

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

March 4, 1987

The meeting of the Local Government Committee was called to order by Chairman Norm Wallin on March 4, 1987 at 1:00 p.m. in Room 312-F of the State Capitol.

All members were present with the exception of Rep. Brandewie, Rep. Gilbert and Rep. Squires who were excused. Reps. Brandewie and Squires joined the meeting later. Rep. Ramirez was absent.

CONSIDERATION OF SENATE BILL 204: Senator Gene Thayer, Senate District 19 and sponsor of the bill, stated in the 1985 session a bill was passed that set up the provisions for a centennial commission to sell centennial license plates. In the same bill it was mandated that the county treasurers be responsible for handling that. Originally, of the \$19.89 for the plates, \$5 was going to be retained by the treasurers. A Senate amendment changed HB 204 so that an additional \$3 be added to the cost of the plates to help defray the cost of issuing the plates. The centennial commission will get the same amount. Senator Thayer stated the money was to be deposited in the county treasurers fund and that has been modified so the county treasurers will collect the fee but the money will be deposited in the county general fund.

PROPOSERS: Gordon Morris, MACo, recalled that in the 1985 session two bills were introduced: HB 675, which MACo supported, proposed a \$25 commemorative license fee. The money would have gone all to local governments. In SB 419 all the revenue was lost. He felt the \$3 amount to go back to counties to help defray the cost is reasonable and asked for support.

Court Harrington, County Treasurers' Association, stated it was the Association's request to introduce the bill. When the 1985 bill was passed, the license plates were to be issued at no cost to the state. County treasurers, as a political subdivision of the state, felt they should also have no cost to them. As SB 204 was introduced in the Senate originally, the centennial commission was opposed. With the amendment, the treasurers and commission came to a compromise and he urged concurrence in the bill.

Dick Michelotti, Past President of the Treasurers' Association and Cascade County Treasurer, presented handouts to the committee (Exhibits 1 and 2). The cost to Cascade County for issuing the plates is a little over \$20,000. At the time of the Senate hearing on SB 204, Cascade County had sold approximately 99 centennial plates. Since, then they have been working with the people in trying to get the plates out and have sold over 300.

OPPONENTS: None.

Senator Thayer in closing commented if the bill was acted upon favorably, Rep. Poulsen would carry the bill on the House floor.

CONSIDERATION OF SENATE BILL 125: Senator Ethel Harding, Senate District 25 and sponsor of the bill, stated SB 125 was requested by the Clerk and Recorders Association and is a technical bill to clean up and make the process work better. It revised procedures relating to actions on consolidation of county offices to conform to state election laws. If the county commissioners or a petition by the people would decide to consolidate, the election laws have been changed to fit within the scope of convenience.

PROPONENTS: Sue Bartlett, MT Association of Clerks and Recorders and Lewis and Clark County Clerk and Recorder, presented a handout that shows the changes that would be made and the various deadlines for actions to take place in order to consolidate county offices (Exhibit 3). The changes in SB 125 would not alter the procedures but would only alter the timelines on which the procedures would occur.

OPPONENTS: None.

Senator Harding in closing stated the change is very needed so that someone would not be on a ballot that would be in a consolidated office in the fall. She stated it could very well end up in a lawsuit.

CONSIDERATION OF SENATE BILL 180: Senator Harding, Senate District 25 and sponsor of the bill, stated she had amendments to the bill presented by the Clerks and Recorders (Exhibit 4). SB 180 was requested by the Clerks and Recorders Association. The purpose of the bill is to put the responsibility on the party who is recording documents that have been previously cut out prior to the Subdivision and Platting Act of July 1, 1973. Because that goes back a long way, it has left a gray area for the clerk and recorders to investigate and find these documents. Sometimes the documents are still in escrow.

It would prevent them from having a survey if they have a document that shows the division of property was made prior to July 1, 1973.

PROPOSERS: Robert Holding, MT Association of Realtors, thought it made good sense to clear up a problem that has been in the clerk's office and SB 180 will help in the transaction and transfer of property.

Sue Bartlett, Clerk and Recorders Association, stated currently the Subdivision and Platting Act prohibits the clerk and recorder from recording any document which transfers title of land without the document that is transferring the title referencing the survey number that created the division of land. Frequently, instruments of transfer come into the office without a reference to survey number and administratively most clerk and recorders require that people either give the book and page number of a previously recorded document or a survey number in order to make sure the deed is not accepted illegally. The intent of the bill is to place what is being done administratively in the clerk's office into state law to give everyone adequate notice that it is a requirement.

OPPOSERS: None.

Senator Harding in closing commented that if SB 125 would be concurred in she would ask Rep. Sales to carry it on the House floor and would ask Rep. Brandewie to carry SB 180.

CONSIDERATION OF SENATE BILL 255: Senator Jacobson, Senate District 36, stated SB 255 would amend the Municipal Zoning and Enabling Act. The amendment was formed by the Butte-Silver Bow Planning Department based on some experiences they had in Butte Silver-Bow County and the local board of adjustments. Current statutes require that there be concurrence of four of the five members on the board. If a member is absent or disqualified because of conflict of interest, permit applications can be postponed because the membership cannot vote. SB 255 would allow the flexibility to dispose of the cases in a more timely manner. Senator Jacobson stated the amendment has been discussed with the MT Association of Planners and they have indicated their support.

PROPOSERS: Jeffrey Smith, Member Butte-Silver Bow Planning Staff, commented they proposed the amendment because the lack of flexibility in processing permit applications for development where there were not enough members to vote has caused hardship on the staff but especially on the part of the applicant and the public who came to testify at a hearing. Also with the short building season this creates problems in getting projects into the building

stages. Mr. Smith stated that a timely disposition of cases before a zoning board of adjustments makes the permit process run more smoothly and encourages development in conformance of local codes rather than not bothering with the process and causing problems.

OPPONENTS: None.

Senator Jacobson in closing commented that Rep. Brown would carry the bill on the House floor if it was concurred in.

EXECUTIVE ACTION

DISPOSITION OF SENATE BILL 255: Rep. Sales moved that SB 255 BE CONCURRED IN. The question was called and the motion carried unanimously.

DISPOSITION OF SENATE BILL 204: Rep. Darko moved that SB 204 BE CONCURRED IN. The question was called and the motion carried with Reps. Brandewie, Gould, Kitselman and Sales voting no.

Rep. Squires joined the meeting at this time.

DISPOSITION OF SENATE BILL 125: Rep. Sales moved that SB 125 BE CONCURRED IN. The question was called and the motion carried unanimously.

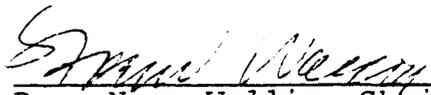
DISPOSITION OF SENATE BILL 180: Rep. Brandewie moved that SB 180 BE CONCURRED IN and the AMENDMENTS BE CONCURRED IN.

Lee Heiman changed the wording of the amendment to make it clear.

The question was called on the amendment and the motion carried unanimously.

Rep. Brandewie moved that SB 180 BE CONCURRED IN AS AMENDED. The question was called and the motion carried unanimously.

ADJOURNMENT: There being no further business to come before the committee, the meeting was adjourned at 1:40 p.m.


Rep. Norm Wallin, Chairman

DAILY ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 5/21/87

NAME	PRESENT	ABSENT	EXCUSED
REP. NORM WALLIN, CHAIRMAN	✓		
REP. RAY BRANDEWIE, VICE CHAIRMAN	✓		✓
REP. BUDD GOULD	✓		
REP. REP. TIMOTHY WHALEN	✓		
REP. PAULA DARKO	✓		
REP. TOM BULGER	✓		
REP. JAN BROWN	✓		
REP. BOB GILBERT			✓
REP. LARRY GRINDE	✓		
REP. WALTER SALES	✓		
REP. STELLA JEAN HANSEN	✓		
REP. PAUL PISTORIA	✓		
REP. ROBERT HOFFMAN	✓		
REP. LES KITSELMAN	✓		
REP. JACK RAMIREZ		✓	
REP. DAVE BROWN	✓		
REP. CAROLYN SQUIRES	✓		✓

STANDING COMMITTEE REPORT

March 4

19 87

Mr. Speaker: We, the committee on LOCAL GOVERNMENT

report SB 255

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

Rep. Norma Wallin

Chairman

THIRD

BLUE

reading copy (_____)
color

STANDING COMMITTEE REPORT

March 4

19 87

LOCAL GOVERNMENT

Mr. Speaker: We, the committee on

report

SB 204

- do pass
- do not pass

- be concurred in
- be not concurred in

- as amended
- statement of intent attached

Rep. Norm Wallin

Chairman

B

THIRD

BLUE

reading copy (_____)
color

STANDING COMMITTEE REPORT

March 4

19 37

Mr. Speaker: We, the committee on LOCAL GOVERNMENT
report SB 125

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

Rep. Norm Hallin

Chairman

25
THIRD

reading copy ()

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color

STANDING COMMITTEE REPORT

March 4

19 57

Mr. Speaker: We, the committee on LOCAL GOVERNMENT

report SB 180

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

Rep. Norm Wallin

Chairman

1. Page 2, line 2.

Following: "INSTRUMENT"

Insert: "of transfer"

Strike: "THAT"

Insert: "which, if recorded, would otherwise satisfy
the requirements of this subsection. The reference
or document must"

MW
THIRD

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color

Sue Bartlett



DATE 3-4-87
SB 125

City-County Building
316 N. Park Ave.
Helena, Montana 59623
Telephone 406/443-1010

LEWIS AND CLARK COUNTY

Office of Clerk and Recorder

CONCERNING SENATE BILL 125

1986 Timetable for Actions to Consolidate County Offices

	<u>Current Statute</u>	<u>Senate Bill 125</u>
--- CONSOLIDATION BY COUNTY COMMISSION ACTION:		
Date nominations may first be filed	January 2, 1986	
Last day to file	March 20, 1986	
Candidate names certified	March 28, 1986	
Absentee voting for primary begins	April 19, 1986	
Deadline for Commission to order consolidation	<u>MAY 4, 1986</u>	<u>DECEMBER 26, 1985</u>
--- CONSOLIDATION BY PEOPLE'S PETITION:		
Date nominations may first be filed	January 2, 1986	
Last day to file	March 20, 1986	
Candidate names certified	March 28, 1986	
Deadline for consolidation petition to be filed with Co. Commission	April 4, 1986	November 18, 1985
Clerk verifies petition signatures	April 7-11, 1986	November 19-25, 1985
Commission sets date for hearing and	<u>April 15, 1986</u>	<u>December 4, 1985</u>

" " #500 " " CARBON
" " #500 " " PARK

1-2-102. Intention of the legislature — particular and general provisions. In the construction of a statute, the intention of the legislature is to be pursued if possible. When a general and particular provision are inconsistent, the latter is paramount to the former, so a particular intent will control a general one that is inconsistent with it.

History: En. Sec. 613, p. 198, L. 1877; re-en. Sec. 613, 1st Div. Rev. Stat. 1879; re-en. Sec. 631, 1st Div. Comp. Stat. 1887; re-en. Sec. 3135, C. Civ. Proc. 1895; re-en. Sec. 7876, Rev. C. 1907; re-en. Sec. 10520, R.C.M. 1921; Cal. C. Civ. Proc. Sec. 1859; re-en. Sec. 10520, R.C.M. 1935; R.C.M. 1947, 93-401-16(part).

1-2-112. Statutes imposing new local government duties. (1) Any law enacted by the legislature after July 1, 1979, which requires a local government unit to perform an activity or provide a service or facility which will require the direct expenditure of additional funds must provide a specific means to finance the activity, service, or facility other than the existing authorized mill levies or the all-purpose mill levy. Any law that fails to provide a specific means to finance any service or facility other than the existing authorized mill levies or the all-purpose mill levy is not effective until specific means of financing are provided by the legislature.

(2) The legislature may fulfill the requirements of this section by providing for an increase in the existing authorized mill levies or the all-purpose mill levy, special mill levies, or remission of money by the state of Montana to local governments; however, an increase in the existing authorized mill levies or the all-purpose mill levy or any special mill levy must provide an amount necessary to finance the additional costs and if financing is provided by remission of funds by the state of Montana, the remission shall bear a reasonable relationship to the actual cost of performing the activity or providing the service or facility.

(3) No subsequent legislation shall be considered to supersede or modify any provision of this section, whether by implication or otherwise, except to the extent that such legislation shall do so expressly.

(4) This section shall not apply to any law under which the required expenditure of additional local funds is incidental to the main purpose of the law.

History: En. 43-517, 43-518 by Secs. 1, 2, Ch. 275, L. 1974; R.C.M. 1947, 43-517, 43-518; re-en. Sec. 1, Ch. 217, L. 1979.

EXHIBIT 2
DATE 3-4-87
98 204

EXPENDITURES

FLAT HEAD County	\$ 15 to 18 ⁰⁰⁰
YELLOWSTONE "	24,050
CASCADE "	20,000
SILVER BOW "	10,020
MAGHER County	848. ⁰⁰
Phillips "	610. -
POWELL "	\$420

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SUGGESTED AMENDMENTS TO SB 180

1. Page 2, Line 2:
After instrument,
Insert- "of transfer"

2. Page 2, Line 2:
After documents,
Insert- "which, if recorded, would satisfy the requirements of this
subsection;"

Submitted by the Montana Clerk and Recorders' Association.

