

MINUTES

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

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By DIANA WYATT, CHAIR, on March 18, 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)
Dave Brown (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)

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

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

EXECUTIVE ACTION ON SB 107

Motion: REP. SIMPKINS MOVED SB 107 BE CONCURRED IN.

Motion: REP. SIMPKINS moved to amend SB 107. EXHIBIT 1

Discussion:

REP. SIMPKINS explained the amendments. One mill was primarily specified in the bill to insure that an adequate amount of money was put into the fund for the study commission. In large counties, such as Cascade County, \$10,000 is inadequate to properly distribute the information concerning the study commission that takes place over two years. If the county population is less than 10,000, less money is needed for the

study commissions. It insures that enough money will be raised at both ends of the spectrum.

REP. BECKER asked REP. SIMPKINS if he had discussed the amendments with Yellowstone County. Their concern was that it would raise too much money. He stated, at present, one mill raises \$183,000. The one dollar per person in the county would raise \$116,000 in Yellowstone County. He tried to enact a formula that wouldn't get complicated county by county. REP. CROMLEY said the amendments did not answer the concerns of Yellowstone County as it is still mandatory. The words "shall appropriate" mandates assessing \$116,000 for Yellowstone County which is too much. Bart Campbell said the current law mandates that a county must levy at least one mill. REP. CROMLEY said that was the problem the committee faced in that it mandated the appropriation of that amount. We should add "up to" in the language.

REP. S. RICE stated it was important to remember the people will vote to adopt the one mill or \$1.00 per person fee; and just because it is appropriated, it doesn't have to be spent. The last study commission in Great Falls had \$90,000 appropriated and spent \$35,000. The remainder reverted to the General Fund. The \$10,000 can be used as a limiting tool for the study commissions.

REP. SIMPKINS addressed REP. CROMLEY'S concerns. He said counties must appropriate the equivalent of one mill. The amendments give them the option to levy the one mill if that is what they want. It is the study commissions option to spend the money. The Constitution says that the people have the study commission every ten years. If the money is not spent, it can be reverted back to the General Fund.

REP. J. RICE asked Bart Campbell if the amendments were adopted, the rule would be, a county with less than 10,000 people would be able to appropriate one mill or \$10,000 whichever is less. If a county has 10,000 or more people, such as Yellowstone County, \$116,000 would have to be appropriated. Mr. Campbell said no one had given directions to change the existing language as to population of 10,000 or less people. One could say that if a county had 10,000 or less people, they could levy the equivalent of one mill or \$10,000 which ever is "more". REP. McCAFFREE said the language on Page 16 says "shall appropriate". That means do what the language says. It would not be appropriate for his county or Yellowstone County.

REP. CROMLEY asked if there would be a problem with setting the amounts as maximums; if so, language stating "up to" would be appropriate. If minimums are needed, discussion on those is needed.

REP. SIMPKINS said Rosebud County has a population of 12,200 people and \$178,000 per mill. The amendment says whichever is less. One dollar per person or one mill, whichever is less, if

the county population is more than 10,000. REP. McCAFFREE said if the county has less than 10,000 population, then you go to the one dollar per person or the one mill whichever is less. If a county is in excess of 10,000, where do they go. REP. SIMPKINS said they must return to the basic bill. Line 17 states if a county population is less than 10,000, they must appropriate one mill or \$10,000 whichever is less. If the population is more than 10,000, they start with 'and the equivalent of one dollar per person or one mill whichever is less'.

REP. WYATT stated no where on the ballot does it frame the money issue. The citizenry will not be taking into consideration how much money is allocated or appropriated for the use of study commissions. Bart Campbell said the commission must prepare a budget for the governing body for approval. The ballot only has a place to vote for or against a study commission.

Motion/Vote: REP. J. RICE made a substitute motion to amend SB 107. Line 16, "each local government entity shall appropriate an amount necessary to fund the study not to exceed one mill". Motion carried 14 to 4 with REPS. SIMPKINS, BARNETT, S. RICE, and REP. WYATT voting no.

Motion/Vote: REP. SIMPKINS MADE A SUBSTITUTE MOTION THAT SB 107 BE CONCURRED IN AS AMENDED. Motion carried 14 to 4 with REPS. SIMPKINS, D. BROWN, BARNETT, and WYATT voting no.

HEARING ON SB 440

Presentation and Opening Statement by Sponsor:

SEN. BENGTON, Senate District 49, Shepherd, stated SB 440 revises the laws relating to boards appointed by County Commissioners. County Commissioners should decide how many people should serve on the boards rather than Legislature.

Proponents' Testimony:

Gordon Morris, Montana Association of Counties, stated SB 440 came from options requested by local governments. Seven boards will be impacted by this bill. The boards of County Commissioners would like the current statutes, which identify the qualifications and size of the seven boards, embodied in a resolution until the public feels there should be a change. Problems would be resolved at the local level at a public hearing. SB 440 would relieve the Legislature from returning again and again to solve this problem.

Linda Stoll-Anderson, Lewis and Clark County Commissioner, said she assisted the Senate Local Government Committee in writing SB 440. Every time a county wants to add members to a board it needs Legislative action. They went into Title 7 and took only the boards outlined and gave the commission the authority to pick as many members and determine their terms as they thought were

appropriate for their communities. The weed board has concerns that Commissioners are going to do away with their boards or make them fewer than three. She would be willing to amend the bill to address those concerns. What exists in one county may not be the case in another county. Let local government, through the public participation process, determine how many people they need to carry out the requirements of the various boards.

Gloria Hermanson, Montana Cultural Advocacy, said the Advocacy supports SB 440 and is open to an amendment that would indicate a minimum of three people on a board with rotating terms.

Opponents' Testimony:

Dave Pecket, Butte-Silver Bow Weed Board, stated SB 440 is bad government. Citizen boards are not here to be rubber stamps of local government elected officials. There is a structure to how the weed boards are appointed. There is continuity in terms; and there is a structure created that allows individual citizens, who have a concern about a certain issue, to have a platform to work on that issue. Weed boards currently have a structure; three or five member where there is some diversity. Under SB 440, it would create a situation where there would be no diversity or balance. At present, the weed board requires that three people be rural, one person be urban, and one be at large. This gives a good balance to all perspectives. It is the responsibility of the elected officials to go to their constituents and find people interested in sitting on the boards. He would like to see SB 440 amended to exclude weed boards.

REP. GRADY stated his main concern is the weed board. Most of the boards were set in statute when the programs were initiated. The Legislature wanted to make sure there was good representation on the boards. The weed board is not a minor board. Weeds are a multi-million dollar problem in Montana and it should have a serious board. SB 440 strikes the language that says "of the three member board; two shall be rural agriculture landowners within the district and one shall be a member at large. He would like it amended to say weed boards cannot be less than three members and two would have to represent the agriculture land owner within the district. It would assure the agriculture people that they have their people on the weed boards.

Jim Jensen, Montana Environmental Information Center, agreed with **REP. GRADY'S** objections. The counties need some flexibility. One of the biggest keys to solving the long term infestation of noxious weeds is to have producers and the people involved on the boards.

Celestine Lacey, Montana Weed Control Board, provided written testimony. EXHIBIT 2

Jim Freeman, Cascade County Weed District, said it is important to maintain a balance of interest on boards particularly between

urban and rural points of view. Safe and effective operation of regulatory pest control activities such as weed, rodent, and mosquito abatement can only be carried out under political or reactionary stability. Current term rotation allows for this stability while providing County Commissioners the discretionary flexibility to limit terms of office. The current law is working.

Questions From Committee Members:

REP. WALLIN asked Jim Freeman if things are currently working why was SB 440 proposed. Mr. Freeman stated seven boards are addressed in the bill. He was addressing the weed, rodent, and mosquito boards. The bill was originally proposed for a museum board. REP. WALLIN asked if he wanted to segregate the boards that are presently working. He said yes.

REP. BARNETT asked Gordon Morris why he wanted to change the current law. Mr. Morris said the bill is not the result of something that is not working. Senate Local Government thought they would be able to propose a bill that would address committees and dispense with problems in the future. The bill does not upset what is working; it removes the problem for them to have to return to the Legislature to fix it and leaves it totally to local discretion. REP. BARNETT said the bill does not state a maximum or minimum number of board members County Commissioners can appoint. They could get rid of any of the boards simply by not appointing anyone to the positions. Mr. Morris stated every board in the bill is required by law and cannot be done away with. Board requirements are not changed in SB 440. The only thing that does change is the size and composition of the board which is left up to a public hearing and adoption of a resolution. One person does not make a board. It consists of several people.

REP. WALLIN asked Gloria Hermanson to respond to the same question asked by REP. BARNETT. She said REP. PECK and SEN. FRITZ'S bills dealt with cultural boards. REP. PECK'S bill dealt with rotating terms for cultural boards. SEN. FRITZ'S bill dealt with the issue of cultural boards who needed to be larger than three.

REP. CROMLEY asked Celestine Lacey if, on Page 4, Line 4, she saw any need for the paragraph. Ms. Lacey said the reason the County Extension agents in each county may be appointed to serve as a nonvoting member of a weed district, is that the county agent in smaller counties is an integral part of the weed management program. They didn't feel he should be a voting member. It should be the responsibility of the rural landowners. He should, however, be an important part of the board. He serves as Secretary to the boards many times. It is important that language remains in the bill.

REP. DARKO expressed her concern with fair boards. She feels

fair boards are political organizations that deal with a large amount of money. She sees problems with expanding fair boards to a huge number which she feels is totally unworkable. The fair board is an important board economically for the counties. Linda Stoll-Anderson said Lewis and Clark County wanted to expand its membership. They are important boards, but SB 440 doesn't take away from their importance. The bill would give Lewis and Clark County the ability to increase their membership.

Closing by Sponsor:

SEN. BENGTSON stated SB 440 addresses flexibility, local control, and cost saving procedures for local governments. It gives the County Commissioners some flexibility. All 56 counties do not have the same needs. It was an attempt of the Senate Local Government Committee to put some responsibility back to the local government.

EXECUTIVE ACTION ON /SB 440

Motion: REP. WALLIN MOVED SB 440 BE CONCURRED IN.

Discussion:

REP. DARKO expressed concern about cronyism developing out of the board appointments. By not having a bottom or top on size limitation or a board that will not do what the Commissioners like, we are leaving ourselves open to this kind of situation.

REP. McCAFFREE said he liked the bill. Counties throughout the state are having a difficult time getting people to serve on the boards. As big as his county is, most boards don't get the representation needed. They are limited in size and would like to see more people on the boards. REP. DARKO'S concern is legitimate but fair boards are limited by a mill levy. REP. BARNETT supported REP. DARKO'S concern, but would like to see as much government as possible moved to the local level.

Motion: REP. D. BROWN moved to amend SB 440. On Lines 6 through 9, strike "one member boards" and insert "at least three members must be appointed".

Motion: REP. DARKO made a substitute motion to further amend REP. D. BROWN'S amendment to read "no more than nine members appointed".

Discussion:

REP. DOWELL asked REP. McCAFFREE what size boards would he like to work with since he was a County Commissioner. REP. McCAFFREE said a nine member board was large, but workable.

REP. WALLIN expressed concern that SB 440 does not state the board members should be a resident of the county in which it is

appointed. It should be inserted. REP. McCAFFREE said many board members cross the county line because they have interlocal agreements to do various things.

Vote: Motion to amend carried 16 to 2 with REPS. D. BROWN and SIMPKINS voting no.

Motion: REP. WALLIN moved to amend SB 440 to state "County Commissioners must appoint to the boards residents from the county it serves".

Discussion:

REP. SIMPKINS asked REP. McCAFFREE if it said resident of a district rather than county, would that take care of the multi-county situation. He said yes. REP. STICKNEY said current language states each member of boards shall be an elector within the boundary of the district. That concern is already stated in the bill.

REP. BECKER expressed concern with rural versus city aspects of some of the boards especially weed boards. Could it be set up so that all the members come from the city part of the county and not the rural part? REP. CROMLEY said the one distinguishing thing about the weed control boards is that there is mandated representation from the rural agricultural landowners.

REP. WYATT stated different boards have different problems that are local. It is difficult to fix SB 440 so it applies to all boards that may be constituted. It does make the Legislature's job easier; but it is part of her responsibility as a Legislator to hear the concerns of the people and deal with the issues raised.

REP. WALLIN said it is important for board members to be residents of the county because the bill does not prevent someone from serving, who lived in an adjoining or far county.

Vote: Motion to amend carried 17 to 1 with REP. DOWELL voting no.

Motion/Vote: REP. GOULD MADE A SUBSTITUTE MOTION THAT SB 440 BE TABLED. Motion failed 7 to 11. EXHIBIT 3

Motion: REP. CROMLEY moved to amend Page 3, to add "the majority of which shall be rural agricultural landowners on weed control boards".

Discussion:

REP. BROOKE asked REP. CROMLEY if he would object to a friendly amendment that states "rural resident". He said yes.

REP. J. RICE said the policy decision set by previous

Legislatures was that the membership be rural agricultural landowners. We would be changing the policy significantly if we said "rural resident". REP. BARNETT objected to the amendment in that the property owner assumes a greater responsibility than a resident. To get residents only on the weed board could be counterproductive.

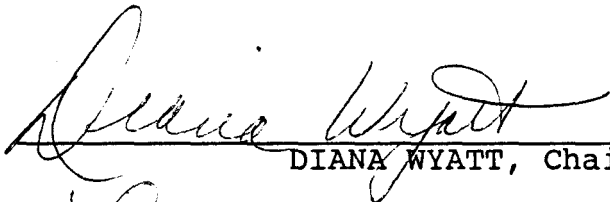
Motion/Vote: REP. BROOKE made a substitute motion to amend "rural agricultural landowners" to read "rural residents". Motion failed by voice vote.


Vote: REP. CROMLEY'S motion to amend SB 440 carried with REP. BROOKE voting no.

Motion: REP. J. RICE MOVED SB 440 BE CONCURRED IN AS AMENDED. Motion carried 15 to 3 with REPS. DARKO, WYATT, and GOULD voting no. EXHIBIT 4

ADJOURNMENT

Adjournment: 4:50 p.m.


DIANA WYATT, Chair


LOIS O'CONNOR, Secretary

DW/lo

HOUSE STANDING COMMITTEE REPORT

March 19, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that Senate Bill 107 (third reading copy -- blue) be concurred in as amended.

Signed: 
Diana Wyatt, Chairman

Carried by: Rep. D. Brown

And, that such amendments read:

1. Title, line 4.

Strike: "ALLOWING"

Insert: "REVISING THE AMOUNT OF MONEY"

2. Title, line 5.

Strike: "TO"

Insert: "MAY"

Strike: "\$10,000"

3. Page 1, lines 16 and 17.

Strike: "the" on line 16 through "less" on line 17

Insert: "an amount necessary to fund the study, not to exceed 1 mill"

HOUSE STANDING COMMITTEE REPORT

March 19, 1991

Page 1 of 2

Mr. Speaker: We, the committee on Local Government report that Senate Bill 440 (third reading copy -- blue) be concurred in as amended .

Signed: 
Diana Wyatt, Chairman

Carried by: Rep. McCaffree ✓

And, that such amendments read:

1. Page 2, line 9.

Following: "."

Insert: "The board of trustees must consist of at least three members and no more than nine members, and the members of the board must be residents of the county."

2. Page 2, line 19.

Following: "."

Insert: "The park board must consist of at least three members and no more than nine members, and the members of the board must be residents of the county."

3. Page 3, line 14.

Following: "."

Insert: "The fair commission must consist of at least three members and no more than nine members, and the members of the board must be residents of the county."

4. Page 4, line 3.

Following: "."

Insert: "The board must consist of at least three members and no more than nine members, and the members of the board must be residents of the district. A majority of the board members must be rural agricultural land owners."

5. Page 4, line 22.

Following: "."

Insert: "The board must consist of at least three members and no more than nine members, and the members of the board must be residents of the district."

March 19, 1991
Page 2 of 2

6. Page 5, line 20.

Following: ". "

Insert: "The board must consist of at least three members and no more than nine members, and the members of the board must be residents of the district."

HOUSE OF REPRESENTATIVES
LOCAL GOVERNMENT COMMITTEE

ROLL CALL

DATE 3-18-91

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		

Amendments to Senate Bill No. 107
Third Reading Copy

For the Committee on Local Government

Prepared by Bart Campbell
March 19, 1991

1. Title, line 4.

Strike: "ALLOWING"

Insert: "REVISING THE AMOUNT OF MONEY"

2. Title, line 5.

Strike: "TO"

Insert: "MAY"

Strike: "\$10,000"

3. Page 1, lines 16 and 17.

Strike: "the" on line 16 through "less" on line 17

Insert: "an amount necessary to fund the study, not to exceed 1
mill"



2
DATE 3-18-91
SB 440

TESTIMONY OF MONTANA WEED CONTROL ASSOCIATION
for the House Local Government Committee
on Senate Bill 440
Monday, March 18, 1991

The purpose of this testimony is to oppose Senate Bill 440 that would revise laws relating to boards appointed by County Commissioners, specifically Sections 7-22-2103 and 7-22-2104, MCA which relates to district weed boards.

The intent of the original legislation was for county commissioners to appoint a representative cross-section of county residents to serve on the weed board for a three year term. This concept allowed for a variety of interests, including agriculture, to plan and implement county weed management programs. Members serving for a minimum of three year terms added continuity to the district program.

The Montana Weed Control Association is very concerned about the impact of this legislation on weed district programs, and opposes SB 440 for the following reasons:

1. This legislation would reduce continuity of county weed programs by not requiring that board members serve a three year term.
2. A one member board, rather than the three or five member board now required, could be appointed at the public meeting.
3. Rural agricultural interests may not be represented on the weed board under the proposed revisions. Since the economic impact of weeds is greatest on the agricultural community, lack of representation by this group on the board may severely impact current direction of county-wide weed district programs.

The Montana Weed Control Association believes that the appointment of district weed boards has been effective in the past. The proposed legislation could have serious impacts on the agricultural community and reduce the effectiveness of county weed management efforts in the state.

3
DATE 3-18-91
SB440

HOUSE OF REPRESENTATIVES
LOCAL GOVERNMENT COMMITTEE

ROLL CALL VOTE

DATE 3-18-91 BILL NO. SB-440 NUMBER _____

MOTION: _____
Roll

NAME	AYE	NO
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	

Amendments to Senate Bill No. 440
Third Reading Copy

4
3-18-91
SB 440

For the Committee on Local Government

Prepared by Bart Campbell
March 19, 1991

1. Page 2, line 9.

Following: "."

Insert: "The board of trustees must consist of at least three members and no more than nine members, and the members of the board must be residents of the county."

2. Page 2, line 19.

Following: "._"

Insert: "The park board must consist of at least three members and no more than nine members, and the members of the board must be residents of the county."

3. Page 3, line 14.

Following: "._"

Insert: "The fair commission must consist of at least three members and no more than nine members, and the members of the board must be residents of the county."

4. Page 4, line 3.

Following: "._"

Insert: "The board must consist of at least three members and no more than nine members, and the members of the board must be residents of the district. A majority of the board members must be rural agricultural land owners."

5. Page 4, line 22.

Following: "."

Insert: "The board must consist of at least three members and no more than nine members, and the members of the board must be residents of the district."

6. Page 5, line 20.

Following: "._"

Insert: "The board must consist of at least three members and no more than nine members, and the members of the board must be residents of the district."

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Local Government

COMMITTEE

BILL NO.

440

DATE 3-18-91

SPONSOR(S)

Bingston

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<i>Catherine Lacey Montana Weed Control Association</i>			X
JAMES S FREEMAN	CASCADE COUNTY WEED MISC DIST.		X
Dave Pickett	Batte Weed Board		X
Jim Jensen	MEIC		X
Dan Nelson	MT. Dist Council	✓	X
LINDA STOLL-ANDERSON	L.C County MT Assn. Counties	✓	
Gordon Morris	MTA	✓	
Brian Cothrel	MHS	✓	
Gloria Sherman	MT Cultural Assoc	✓	
Ann Rausser	Bro. Co. Weed Dist		X
Larry Long	Glacier County Weed Dept		X
James Midboe	Toole County Weed Dept		X
Clint Greytak	Liberty County Weed Dept		X
Stan Bradshaw	MT. T.U.		✓

CR AMEND

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