

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON LOCAL GOVERNMENT**

**Call to Order:** By DIANA WYATT, CHAIR, on January 31, 1991, at 3:00 P.M.

#### **ROLL CALL**

##### **Members Present:**

Diana Wyatt, Chair (D)  
Jessica Stickney, Vice-Chair (D)  
Joe Barnett (R)  
Arlene Becker (D)  
Vivian Brooke (D)  
Brent Cromley (D)  
Paula Darko (D)  
Tim Dowell (D)  
Budd Gould (R)  
Stella Jean Hansen (D)  
Harriet Hayne (R)  
Ed McCaffree (D)  
Tom Nelson (R)  
Jim Rice (R)  
Sheila Rice (D)  
Richard Simpkins (R)  
Norm Wallin (R)

**Members Absent:** REP. D. BROWN

**Staff Present:** Bart Campbell, Legislative Council  
Lois O'Connor, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

#### **HEARING ON HB 227**

##### **Presentation and Opening Statement by Sponsor:**

REP. LARSON, House District 65, Seeley Lake stated HB 227 requires a person to be a resident of a fire district and a qualified elector in order to vote in a fire district election.

##### **Proponents' Testimony:**

James Lofftus, Mt. Fire Districts Association, stated HB 227 was introduced to clarify how people are eligible to vote in fire district elections. Voters in a fire district election should show proof of paying taxes or be a registered district voter.

Shelley Cheney, Gallatin County Clerk and Recorder, supported the bill and submitted an amendment. This would make sure the people who are not registered voters within the district, but who are land owners, are registered to vote. EXHIBIT 1

OPPONENTS: None

Questions From Committee Members:

REP. CROMLEY asked REP. LARSON if he had an objection to the proposed amendment. REP. LARSON said no.

REP. SIMPKINS asked REP. LARSON if a person owns property within a district and if a person is registered, are both allowed to vote in a fire district election. REP. LARSON stated the voter had to be a qualified elector and an owner of property in order to vote.

Closing by Sponsor:

REP. LARSON urged passage of HB 227.

HEARING ON HB 214

Presentation and Opening Statement by Sponsor:

REP. CONNELLY, House District 8, Kalispell, stated HB 214 creates limits on the length of time a citizen member may serve on the city, city-county, or county planning boards and also requires that a public hearing for zoning regulations be sent to all property owners within a proposed zoning district. Members have been serving for as long as 16 years and don't want to change or listen to the people involved with the districts. The added cost to the county will be postage. People who live out of state, but own land, should be notified of the hearings.

Proponents' Testimony: None

Opponents' Testimony:

Ray Harbin, County Commissioner, Lake County, stated local governments have a difficult time attracting members. The planning board is operated on a two year basis, appointed. They are urged to stay on as long as possible and the County Commissioners express the right to reappoint them every two years. Mailing is also a concern. In order to insure everyone has proper notice, a registered letter must be sent to all taxpayers. Mailing notices would take half the county planning budget. These issues can be handled on the county or local level.

Sharon Stratton, Flathead County Commissioner, said these issues should be handled at the local level. Limiting time to serve by statute is not a good idea as it takes time to implement planning

responsibilities. A written notice provision is the basis by which lawsuits will be built to delay planning and growth management in Montana.

Harry Mitchell, Cascade County Commissioner, opposed HB 214.

Kathy Macefield, Mt. Association of Planners, said local governments have the ability to determine the length and number of terms planning board members can serve. Notification of all people in the zones is time consuming and costly. It creates more problems than provides opportunities.

REP. SIMPKINS and REP. BECKER spoke on behalf of their constituents and opposed HB 214.

#### Questions From Committee Members:

REP. DOWELL asked Sharon Stratton if there is a way to challenge an appointment. Ms. Stratton stated if citizens complain about someone on the board, another appointment will be considered.

REP. CROMLEY asked REP. CONNELLY what the problem was that brought about the bill. REP. CONNELLY stated a group of residents of Flathead County has been having trouble with the planning board. The planning board has ignored the objections of the residents. If you take away peoples rights, they should be notified. No one objects to zoning, but to the methods used.

REP. CROMLEY asked Harry Mitchell what the procedures are with other boards appointed by the county. Mr. Mitchell stated some board members are limited to two years and have to be reappointed. Some are limited to so many terms.

REP. STICKNEY stated notification of people being affected by zoning boards is important. A notification is sent to everyone within 250 feet of the effected area. REP. STICKNEY asked Harry Mitchell if it were the same in Great Falls. Mr. Mitchell stated the procedure is the same but he couldn't be sure.

#### Closing by Sponsor:

REP. CONNELLY stated no one was here to represent the property owner, and the people affected should be notified. HB 214 is not restrictive. People have the right to know how their property is being zoned.

#### HEARING ON HB 65

#### Presentation and Opening Statement by Sponsor:

REP. WHALEN, House District 93, Billings, stated HB 65 would add November and December as months that can be used for staggered registration of vehicles. Instead of spreading licencing over 10 months, it can be done over 12 months.

Proponents' Testimony:

Gorden Morris, Mt. Association of Counties, supported HB 65 but asked that Sections 3 and 4 be deleted.

Ray Harbin, Lake County Commissioner, stated expanding the vehicle registration time from 10 to 12 months would elevate the long lines at the Treasurer's Office.

Bud Schoen, Dept. of Justice, supported the bill with the proposed amendments.

Opponents' Testimony: NoneClosing by Sponsor:

REP. WHALEN said to strike Subsections 1 and 2 under New Section 3. Amendments were submitted EXHIBIT 2

EXECUTIVE ACTION ON HB 227

Motion: REP. CROMLEY moved HB 227 Do Pass.

Discussion: REP. J. RICE asked if there were amendments. Bart Campbell said yes and explained them.

REP. BARNETT stated a person had to be a registered voter and if that section is deleted then the language says they do not have to be registered. The amendment needs more clarification.

REP. NELSON said Page 1, Line 23 does clarify that portion of the amendment. Bart Campbell agreed. All electors, which means a registered voter in the state, are eligible to vote; in addition, an elector who holds title to land in the district and can show proof of tax payment would also be allowed to vote.

REP. BROOKE stated she was a registered voter in Missoula County and owned land in Lake County. She couldn't go to Lake County to vote in a fire district election.

REP. DARKO stated if the bill is amended the way that is proposed, there will be no bill.

Motion: REP. CROMLEY withdrew his Do Pass motion.

REP. BARNETT asked Bart Campbell if a person has to be (1) a registered voter in the district and (2) a taxpayer on the property in the district, why is the payment of taxes on the land the part we are trying to amend. Mr. Campbell stated they are talking about two different sets of people; (1) all electors who reside in the district and (2) any elector who holds title to land in the district and can show proof of paying taxes in the district, are eligible to vote.

REP. J. RICE stated if the committee struck Line 3 of Page 2, they would accomplish what the sponsor intended. If they want to change the present law, end it at after election on Page 1.

REP. BARNETT agreed with REP. DARKO in that there would be no bill if amended. REP. SIMPKINS agreed with Bart Campbell in that they are dealing with two different classes of people. REP. CROMLEY suggested removing the word "including" on Line 25 and insert the word "and" would clarify the bill. Bart Campbell agreed with REP. CROMLEY and suggested they put back "regardless of whether he is registered to vote" because you are defining the person more. It really depends upon what the committee is trying to do with the bill.

Motion: REP. J. RICE moved to adopt amendments as suggested. The motion carried unanimously. EXHIBIT 3

Motion/Vote: REP. STICKNEY MOVED HB 227 DO PASS AS AMENDED. The motion carried unanimously.

#### EXECUTIVE ACTION ON HB 122

Motion: REP. STICKNEY moved HB 122 Do Pass.

#### Discussion:

Bart Campbell explained the amendments. EXHIBIT 4

REP. WALLIN asked Bart Campbell if the bill applied only to state assumed counties. Mr. Campbell stated it would cover all counties in the state. The only difference being the non-assumed counties would be using their own welfare funds. REP. WALLIN asked what would happen if they ran out of funds. Mr. Campbell asked REP. SIMPKINS to answer. REP. SIMPKINS stated in lieu of I-105, state assumed counties have no problem; but non-assumed counties cannot raise their mills. If funds are depleted, the counties must use the general fund.

REP. McCAFFREE stated the House of Representatives has already passed bills mandating additional costs on the local governments. This would also cost the taxpayers more money.

REP. GOULD asked if a revised fiscal note has been presented since the amendments were made. None were reported. Bart Campbell explained that the fiscal impact statement would go to the assumed counties only because that is the only place where the state monies are going out.

Motion/Vote: REP. STICKNEY withdrew her motions. NO ACTION WAS TAKEN ON HB 122.

EXECUTIVE ACTION ON HB 214

Motion/Vote: REP. BROOKE MOVED HB 214 BE TABLED. Motion carried unanimously.

EXECUTIVE ACTION ON HB 35

Motion/Vote: REP. DOWELL MOVED TO RECONSIDER TABLE MOTION ON HB 35. Motion failed 4 to 14 with REPS. DARKO, DOWELL, S. J. HANSEN, and J. RICE voting aye.

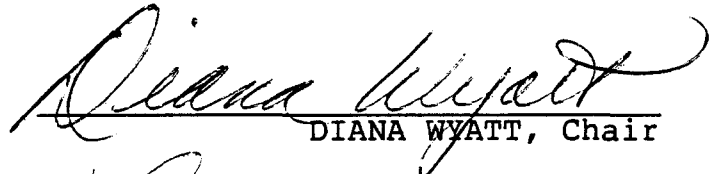
Announcements:

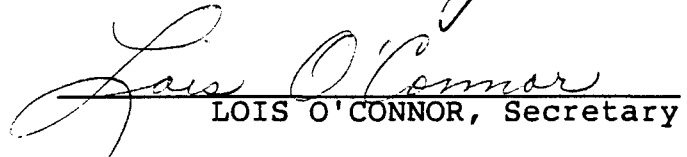
REP. STICKNEY stated Secretary of State, Mike Cooney, has been working with the Dept. of Justice, Clerks of District Court, Supreme Court, Clerks and Recorders, and the Justice of the Peace organization to find ways to combine voter lists and driver registration lists for the purpose of jury duty. She asked the committee to present a resolution. REP. WALLIN agreed with the resolution and suggested that the State Administration Committee be involved. There was a unanimous decision to have the resolution drafted.

REP. DOWELL stated the subcommittee on HB 57 heard from the Attorney General and REP. GERVAIS sent it to the tribal attorney. They will be meeting with all people involved and get back to the subcommittee this week. REP. DOWELL said they hope to have it resolved next week.

ADJOURNMENT

Adjournment: 4:40 P.M.

  
DIANA WYATT, Chair

  
LOIS O'CONNOR, Secretary

DW/LO

**HOUSE OF REPRESENTATIVES**  
**LOCAL GOVERNMENT COMMITTEE**

**ROLL CALL**

**DATE** 1-31-91

NAME	PRESENT	ABSENT	EXCUSED
Rep. Paula Darko	X		
Rep. Jessica Stickney, Vice-Chair	X		
Rep. Joe Barnett	X		
Rep. Arlene Becker	X		
Rep. Vivian Brooke	X		
Rep. Dave Brown		X	
Rep. Brent Cromley	X		
Rep. Tim Dowell	X		
Rep. Budd Gould	X		
Rep. Stella Jean Hansen	X		
Rep. Harriet Hayne	X		
Rep. Ed McCaffree	X		
Rep. Tom Nelson	X		
Rep. Jim Rice	X		
Rep. Sheila Rice	X		
Rep. Richard Simpkins	X		
Rep. Norm Wallin	X		
Rep. Diana Wyatt, Chair	X		

HOUSE STANDING COMMITTEE REPORT

February 1, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that House Bill 227 (first reading copy -- white) do pass as amended

Signed: 

Diana Wyatt, Chairman

And, that such amendments read:

1. Page 1, line 23.

Following: "election."

Strike: "All electors"

Insert: "An elector"

2. Page 1, line 24.

Following: "who"

Strike: "reside"

Insert: "resides"

3. Page 1, lines 24 and 25.

Following: "district" on line 24

Strike: "are" through "including" on line 25

Insert: "or"

4. Page 2, line 3.

Following: "place,"

Strike: ", regardless of whether he is registered to vote"

Insert: "is eligible to vote in the election"



01-31-91 02:28PM FROM RAVALLI COUNTY

DATE 01-31-91  
HB 227

HOLD FOR MIKE STEPHENS OR SHELLEY CHENEY

HB 227 - "An act clarifying proof of eligibility to vote for  
rural fire district trustees and amending section 7-33-2106, MCA"

AMEND:

Page 2 Line 3 - place. ~~regardless of whether he is registered to vote~~

Amendments to House Bill No. 65  
First Reading Copy

For the Committee on Local Government

Prepared by Bart Campbell  
February 2, 1991

1. Title, line 6.

Following: "VEHICLES;"

Insert: "AND"

2. Title, lines 6 through 8.

Strike: "; AND" on line 6 through "DATE" on line 8

3. Page 2, lines 10 through 21.

Strike: subsections (3) and (4) in their entirety

4. Page 3, lines 2 through 7.

Strike: section 3 in its entirety

Amendments to House Bill No. 227  
First Reading Copy

Requested by Representative Rice  
For the Committee on Local Government

Prepared by Bart Campbell  
February 1, 1991

1. Page 1, line 23.  
Following: "election."  
Strike: "All electors"  
Insert: "An elector"
2. Page 1, line 24.  
Following: "who"  
Strike: "reside"  
Insert: "resides"
3. Page 1, lines 24 and 25.  
Following: "district" on line 24  
Strike: "are" through "including" on line 25  
Insert: "or"
4. Page 2, line 3.  
Following: "place,"  
Strike: ", regardless of whether he is registered to vote"  
Insert: "is eligible to vote in the election"

Amendments to House Bill No. 122  
First Reading Copy

Requested by Senator Mike Halligan  
For the House Committee on Local Government

Prepared by Tom Gomez  
January 22, 1991

1. Title, line 7.

Strike: "FOR INPATIENT HOSPITAL SERVICES"

2. Title, lines 9 and 10.

Following: "7-32-2222" on line 9

Strike: "AND"

Insert: ", "

Following: "53-3-205," on line 10

Insert: "AND 53-3-206,"

3. Page 5, lines 22 and 23.

Strike: ", but only for inpatient hospital services."

4. Page 6.

Following: line 11

Insert: "Section 3. Section 53-3-206, MCA, is amended to read:

"53-3-206. Eligibility for general relief medical assistance. (1) In order to be considered ~~for eligibility~~ eligible for general relief medical assistance, a person must be found to have a serious medical condition.

(2) Eligibility for general relief medical assistance must be determined as provided in 53-3-205 and this section. A Except as provided in subsection (9), a person with a serious medical condition must apply for general relief medical assistance prior to the provision of medical services or within 90 days of the date the medical service is first provided. Eligibility is determined as of the date medical service is first provided.

(3) All persons who reside in the same residence and are either married to each other or are the parents or children of other persons living in the same residence are considered to be one household for purposes of determining general relief medical assistance.

(4) All individual or household resources must be used to offset medical obligations except those resources excluded in 53-3-205(7) or used to offset nonmedical general relief payments during the same period.

(5) A household is ineligible to receive general relief medical assistance if the household is ineligible for medicaid as a result of overpayment, fraud, or failure or refusal to comply with requirements for continued participation in the medicaid program.

(6) To determine eligibility for county general relief medical assistance, a county welfare board may promulgate rules to establish the circumstances under which persons are unable to pay for their medical aid and hospitalization. However, no

household with an income exceeding 300% of the amount set forth in 53-3-205(2) is eligible for such medical assistance.

(7) In a county with state-assumed welfare services, a person is not eligible for medical services if the household in which he resides has an average monthly income after consideration of the earned income disregard provided for in 53-3-205(3), reasonably certain to be received in a 12-month period beginning with the month the medical service was provided, in excess of the amount established by the department by rule. The department shall establish the amount, taking into account the size of the household and the estimated number of eligible households. The amount must be 150% of the amount established in 53-3-205(2).

(8) Notwithstanding the other provisions of this section, in a county with state-assumed welfare services, a person whose eligibility for general relief assistance is terminated because of earned income from employment may continue to receive general relief medical assistance for 1 month."

(9) A person described in 53-3-205(8)(b) is immediately eligible for general relief medical assistance if declared indigent by the district court. No other requirements for eligibility may apply except that the person must have a serious medical condition for which treatment is medically necessary.

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

Local Govt COMMITTEE BILL NO. 65-  
DATE 1-31-91 SPONSOR(S) Whalen

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
DARYLL E. (BUD) SCHOEN	DOJ - Motor Vehicle Div.	✓	
Gordon Morris	MAC	✓	
Roy Hushin	LAKE Co.	✓	
Col Harrington	County Treasurers Ass	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS  
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

Local Govt COMMITTEE BILL NO. 214  
DATE 1-31-91 SPONSOR(S) M. E. Connelly  
PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Sharon L. Stralton	Alt Co Commissioner		X
Kay Larkin	Lake Co.		X
Kathy MacFarland	MAP		X
Dick Simpson	Bill Walters GF City Planner		X
Harry Mitchell	Cascade County		X

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ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

Local Gov

COMMITTEE

BILL NO.

227

DATE 1-31-91

SPONSOR(S)

Larson

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
JAMES A. LOFFTOS 2521 SO. AVE W. MISSOURI	MT FIRE DIST ASSN	✓	
Shelley Cheney	MT Clerk & Records Assoc	✓	

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