
DO PASS

XXXXXXXXXX
DO NOT PASS

Senator Dave Fuller

Chairman.

LOCAL GOVERNMENT COMMITTEE
MARCH 5, 1985
EXHIBIT A

Amend House Bill 8, third reading copy, as follows:

1. Page 4.

Following: line 11

Insert: "Section 4. Section 7-4-2105, MCA, is amended to read:

"7-4-2105. Term of office. The term of office of county commissioners is 6 years. A county commissioner takes office on the first Monday of January succeeding the date of the election at which the county commissioner was elected." "

Renumber: subsequent sections

AMENDMENT SUMMARY

The amendment is a clarification of present law. County Commissioners have been taking office on the first Monday in January, but there is no explicit statute on the subject. The present section relating to when County Officers take office is 7-4-2205(3), MCA. The section provides that they take office on the first Monday of January succeeding their election. The section applies to "officers mentioned in this part" -- part 22, of Title 7, chapter 4, MCA. County Commissioners are not mentioned in the part. The amendment was suggested by the Attorney General's Office in response to many questions they have had on when the term starts. The question arose this January, and the Attorney General's Office missed the House hearing to introduce the amendment.

PC5HB8.16

LH/47

adopted 3/5/85

unanimous

all. Concur 3/5/85

3-5-85

LOCAL Gov't

NAME _____

REPRESENTING

BILL #

Check One

Support	Oppose
---------	--------

Lee Hiyman

Legislative Council

143 8

H. Morris

MFLC

	1413	8
104	125	

Dennis Burt

Mont Ax

HB104

Alec Hansen

MLCT

128,
8 104

H. P. GOAN

J.P. - GALATIN CTRY.

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(Please leave prepared statement with Secretary)