

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

March 24, 1987

The twenty-first meeting of the Senate Local Government Committee was called to order by Chairman Bruce Crippen at 1:00 p.m. in Room 405 of the Capitol.

ROLL CALL: All members were present with the exception of Senators Beck, Hirsch and Pinsoneault. Those senators were excused for the early portion of the meeting to attend other hearings.

CONSIDERATION OF SENATE JOINT RESOLUTION 14: Senator Del Gage, Cut Bank, District 5, presented the bill in the name of economy, and said it was to request an interim study of county consolidation. If there were fewer counties, there would be fewer county governments. His proposal was to provide no more than 28 counties in the state of Montana. He said in his area, there are four counties close in proximity, and all provide the same services. He feels jails are one of the areas where a great savings could be effected. In fact, he said there are seven county jails that are unused for fear the counties will be sued. He said some state residents opposed the consolidation idea because they would have to travel greater distances. However, people rarely have to go to the courthouse. There would be savings for the county, the state and the taxpayers if there were fewer counties, and he urged the committee's close consideration of the bill.

PROPOSERS: Greg Groepper, Administrator of the Property Assessment Division, Department of Revenue, said he had been asked to appear for Senator Gage to give information regarding assessment. He said the DOR budget provides for 107 county appraisal and assessment offices, as well as paying for 70% of the assessors salary and 100% of the deputy assessor's salary. If the number of counties were reduced to 28, there would be a savings of \$1 million in salaries, plus a considerable amount in office space and equipment.

OPPOSERS: Gordon Morris, lobbyist for the Montana Association of Counties (MACo), said he would only appear as an

opponent because of the requirement that a person has to testify either as a proponent or opponent, but mainly he wished to provide information. He said the number of counties should reflect the will of the people. He also said statute provides for the voters to consolidate at present. He disagreed with Mr. Groepper that there would be any real savings because if it took 107 assessors to accomplish the job now, it still would, even with fewer counties. Also, the number of roads and bridges to maintain would remain the same.

QUESTIONS FROM THE COMMITTEE: Senator Vaughn asked what would happen to all the county courthouses if counties were combined. Senator Gage assumed that would be one of the items studied by the interim committee.

Senator Harding asked if Mr. Groepper felt there would be a \$1 million savings on the assessors and appraisers, would there be a similar savings on clerks and recorders, treasurers, and commissions as well. Senator Gage didn't know just how much savings would be effected and thought the interim committee would also study that topic.

Mr. Morris felt the county superintendents of school could be combined fairly easily, as well as the clerk and recorder offices, county treasurers, and the clerk of court offices. Possibly the road survey and road supervisors too. As to savings in the county assessment and appraising area, he suggested the DOR had the option to effect that savings at present, working with the commissions on the details.

Senator Hammond asked if Senator Gage thought consolidation would be seriously considered by the voters. Senator Gage said in the light of I-27, he felt the citizens would be willing to take a good look at consolidation in the interest of reducing government costs.

Senator Story commented that present law allows consolidation by petition and asked what method was provided in SJR 14. Karen Renne said a vote of the people was the method used. A plan would be prepared, public hearings would be held in 4 major cities (Billings, Great Falls, Helena and Missoula) and, if funds permit, in Six other cities as well (Helena, Kalispell, Lewistown, Havre, Sidney and Miles City). After the meetings, a plan would be drawn up by the legislature, be distributed to the county commissions for submission to the county electorate. Choosing boundaries is provided for in Title 7, chapter 2, but amendment in that regard could be made if the committee desires.

Senator Crippen called attention to the location of the hearings, noting that most of the hearings were to be scheduled for the larger cities, and said the counties most affected by consolidation would be the smaller ones. He asked if the people in the low population counties would have an opportunity for input. Senator Gage said anyone in the state could attend the hearings. An attempt had been made to scatter the hearings statewide, but he said he was open to amending the locations.

In closing, Senator Gage said we can continue to "sweep this problem under the rug", or we can do something to cut down on governmental costs in the state of Montana.

EXECUTIVE SESSION

ACTION ON SENATE JOINT RESOLUTION 14: Chairman Crippen said that an amendment had been recommended in (3) page 3, line 17. Senator Story MOVED that the entire subsection BE DELETED. The motion CARRIED UNANIMOUSLY.

Senator Eck moved that SJR 14 DO PASS AS AMENDED. Discussion brought out dissatisfaction in the location of hearings. Senator Eck WITHDREW her motion.

Senator Eck MOVED on page 3, line 10, to strike "Helena" as a location for a public hearing, and insert "Bozeman". Ms. Renne said it was probably an oversight to have listed Helena, and thought it was intended to be Bozeman. The motion CARRIED UNANIMOUSLY.

Senator Story MOVED on page 3, line 3 to strike "Billings" and insert "Roundup". The motion FAILED by a vote of 3 to 6. Those voting NO were Senators Crippen, Pineseault, Eck, Harding, Vaughn and Walker.

Senator Eck MOVED that SJR 14 DO PASS AS AMENDED. The motion PASSED by a vote of 6 to 3, the NO votes being cast by Senators Hammond, Hirsch and Story.

ACTION ON HOUSE BILL 639: Ms. Renne distributed amendments requested by the sponsor, attached as Exhibit 1. She explained the amendments and said new language appeared in amendment 5, providing for a handbook to be published by the Department of Commerce. It also provides for an examination and fee.

LOCAL GOVERNMENT

March 24, 1987

Page 4

Senator Eck MOVED the amendments in Exhibit 1. The motion PASSED UNANIMOUSLY.

Senator Eck moved House Bill 639 BE CONCURRED IN AS AMENDED. The committee further discussed bonding and vehicle impounding, and then voted on the bill. The motion CARRIED 6 to 3, with negative votes being cast by Senators Harding, Story and Hammond.

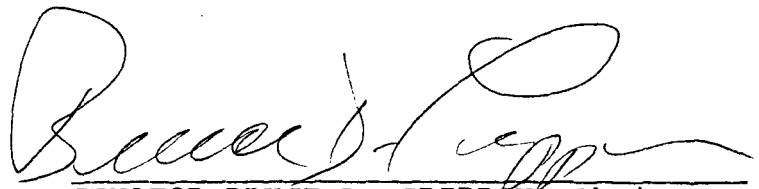
ACTION ON HOUSE BILL 697: Ms. Renne distributed Exhibit 2, amendments requested by the sponsor, Rep. Connelly. She said the main point of the amendments was amendment 2 which provided that "at least 50% of the assessments of the district have been paid by the revolving fund for three consecutive years". It adds another condition to reassess.

Senator Crippen commenting on Section 6 and 7, said the bonds could be refunded, but the payment could be based on the benefits. Senator Story had problems with those sections and MOVED that Sections 6 and 7 be DELETED. The motion PASSED UNANIMOUSLY.

Senator Hirsch MOVED that House Bill 697 AS AMENDED, BE CONCURRED IN. The motion PASSED UNANIMOUSLY. Senator Crippen said Senator Lybeck would carry the bill on the Senate floor.

Karen Renne informed the committee that Montana Tunnels (Pegasus Gold Corporation) had invited the committee to tour the plant in April. Senator Crippen asked that the secretary confer with Mr. John Fitzpatrick for arranging the tour.

The meeting adjourned at 2:15 p.m.



SENATOR BRUCE D. CRIPPEN, Chairman

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ROLL CALL

Senate Local Government COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date *Mar 24, 1987*

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

Each day attach to minutes.

ROLL CALL

SENATE LOCAL GOVERNMENT

COMMITTEE

48th LEGISLATIVE SESSION -- 1987

Date 3-24-87

SENATE
SEAT
#

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

Each day attach to minutes.

COMMITTEE ON

DATE March 24, 1987
Local Government

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Myl S ED	SWANSON-EATOR	639	X	
Misc J Swanson	Swanson-Eaton	639	✓	
Maria Swanson	Swanson-Eaton	639	X	
Borden Mimi	MACO	5514		

(Please leave prepared statement with Secretary)

Senate Committee on Local Government

March 24, 1987

AMENDMENTS TO HOUSE BILL 639
(revision requested by sponsor)

1. Page 1, line 17.
Strike: "county clerk and recorder"
Insert: "clerk of the district court"
2. Page 1, line 22.
Following: "employment;"
Insert: "or"
3. Page 1, lines 23 through 25.
Following: "attorney"
Strike: remainder of line 23 through "investigator" on line 25
4. Page 2, line 20.
Following: "fund"
Insert: "for district court operations, unless the county has a district court fund. If the county has a district court fund, the fee must be deposited in that fund"
5. Page 2, following line 25.
Insert: "NEW SECTION. Section 4. Handbook for process servers. (1) The department of commerce shall publish a handbook for process servers and levying officers.

(2) Each person who applies to the clerk of the district court of any county for registration as a process server must demonstrate that he has passed an examination based on the handbook and administered by the board of private security patrolmen and investigators provided for in 2-15-1891.

(3) The department of commerce may charge a reasonable examination fee to cover the costs of publishing the handbook and administering the examination provided for in this section."
Renumber: subsequent sections

6. Page 3, line 2.

Following: "The"

Strike: "county clerk and recorder"

Insert: "clerk of the district court"

7. Page 3, line 4.

Following: "The"

Strike: "county clerk and recorder"

Insert: "clerk of the district court"

8. Page 3, line 10.

Following: "POSSESSION"

Strike: "A BADGE"

Insert: "an identification card"

9. Page 3, line 11.

Following: "AND"

Strike: remainder of line 11

10. Page 3, line 12.

Following: "SERVER."

Insert: "The clerk of the district court shall furnish the identification card, the cost of which must be reimbursed by the process server."

11. Page 3, lines 13 and 14.

Following: "The"

Strike: "county clerk and recorder"

Insert: "clerk of the district court"

12. Page 3, line 13.

Following: "required."

Insert: "(1)"

13. Page 3, line 15.

Following: "bond of"

Strike: "\$2,000"

Insert: "\$10,000 per individual or \$100,000 per firm"

14. Page 3, line 17.

Following: "through"

Strike: "8"

Insert: "9"

15. Page 3, following line 18.

Insert: "(2) A levying officer may not levy on a judgment that exceeds the value of the bond."

16. Page 3, line 24.

Following: "section"

Strike: "5"

Insert: "6"

SENATE LOCAL GOVERNMENT

EXHIBIT NO 1, 2, 3

DATE 3-24-87

BILL NO HB 139

17. Page 4, lines 3 and 4.

Following: "county"

Strike: "clerk and recorder"

Insert: "attorney"

18. Page 4, line 8.

Following: "county"

Strike: "clerk and recorder"

Insert: "attorney"

19. Page 4, line 11.

Following: "county"

Strike: "clerk and recorder"

Insert: "attorney"

20. Page 4, lines 15 through 20.

Strike: subsection (3) in its entirety

Insert: "(3) The county attorney shall notify the clerk of
the district court when a certificate of registration
is suspended, revoked, or reinstated."

21. Page 4, line 25.

Following: "section"

Strike: "4"

Insert: "5"

Amend House Bill 697, Third Reading Copy (blue)
Rep. Connelly

1. Page 9, line 25.

Following: "refunding."

Insert: "(1)"

Strike: "if"

Insert: "The board may reassess and relevel special assessments that are outstanding but not delinquent in accordance with the provisions of 7-12-2160, with the same effect as an original levy if:

(a)"

2. Page 10, line 2.

Following: "7-12-2193"

Insert: ";

(b) at least 50% of the assessments of the district have been paid by the revolving fund for three consecutive years;"

Strike: "and"

Insert: "(c)"

3. Page 10, line 4.

Following: "7-12-2151"

Strike: ", "

Insert: "; and"

4. Page 10, line 5.

Strike: "then"

Insert: "(d)"

Strike: ", after conducting"

Insert: "conducts"

5. Page 10, lines 7 through 11.

Following: "7-12-2105(2)" on line 7

Strike: ", " through "levy" on line 11

6. Page 10, line 11.

Following: "levy."

Insert: "(2)"

7. Page 10, line 21.

Following: "refunding."

Insert: "(1)"

Strike: "if"

Insert: "The city council may reassess and relevel special assessments that are outstanding but not delinquent in accordance with the provisions of 7-12-4176 through 7-12-4178, with the same effect as an original levy if:

(a)"

8. Page 10, line 23.

Following: "7-12-4194"

Insert: ";

ONLY
NEW
MATERIAL

NEW MATERIAL

(b) at least 50% of the assessments of the district have been paid by the revolving fund for three consecutive years;"

Strike: "and"
Insert: "(c)"

9. Page 11, line 1.
Following: "7-12-4165"
Strike: ", "
Insert: "; and"

10. Page 10, line 5.
Strike: "then"
Insert: "(d)"
Strike: ", after conducting"
Insert: "conducts"

11. Page 11, lines 4 through 7.
Following: "7-12-4106(2)" on line 4
Strike: ", " through "levy" on line 7

12. Page 10, line 11.
Following: "levy."
Insert: "(2)"

Sections 6 and 7, HB 697, As Amended:

NEW SECTION. Section 6. Change in method of assessment and relevy of assessments upon refunding. (1) If The board may reassess and relevy special assessments that are outstanding but not delinquent in accordance with the provisions of 7-12-2160, with the same effect as an original levy if:

(a) refunding bonds are proposed to be issued pursuant to 7-12-2193;

(b) at least 50% of the assessments of the district have been paid by the revolving fund for three consecutive years; and

(c) it appears that the special assessments levied in the rural special improvement district could more equitably be assessed on a different basis under 7-12-2151; and then

(d) the board, after conducting conducts a public hearing on the desirability of relevying the special assessments following published and mailed notice as provided in 7-12-2105(2), may reassess and relevy the special assessments that are outstanding but not delinquent in accordance with the provisions of 7-12-2158 through 7-12-2160, with the same effect as an original levy.

(2) Before the board may reassess and relevy such assessments, it must find by resolution that under the new method of assessment no lot, parcel, or tract of land in the rural special improvement district will be assessed in an amount, including the amounts levied as part of the original assessment that have been paid or are delinquent, greater than the benefits derived by the lot, parcel, or tract from the improvement undertaken in or for the benefit of the district.

NEW SECTION. Section 7. Change in method of assessment and relevy of assessments upon refunding. (1) If The city council may reassess and relevy special assessments that are outstanding but not delinquent in accordance with the provisions of 7-12-4176 through 7-12-4178, with the same effect as an original levy if:

(a) refunding bonds are proposed to be issued pursuant to 7-12-4194;

(b) at least 50% of the assessments of the district have been paid by the revolving fund for three consecutive years; and

(c) it appears that the special assessments levied in the special improvement district could more equitably be assessed on a different basis under 7-12-4162 through 7-12-4165; and

(d) then the city council, after conducting conducts a public hearing on the desirability of relevying the special assessments following published and mailed notice as provided in 7-12-4106(2), may reassess and relevy the special assessments that are outstanding but not delinquent in accordance with the provisions of 7-12-4176 through 7-12-4178, with the same effect as an original levy.

(2) Before the city council may reassess and relevy such assessments, it must find by resolution that under the new method of assessment no lot, parcel, or tract of land in the special improvement district will be assessed in an amount, including the amounts levied as part of the original assessment that have been paid or are delinquent, greater than the benefits derived by the lot, parcel, or tract from the improvement undertaken in or for the benefit of the district.

to all sections to be split up
moved

to all sections to be split up
moved

ROLL CALL VOTE

SENATE COMMITTEE LOCAL GOVERNMENT

Date March 24 SJR Bill No. 14 Time 2:30

NAME	YES	NO
BRUCE CRIPPEN		X
R. J. PINSONEAULT		X
TOM BECK		
DOROTHY ECK		X
H. SWEDE HAMMOND	X	
ETHEL HARDING		X
LES HIRSCH	X	
PETER STORY	X	
ELEANOR VAUGHN		X
MIKE WALKER		X
Motion failed	3	6

Rosemary Jacoby
Secretary

Sen. Bruce D. Crippen
Chairman

Motion: Strike "Billings" and insert "Roundup"

ROLL CALL VOTE

SENATE COMMITTEE LOCAL GOVERNMENT

Date 3-24 SJR Bill No. 14 Time 2:35

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	✓	

Rosemary Jacoby
Secretary

Bruce Crippen
Chairman

Motion: DPA

ROLL CALL VOTE

SENATE COMMITTEE LOCAL GOVERNMENT

Date March 24, 1987 Bill No. HB 639 Time 2p.m.

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

Rosemary Jacoby
Secretary

Bruce Crippen
Chairman

Motion: Amendments requested by the sponsors
Moved by Sen. Eck

STANDING COMMITTEE REPORT

SCRSJR14

March 24, 1981

MR. PRESIDENT

Local Government

We, your committee on.....

Senate Joint Resolution

14

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

first reading copy (white color)

REQUESTING AN INTERIM STUDY OF COUNTY CONSOLIDATION STUDY RESOLUTION

Respectfully report as follows: That..... Senate Joint Resolution..... No..... 14.....

BE AMENDED AS FOLLOWS:

- 1. Page 3, line 10.
Strike: "delena"
Insert: "Bozeman"
- 2. Page 3, lines 17 through 20.
Strike: subsection 3 in its entirety

XXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX

AND AS AMENDED,

DO PASS

XXXXXXXXXX
DO NOT PASS

.....
Chairman.

Senator Crippen

STANDING COMMITTEE REPORT

scrnb639.txt

.....March 24..... 1987.....

MR. PRESIDENT

Local Government

We, your committee on.....

House Bill 639

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

third blue reading copy () color

Corne (Pinsonsault)

PROVIDE FOR REGISTERED PROCESS SERVER

Respectfully report as follows: That..... House Bill..... No..... 639.....

AMENDING LOCAL GOVERNMENT STANDING COMMITTEE REPORT, DATED MARCH 10, 1987

- 1. Strike: inserted material in amendment no. 3 in its entirety. Insert: 'NEW SECTION. Section 4. Handbook for process servers. (1) The department of commerce shall publish a handbook for process servers and levying officers. (2) Each person who applies to the clerk of the district court of any county for registration as a process server must demonstrate that he has passed an examination based on the handbook and administered by the board of private security patrolmen and investigators provided for in 2-15-1891. (3) The department of commerce may charge a reasonable examination fee to cover the costs of publishing the handbook and administering the examination provided for in this section.' ~~XXXXXX~~
2. Strike: amendment no. 22 in its entirety.

AND AS AMENDED, BE CONCURRED IN

DO PASS DO NOT PASS

Chairman.

Senator Crippen

STANDING COMMITTEE REPORT

SCRNB697

March 27, 1957

MR. PRESIDENT

Local Government

We, your committee on.....

House Bill

697

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

third reading copy (blue color)

Connelly (Lybeck)

REVISION OF SOME BID/REID BONDING PROVISIONS

Respectfully report as follows: That..... House Bill..... No. 697.....

BE AMENDED AS FOLLOWS:

1. Title, lines 10 and 11.
Following: "DISTRICTS;"
Strike: "AUTHORIZING A CHANGE IN THE ASSESSMENT METHOD IF DISTRICT BONDS ARE REFUNDED;"
2. Page 9, line 24 through line 16 on page 11.
Strike: sections 6 and 7 in their entirety
Re-number: subsequent sections
3. Page 11, line 12.
Strike: "(1) Sections 5 and 7 are"
Insert: "Section 5 is"
4. Page 11, line 21.
Strike: "Sections 5 and 7"
Insert: "Section 5"
5. Page 11, lines 22 through 25.
Strike: subsection (2) in its entirety

~~DO PASS~~

AND AS AMENDED,
DO NOT PASS

..... Chairman.