

50TH LEGISLATIVE SESSION  
MINUTES OF THE MEETING  
LOCAL GOVERNMENT COMMITTEE  
MONTANA STATE SENATE

March 19, 1987

The twentieth meeting of the Local Government Committee was called to order by Chairman Bruce D. Crippen at 12:30 p.m. in Room 405 of the Capitol.

ROLL CALL: Members present were Senators Pinsoneault, Hirsch, Eck, Hammond, Vaughn, Harding and Crippen. Members who were excused for the first part of the meeting but arrived later were Senators Beck, Story and Walker.

The first order of business called by the Chairman was:

EXECUTIVE SESSION

ACTION ON HOUSE BILL 762: Senator Hammond moved House Bill 762 BE CONCURRED IN. The motion PASSED by a vote of 9 to 1, with the absent members having sent their votes to Karen Renne, the staff lawyer. The committee member casting the NO vote was Senator Walker.

ACTION ON HOUSE BILL 561: Exhibit 1 suggested an amendment by county clerks, and Exhibit 2 shows technical amendments suggested by MACo. Copies of each were distributed by Ms. Renne.

After discussion by the committee, Senator Story moved the committee ADOPT the amendment in Exhibit 1. He then WITHDREW his motion.

Senator Harding moved the amendments submitted by the County Clerks. The motion CARRIED with Senators Hirsch and Eck voting NO.

Senator Eck MOVED the MACo Amendments. The motion CARRIED UNANIMOUSLY.

Senator Story moved that AS AMENDED, HB 561 BE NOT CONCURRED IN. The motion PASSED by a vote of 8 to 2 with Senators Eck and Hammond voting NO.

ACTION ON HOUSE BILL 531: Amendments requested by the clerks and recorders were distributed by Karen Renne to the committee, attached as Exhibit 3.

Senator Harding MOVED THE AMENDMENTS. The motion FAILED by a vote of 3 to 7, with Senators Harding, Vaughn and Story casting the YES votes and Senators Pinsoneault, Crippen, Hirsch, Eck, Beck, Walker and Hammond casting the NO votes.

Senator Story moved that House Bill 531 BE NOT CONCURRED IN. The motion CARRIED UNANIMOUSLY. Senator Harding was assigned to carry the bill on the floor of the Senate.

CONSIDERATION OF HOUSE BILL 697: Rep. Mary Ellen Connelly, Kalispell, House District 8, said the bill was requested by the city of Columbia Falls, who had defaulted on S.I.D. bonds. The bill would provide for semi-annual bond payments and clarifies when the bonds may be refunded, as well as providing an assessed valuation option. See new Sections 5 through 10, pages 9-12. Rep. Connelly explained the new sections to the committee.

PROPOSERS: Bruce A. MacKenzie, legal counsel for D. A. Davidson, presented testimony before the committee, which is attached as Exhibit 4.

OPPOSERS: There were no opponents.

QUESTIONS FROM THE COMMITTEE: Senator Eck said approval of the people is not necessary to change the method of assessment. Mr. MacKenzie said the people would strongly protest if this occurred without a public hearing. Senator Eck then commented that in a failed subdivision, there would be only a few property owners who would benefit. Mr. MacKenzie said he could see the possibility of some problems with that portion of the bill.

Senator Eck asked if it was Mr. MacKenzie's opinion that the state of Montana had properly addressed the problem of failed subdivisions. Mr. MacKenzie responded negatively, saying the law had been "band-aided" and needed a major overhaul in the tax collecting part of it as well. But, if a city takes over the property, it is immediately responsible for the taxes, so some have been delinquent for 4 years.

Senator Crippen asked if Section 5 only applied to refunding. Mr. MacKenzie said it would be making available to cities what is presently available to counties regarding assessed valuation. The only protection a property owner would have

LOCAL GOVERNMENT

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Page 3

would be a public hearing. Senator Crippen asked if that were deleted from the bill, would it adversely affect the remainder of the bill. Mr. MacKenzie said it would not, in his opinion.

Senator Crippen said the concern is that when landowners vote in an improvement, they do it in a certain way and it can be protested in that way. But, when the law is switched to a subjective standard, a refund can be effected by a public hearing.

Mr. MacKenzie recognized Senator Crippen's concern and said local governments have to conscientiously implement the law and change the assessment method only in cases when it is absolutely necessary to get out of a bad situation. In addition, the wishes of the majority of the property owners should be taken into consideration

Senator Walker asked if this bill would allow the change of assessment to the city on an individual basis. Mr. MacKenzie said it would not, that it would only be available in the case of an entire district.

Senator Eck asked how important Section 6 was to local governments. Mr. MacKenzie said it wasn't that important to the totality of the bill, but it did give cities more flexibility to get out of a problem.

Senator Crippen asked if the method prescribed in Section 6 was carried out, would a protest follow along on the basis of assessed value. Mr. MacKenzie answered that it probably would.

In closing, Rep. Connelly commented that the committee might come up with an amendment to clarify Section 6, and that she would not object to removal of Section 5.

CONSIDERATION OF HOUSE BILL 253: Rep. Robert Ream, Missoula, House District 54, presented the bill to the committee. He said he sponsored the bill to allow the de-annexing of property from a urban transportation district in the same manner as it was placed into it -- by having 51% of the voters petition out of the district. The bill was a result of a specific problem in his area. The urban transportation district was formed in 1981 when a group of about 60 persons petitioned into the district. The cost was about \$10 per property owner per year, but they thought it would be worth it to have the buses going through their area. The schedule was very poor and not during rush hours,

so there was little use of the bus, resulting in the elimination of the service. The residents feel they should not continue paying the mill levy (which has increased to \$25-50 per year) for a service they no longer receive.

PROPOSERS: There were no proponents and Rep. Ream felt it was due to the heavy snow that had fallen. Senator Pinsoneault said this problem had occurred in part of his area and that he had letters urging support of this bill.

OPPOSERS: There were no opponents.

QUESTIONS FROM THE COMMITTEE: There were none.

In closing, Rep. Ream said he knew of another area in the state watching the outcome of this bill because the residents also wished to petition out of a transportation area. He urged support of the bill.

ACTION OF HOUSE BILL 253: Senator Pinsoneault moved that House Bill 253 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY. Senator Pinsoneault was assigned to carry the bill on the Senate floor.

CONSIDERATION OF HOUSE BILL 282: Rep. Earl Lory, Missoula, House District 59, sponsored the bill to authorize an urban transportation district to levy 1 mill of property tax for the provision of special transportation services for senior citizens and handicapped persons. He said transportation is provided financially by three agencies: Area Agency for Aging, the transportation district, and the county. This bill will allow the urban transportation district to assess 1 mill only on the area that would be served.

PROPOSERS: Due to the inclement weather, the majority of expected proponents were unable to come from Missoula.

Gordon Morris of the Montana Cities and Counties, said he would like to speak specifically for Cascade, Jefferson and Missoula Counties. There is presently allowed a 12 mill taxing jurisdiction, and this bill would increase that by 1 mill. He said the bill would relieve the counties because it is presently a county-wide tax appropriation. As only a part of the county would benefit, he felt it was inappropriate to tax the entire county.

OPPOSERS: There were no opponents.

QUESTIONS FROM THE COMMITTEE: Senator Hammond asked how the area would be determined that would be levied against. Rep. Ream said it was the entire city of Missoula.

Senator Harding said present statute allows counties to levy 1 mill for senior citizens transportation. Mr. Morris said that was for counties or municipalities. This bill would allow "urban transportation districts" to be inserted in that part of the law, giving them the same authority.

Rep. Lory closed the hearing on House Bill 282.

ACTION ON HOUSE BILL 282: Senator Hammond moved House Bill 282 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY. Rep. Ream said he would ask Senator Halligan to carry the bill on the Senate floor.

ACTION ON HOUSE BILL 492: Senator Walker moved that House Bill 492 BE CONCURRED IN. The motion PASSED by a vote of 9-1, with Senator Hirsch voting NO.

RECONSIDERATION OF HOUSE BILL 612: Senator Eck moved that House Bill 612 BE RECONSIDERED. The motion CARRIED UNANIMOUSLY.

Karen Renne distributed amendments proposed by Bruce Rested of Billings, which are attached as Exhibit 5.


Discussion followed by the committee. The chairman said the adverse committee report previously recommended by the committee had been held back for reconsideration by the committee due to a misunderstanding.

Senator Vaughn moved PASSAGE OF THE AMENDMENTS in Exhibit 5. The motion CARRIED UNANIMOUSLY.

Senator Eck moved that House Bill 612 BE CONCURRED IN AS AMENDED. The motion CARRIED UNANIMOUSLY.

DISCUSSION ON HOUSE BILL 697: Senator Eck asked for a postponement of action on the bill.

The meeting adjourned at 2:30 p.m.

  
SENATOR BRUCE D. CRIPPEN, Chairman

ROLL CALL

SENATE LOCAL GOVERNMENT COMMITTEE

48th LEGISLATIVE SESSION -- 1987

Date 3-19-87

SENATE  
SEAT  
#

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

Each day attach to minutes.

COMMITTEE ON \_\_\_\_\_

DATE: March 19, 1987  
Local Government

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
<i>Earl Ly</i>	<i>Republish Act 59</i>	<i>282</i>	<input checked="" type="checkbox"/>	
<i>Julie Hacker</i>	<i>Moile Co. Truck Holders Union</i>	<i>282</i>		<input checked="" type="checkbox"/>
<i>Gordon Merrin</i>	<i>MACO</i>	<i>282</i>	<input checked="" type="checkbox"/>	

(Please leave prepared statement with Secretary)

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 2

DATE 3-19-87

House BILL NO. 561

Senate Committee on Local Government

March 19, 1987

AMENDMENTS TO HOUSE BILL 561  
(suggested by MACo)

1. Title, lines 9 and 10.

Following: "7-14-2126,"

Insert: "AND"

Following: "7-14-2610"

Strike: "AND 7-23-104,"

2. Page 12, line 25, through line 10 on page 13.

Strike: section 9 in its entirety

Renumber: subsequent sections



Senate Committee on Local Government

March 19, 1987

AMENDMENT TO HOUSE BILL 531  
(requested by clerks and recorders)

1. Title, line 10.

Following: "OFFICERS;"

Insert: "PROVIDING FOR OFFICERS' IMMUNITY FROM LIABILITY  
FOR FAILING TO MEET STATUTORY OBLIGATIONS WHEN HOURS OR  
SERVICES ARE REDUCED;"

\*2. Page 1, line 21.

Following: "OR"

Strike: "BOTH"

Following: "IN"

Insert: "both"

3. Page 3, following line 19.

Insert: "(6) If an elected officer's hours are reduced or  
if the services provided by his function are reduced,  
he is not liable for failing to meet the obligations of  
his office that are provided by law."

Re-number: subsequent subsection

DATE 3-19-87

House ~~HB~~ NO. 697

NAME RUCE A. MacKENZIE BILL NO. 697

ADDRESS P.O. Box 5015 Great Falls Md. DATE 3/19/87

WHOM DO YOU REPRESENT D A. Davidson & Co.

SUPPORT X OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

HB 697 enables all issuers of SID's to collect semi-annual assessments, permits cities to use the assessed valuation method for levying assessments and allows delinquent SID Bonds to be advance refunded without obtaining an interest rate 1/2 of 1% below the existing bonds. In these cases the city can refund the defaulted issue and extend the period of time for repayment of the remaining principal due. In this manner the city can lower the annual or semi-annual payments to be made.

Senate Committee on Local Government

March 17, 1987

AMENDMENTS TO HOUSE BILL 612  
(suggested by Bruce Rested of Billings)

1. Page 2, lines 19 through 24.

Following: "distributed"

Strike: remainder of lines 19 through 24 in their entirety

Insert: "according to a specific plan adopted by the board  
of directors after a public hearing and set forth in  
the resolution recommending that the district be  
dissolved."

ROLL CALL VOTE

SENATE COMMITTEE LOCAL GOVERNMENT

Date 3-19-87 House Bill No. 762 Time 12:40

NAME	YES	NO
BRUCE CRIPPEN	✓	
R. J. PINSONEAULT	✓	
TOM BECK	✓	
DOROTHY ECK	✓	
H. "SWEDE" HAMMOND	✓	
ETHEL HARDING	✓	
LES HIRSCH	✓	
PETER STORY	✓	
ELEANOR VAUGHN	✓	
MIKE WALKER		X

Rosemary Jacoby  
Secretary

Bruce Crippen  
Chairman

Motion: Be Amended In

March 17, 1987

Amendments Proposed

by

Bruce Rested     Re:   HB 612

"Any assets of the district after dissolution shall be distributed according to a plan adopted by the board of directors after public hearing and specifically set forth in the resolution to recommend the district be dissolved."

# STANDING COMMITTEE REPORT

March 19, 19 37

MR. PRESIDENT

We, your committee on Local Government

having had under consideration House Bill No. 253

Third reading copy ( blue )  
color

Ream (Pinsoneault)

WITHDRAWAL OF TERRITORY FROM URBAN TRANSPORTATION DISTRICT

Respectfully report as follows: That House Bill No. 253

BE CONCURRED IN

~~XXXXXXXX~~

~~XXXXXXXXXX~~

Sen. Pinsoneault, Vice Chairman.

# STANDING COMMITTEE REPORT

March 19, 1937

MR. PRESIDENT

We, your committee on Local Government

having had under consideration House Bill No. 292

Third reading copy ( blue )  
color

Long (Halligan)

**AUTHORIZING URBAN TRANSPORTATION DISTRICT TO LEVY 1 MILL OF PROPERTY TAX FOR THE PROVISION OF TRANSPORTATION OF SENIOR CITIZENS AND HANDICAPPED**

Respectfully report as follows: That House Bill No. 292

BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXXXX~~

Sen. Pinsonneault, Vice Chairman.

# STANDING COMMITTEE REPORT

March 19,

1987

MR. PRESIDENT

We, your committee on Local Government

having had under consideration House Bill No. 492

Third reading copy ( blue )  
color

Miles (Beck)

RAISING CERTAIN FEES REGARDING MOTOR VEHICLE TITLES

Respectfully report as follows: That House Bill No. 492

BE CONCURRED IN

~~DO PASS~~

~~DO NOT PASS~~

Sen. Pineseault, Vice Chairman.



# STANDING COMMITTEE REPORT

March 19, 1987

MR. PRESIDENT

We, your committee on Local Government

having had under consideration House Bill No. 531

Third reading copy ( blue )  
color

**Ellison (Harding)**

**ALLOW CURTAILED COUNTY SERVICES AND OFFICE HOURS FOR BUDGETARY REASONS**

Respectfully report as follows: That House Bill No. 531

BE NOT CONCURRED IN

~~DO PASS~~

~~DO NOT PASS~~

Sen Pinsonneault, Vice Chairman

# STANDING COMMITTEE REPORT

March 19,

19 37

MR. PRESIDENT

We, your committee on Local Government

having had under consideration House Bill No. 762

Third reading copy ( blue )  
color

**J. Brown (Harding)**

**CLARIFICATION ON GARBAGE COLLECTION IN ANNEXED AREAS**

Respectfully report as follows: That House Bill No. 762

BE CONCURRED IN

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

Sen. Pinsoneault, Vice Chairman.

HB 612

# STANDING COMMITTEE REPORT

NOV 11 1971

DECEMBER 17, 1971

MR. PRESIDENT

HOUSE OF REPRESENTATIVES

We Your committee on

Education

having had under consideration

Bill No.

612

reading copy

color

**Roth (Hager)**

## DESCRIPTION OF PURPOSE OF BILLS AND RESOLUTIONS DISPOSITIONS

Respectfully report as follows that the following bills and resolutions should be AMENDED and PASSED:

1. Title, read as follows:  
Following: DISPOSITION

STRIKE "DOMESTIC" IN LINE 1, SECTION 1, AND IN LINE 2, SECTION 1, INSERT "INCOMING" IN A PLACE APPROPRIATE TO THE MEANING OF A PUBLIC HEARING"

2. Purpose, read as follows:  
PURPOSE: TO AMEND THE STATE POLICE ACT TO PROVIDE THAT THE STATE POLICE SHALL BE SUBJECT TO A PUBLIC HEARING BEFORE THE GOVERNOR'S OFFICE BEFORE ANY DISCIPLINARY ACTION IS TAKEN AGAINST ANY MEMBER OF THE STATE POLICE.

AND AS AMENDED,  
~~passed by yeas and nays~~

XXXXXX

XXXXXXXXX

Sen. Pineault, Vice Chairman

HD 561

# STANDING COMMITTEE REPORT

1951, 1952

March 17,

19 52

MR. PRESIDENT

We your committee on

Having had under consideration

the

report of

Size of ( )

Respectfully submitted,

3/17/52

4/17/52

Sen. Pinsonault,

Vice Chairman