

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

February 10, 1987

The tenth meeting of the Local Government Committee was called to order at 1:00 p.m. on February 10, 1987 by Chairman Bruce D. Crippen in Room 405 of the Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL NO. 280: Rep. Marian Hanson, Ashland, representing District 100, said the bill increased the time allowed for a city or town to file a financial statement with the Department of Commerce. The time was increased from 60 to 120 days.

PROPONENTS:

Janet Jessup, representing the city of Helena, said that current law doesn't give enough time for the cities to complete a financial statement. The volume of information has increased tremendously and the fact is that most cities do not meet the 60 day deadline, she said.

Chuck Stearns, city of Missoula finance office, representing the City of Missoula, said he would support the 120 day deadline.

OPPONENTS: There were no opponents.

QUESTIONS FROM THE COMMITTEE:

Sen. Beck asked about the number of days specified in the bill. Rep. Hanson said it was originally written to be 180 but the department of commerce wasn't happy with that so a compromise was made and the bill now reads 120 days.

ACTION ON HOUSE BILL 280: Sen. Story moved that HB 280 BE CONCURRED IN. The bill was seconded and CARRIED UNANIMOUSLY. Sen. Harding was assigned to carry the bill in the Senate.

CONSIDERATION OF HOUSE BILL NO. 311: Rep. Mike Kadas of Missoula, representing District 55, sponsored the bill, he said, to modify the existing special improvement lighting districts. Currently, to make a major change in street lighting districts, the entire district has to be dissolved with a 75% petition and an entirely new district formed. This will provide that upon a 10% petition or a resolution of the city, the city council will be notified, notices will be sent to all residents and notices will appear in the paper for five days. It would take a 51% protest to stop the

the changes or a decision of the city council.

PROPONENTS:

Chuck Stearns, city of Missoula, said the public works director helped draft the bill and strongly supports it. It will allow the city a simpler way to convert the old street lights into the newer, more energy-efficient ones.

Janet Jessup, city of Helena, supported the bill.

Alec Hansen, League of Cities and Towns, said it eliminates a difficult step in modifying lighting districts and should save cities money.

OPPONENTS: There were no opponents.

QUESTIONS FROM THE COMMITTEE:

Sen. Crippen asked if the assessments were by taxable value or front footage? Ms. Jessup said it would be area or linear footage. Sen. Crippen also asked Ms. Jessup if the 50% protest meant 50% of the original district. She replied that it would have to be 51% of the square footage of the district. Sen. Crippen further questioned if you were changing the method of assessment and it had been originally set up by the square foot/area district and it was thought to be better on the basis of front-footage would people be able to protest on the basis of front footage? Ms. Jessup said it has to be put before the voters every year as part of the budget process. She pointed out that Helena has 23 lighting districts, each with a different charge according to cost.

Rep. Kadas closed the hearing on HB 311.

CONSIDERATION OF SENATE BILL NO. 259: Sen. Rasmussen of Helena, representing District 22, presented this bill to allow the sale of mailing lists. He said the bill needs some amendments and asked that representatives of the Department of Revenue speak on the bill. He said this could benefit many businesses in Montana.

PROPONENTS:

Rick Graetz, representing Montana Magazine, spoke in favor of the bill. (See Exhibit 1) He said he would suggest amendments excluding DOR lists, mental health patients, taxpayers and those excluded by law. He said the State could publicly announce that lists were being made available thus allowing people to contact the State to have their names removed.

Bill Schneider, Falcon Crest Publications, said his company publishes a lot of fishing and hiking guides and had a problem in contacting people who might be interested. He said they would be willing to pay a reasonable cost for these lists and also feels there should be no cost to the State. In the last section, he said, the bill should say that the lists should not be sold for more than the cost of production. This bill should help the publishing industry of Montana.

Ken Dunham, Associated Printers and Publishers of Montana, said this would help promote Montana to people who have shown an interest in the state. In regard to giving out names of people who don't want their name sold, the industry doesn't want to mail to uninterested persons. It is common to acquire mailing lists but not in Montana.

Leo Berry, lobbyist for the Retired Montana Public Employees, said in the past they have gone to the PERS board requesting the mailing list so they could send their newsletter to the retired PERS employees. In the past this was allowed but said that under current law and the new rules the list is not made available to them. He agreed with Rick Graetz that lists that are not confidential should be available and that people who want their names removed should be allowed to do so.

Stuart Doggett, representing the Montana Chamber of Commerce, said he supported the bill and felt it could be beneficial in selling Montana magazines and products.

Ellen Feaver, Director, Department of Administration, volunteered to work with Mr. Graetz and the staff researcher on the amendments. She said that a fiscal note was prepared on the worst possible situation assuming that it would require any state agency with any list to go through the process of a complete extra printing and mailing. She said there are two directions the committee could choose: (1) They can be very cautious in directing people to remove their names from a list or, (2) they can say all names are available except the few restricted classifications. She said she would like the legislation to address the opinion that the names are public but the addresses are private. Two agencies eager to sell their lists are the Department of Fish, Wildlife and Parks and the Public Employees Retirement System.

Bob Archibald of the Montana Historical Society who publishes Montana, the Magazine of Western History, said this is a case where the private nature of the Historical Society and the state agency nature of it come into some conflict. We are charged with coming up with considerable revenue from the sale of the magazine; approximately \$160-170,000. Each

year a magazine can expect to come up with a 25% cut in subscriptions so they have to make their own revenue. He feels having access to lists generated by the State would help tremendously. Also, he feels his lists are worth more than cost with the additional money being used to help support the magazine.

OPPONENTS:

Don Judge, AFL-CIO, feels the right of privacy will be involved if these PERS and FWP lists are given out. He objected to creditors having access to lien lists unless they acquired them in the usual way. He felt if someone had a lien that person might be subjected to predatory tactics. He thought many senior citizens might not want their names given out, for example, to an insurance company for the purpose of making a profit. Also, he said less than 50% of the people would read the notices in the newspaper. He thought perhaps a check-off might be used for people to put their names on a list to sell and offered to work on some amendments.

QUESTIONS FROM THE COMMITTEE:

Sen. Story said present law addressing privacy, Article II, Section 10, states names should not be given out without "a compelling state interest". Sen. Rasmussen responded that Mr. Judge's point was well taken and said he would work on amendments and return them to the committee. Sen. Rasmussen closed his presentation on SB 259.

CONSIDERATION OF SENATE BILL NO. 282: Sen. Beck, Deer Lodge, representing District 24, presented the bill saying it was for reducing personal liability of county commissioners and clerks for claims and warrants in excess of budget appropriations to the amount of the warrant. The budget has been overdrawn and it is hoped this bill will correct the problem, he said.

PROPONENTS:

Gordon Morris, lobbyist for the Montana Association of Cities and Counties, said this bill represents a copy of a resolution adopted in 1985 and reaffirmed in 1986. He urged adoption of the bill saying it would improve the insurance climate for individual performance bonds and relieve anxiety among elected officials.

Greg Jackson, representing the Montana Clerk and Records Association, asked to be on record as a proponent of the bill.

QUESTIONS FROM THE COMMITTEE: There were no questions.

EXECUTIVE SESSION:

COMMITTEE ACTION ON SENATE BILL NO. 282: Sen. Hammond moved that SB 282 DO PASS. The motion was seconded and CARRIED UNANIMOUSLY.

COMMITTEE ACTION ON HOUSE BILL NO. 311: Sen. Eck moved that HB 311 BE CONCURRED IN. The motion was seconded and CARRIED UNANIMOUSLY. Sen. Walker was assigned to carry HB 311 on the floor of the Senate.

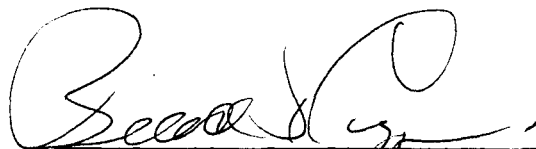
FURTHER DISCUSSION OF SENATE BILL NO. 211: An amended Gray Bill of SB 211 was distributed to the committee by Karen Renne. (See in Feb. 17 minutes)

Sen. Story said that sewers and septic tank inspections are the responsibility of local inspectors and must comply with fire codes, but the State is still sending inspectors all over the state for building codes. Fifty-eight local governments have been contracted to do the inspecting by the State, however, the small communities don't do their own inspections. He felt these codes were adopted because the contractors wanted uniform codes. He said the bill is not approved by the State because they want to keep on inspecting but he feels the State should set the standards and the local inspectors enforce them. The arguments against the bill were it would cost the community too much money, it would impose liability on the communities and possibly, the inspections wouldn't be strictly enforced. He mentioned the Deer Lodge Condominiums at Big Sky that are poorly built and said this occurred under the present system of state inspectors. Sen. Story then MOVED ADOPTION OF HIS AMENDMENTS, but no action was taken on the motion.

Sen. Hammond noted that his wording in a 1981 bill had been removed. Sen. Pinsonneault asked if we are talking about the electrical and plumbing inspection only and Sen. Story said it also included the building. Sen. Pinsonneault asked if there would be recordkeeping to which Sen. Story answered there would be. He then asked if the records would be kept by the local inspectors and Ms. Renne said that was open.

After further discussion, it was decided to take action at a future meeting.

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



SEN. BRUCE CRIPPEN, CHAIRMAN

ROLL CALL

SENATE LOCAL GOVERNMENT COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Feb. 10, 1987

NAME	PRESENT	ABSENT	EXCUSED
BRUCE CRIPPEN	X		
R. J. PINSONEAULT	X		
TOM BECK	X		
DOROTHY ECK	X		
H. "SWEDE" HAMMOND	X		
ETHEL HARDING	X		
LES HIRSCH	X		
PETER STORY	X		
ELEANOR VAUGHN	X		
MIKE WALKER	X		

Each day attach to minutes.

MONTANA MAGAZINE

P.O. Box 5630 • 3020 Bozeman Ave., Helena, MT 59604 • Phone 406/443-2842

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 1

DATE 2-10-87

BILL NO. SB 359

SB 259

An act allowing sale of mailing lists by state and local governments . . .

Concerns and suggested changes

Remove complications and cost factors.

Make all existing lists available except those prohibited by statute and those deemed confidential.

Agencies would not have to re-do computer programs and print new forms to compile new lists.

Public notice could be given by state government stating that a law has been enacted enabling state agencies to sell various lists to reputable firms and that if a person dealing with a state agency does not wish his or her name to be included on such lists, they should contact the agency. Legal notice, flyers in mailings and mention in state-produced publications are good vehicles for such notices.

An agency could, at its own discretion, include a check off on all new forms printed allowing a person to let them know if their name should not be included on mailing lists. This would be accomplished as it became necessary to print new forms.

If the bill goes to subcommittee, I ask that a representative of the Department of Administration be included in any deliberation.

Rick Gratz

UNIFORM COST - SOLD AT COST

STANDING COMMITTEE REPORT

February 10 19 87

MR. PRESIDENT

We, your committee on Local Government

having had under consideration House Bill No. 280

Third reading copy (blue)
color

Hanson (Harding)

INCREASING THE TIME ALLOWED FOR A CITY OR TOWN TO FILE A FINANCIAL STATEMENT

Respectfully report as follows: That House Bill No. 280

BE CONCURRED IN

~~XXXXXXXX~~

~~XXXXXXXXXX~~

SENATOR BRUCE D. CRIPPEN Chairman.

STANDING COMMITTEE REPORT

February 10, 19 37

MR. PRESIDENT

We, your committee on Local Government

having had under consideration Senate Bill No. 282

First reading copy (white)
color

COUNTY OFFICIALS' LIABILITY EQUAL TO WARRANT EXCEEDING APPROPRIATION

Respectfully report as follows: That Senate Bill No. 282

DO PASS

~~DO NOT PASS~~

SENATOR BRUCE D. CRIPPEN

Chairman.

STANDING COMMITTEE REPORT

February 10, 1987

MR. PRESIDENT

We, your committee on Local Government

having had under consideration House Bill No. 311

Third reading copy (blue)
color

Kadas (Walker)

AUTHORIZING MODIFICATION OF STREET LIGHTING DISTRICTS

Respectfully report as follows: That House Bill No. 311

BE CONCURRED IN

~~XXXXXXXX~~

~~XXXXXXXXXX~~

SENATOR BRUCE D. CRIPPEN
Chairman.