

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN NORM WALLIN**, on January 5, 1993, at 3:00 p.m.

ROLL CALL

Members Present:

Rep. Norm Wallin, Chairman (R)
Rep. Ray Brandewie, Vice Chairman (R)
Rep. Ellen Bergman (R)
Rep. John Bohlinger (R)
Rep. Tim Dowell (D)
Rep. Dave Ewer (D)
Rep. Stella Jean Hansen (D)
Rep. Jack Herron (R)
Rep. Ed McCaffree (D)
Rep. Sheila Rice (D)
Rep. Tim Sayles (R)
Rep. Liz Smith (R)
Rep. Karyl Winslow (R)
Rep. Diane Wyatt (D)

Members Excused: Rep. Dave Brown (D)
Rep. Randy Vogel (R)

Members Absent: None.

Staff Present: Bart Campbell, Legislative Council
Pat Bennett, Committee Secretary

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

Committee Business Summary:

Hearing: HB 14; HB 87; HB 44
Executive Action: HB 14; HB 87

HEARING ON HOUSE BILL 14

Opening Statement by Sponsor:

REP. HOWARD TOOLE, House District 60, Missoula, advised the committee that HB 14 was a "stillborn" bill. The bill was introduced at the request of an employee in the Missoula Sheriff's Office who represents that office which is a non-classified, non-union office. It would give jailers and other

jail employees equal status with other law enforcement entities. REP. TOOLE informed the committee this bill was guaranteed to be opposed, and requested the committee review it very carefully and consider tabling HB 14.

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses: None.

Closing by Sponsor: None.

EXECUTIVE ACTION ON HOUSE BILL 14

Motion/Vote: REP. BOHLINGER MOVED TO TABLE HB 14. Motion carried unanimously.

HEARING ON HOUSE BILL 87

Opening Statement by Sponsor:

REP. RUSSELL FAGG, House District 89, Billings, explained that the Clerk and Recorder in Billings, Merv Clint, requested the drafting of HB 87. However, since the drafting, some concerns have arisen. The bill attempts to accomplish what is already provided under current Montana law. REP. FAGG stated he had conferred with Merv Clint and he is in concurrence. The bill set out to make sure that when land in a rural special improvement district (RSID) is sold at a tax deed sale by the county, the tax deed sale would extinguish the lien created by the rural improvement district. REP. FAGG requested the committee table the bill with the understanding that if Merv Clint is not convinced this problem has been solved, there would still be the opportunity to bring HB 87 off the table for further discussion.

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses: None.

Closing by Sponsor: None.

EXECUTIVE ACTION ON HOUSE BILL 87

Motion/Vote: REP. HANSEN MOVED TO TABLE HB 87. Motion carried unanimously.

HEARING ON HOUSE BILL 44

Opening Statement by Sponsor:

REP. DAVID EWER, House District 45, Helena, was requested by Lewis and Clark County and other counties, to propose legislation which would enable counties to have the interest which is earned on maintenance improvement district monies be incurred for the benefit of a maintenance district. Current law requires the interest earned be used for the benefit of the county general fund. REP. EWER stated he is in a maintenance district and it would only make sense that the money earned from bond proceeds and assessments be used solely for the benefit of those districts, i.e., maintenance of the streets rather than for the general fund.

Proponents' Testimony:

Blake Wordal, Lewis & Clark County Commissioner, explained the commission has, as a result of I-105 and a lack of money for maintaining roads, been setting up maintenance districts throughout the county so the residents are responsible for the maintenance. This is done through contracting with the county or someone else. Under current law the state allows for special improvement districts to earn their own interest and required that this interest goes only into the general fund. Commissioner Wordal stated the county believes the interest earned on maintenance districts, money which the citizens have paid to maintain their roads, should be used for that purpose and should not go back into the general fund.

Steve Moore, President of the Treasure State Acres Homeowners Association, said they are assessed money which goes into the maintenance district fund. The Association pays for administrative costs along with insurance costs and would like to see the interest come back to the district to use for repair of the roads.

Jim Elliott, representing the Sunny Vista Property Owners Subdivision, informed the committee that at the present time there are approximately 50 families in this subdivision who all support this bill.

Dennis Dirks, Vice President of the Treasure State Homeowners Association, stated they took it upon themselves to get the money the county was not able to give their Association for maintenance through assessments. He explained that, since they already pay for administrative and insurance costs, HB 44 would

not be asking for additional money, only for money they already pay to come back for their own use.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

REP. RICE asked REP. EWER if the county would be required to return the interest money earned, or if it would be optional under this bill. REP. EWER replied the interest money must be returned and is not optional.

REP. EWER asked Commissioner Wordal if the other improvement districts and other special purpose assessment districts currently under the law have the ability to earn the interest for themselves. Commissioner Wordal stated this was true. HB 44 would just be adding maintenance districts to those already having this ability.

REP. WYATT asked what the impact would be to counties across the state. Ed Blackman, Administrative Officer for the Lewis and Clark County Commissioners, answered that approximately \$5,000 to \$6,000 is currently accruing in interest. He stated that in Lewis and Clark County monies have been deposited back into the individual funds. This amount is for approximately 15 different special districts. Ten years ago there were only three special districts, now they are developing very quickly. It hasn't been a significant amount of money, but over time as the districts grow, so will these funds.

REP. BRANDEWIE stated it appeared this bill is one which should receive a do pass motion. He noted the people are paying for the maintenance of their streets and it does not fall on the general taxpayers.

REP. SAYLES asked if it is the districts who own the equipment used for snow removal. Mr. Blackman said that in Lewis & Clark County the equipment is not owned by the districts. This work is usually contracted out to a private party. In a few instances it is contracted with the county.

REP. BERGMAN, for clarification, asked if this money had been going into the general fund or back into the special district fund. Mr. Blackman replied that currently in Lewis & Clark County the money has been deposited back to the individual special district fund; however, the new county treasurer informed them this was not allowed under the current law and as a result, REP. EWER was asked to change the law.

Closing by Sponsor: None.

EXECUTIVE ACTION ON HOUSE BILL 44

Discussion: CHAIRMAN WALLIN announced that executive action on HB 44 would be taken on January 7, 1992.

ADJOURNMENT

Adjournment: 3:45 p.m.



NORM WALLIN, Chairman



PAT BENNETT, Secretary

NW/PB

HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT

COMMITTEE

ROLL CALL

DATE 1/5/93

NAME	PRESENT	ABSENT	EXCUSED
REP. NORM WALLIN, CHAIRMAN	✓		
REP. RAY BRANDEWIE, VICE CHAIRMAN	✓		
REP. ELLEN BERGMAN	✓		
REP. JOHN BOHLINGER	✓		
REP. DAVE BROWN			✓
REP. TIM DOWELL	✓		
REP. DAVID EWER	✓		
REP. STELLA JEAN HANSEN	✓		
REP. JACK HERRON	✓		
REP. ED McCAFFREE	✓		
REP. SHEILA RICE	✓		
REP. TIM SAYLES	✓		
REP. LIZ SMITH	✓		
REP. RANDY VOGEL			✓
REP. KARYL WINSLOW	✓		
REP. DIANA WYATT	✓		

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Local Government COMMITTEE BILL NO. 44
DATE 1-5-93 SPONSOR(S) REP. EWER

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Jim Elliott 615 Blue Grouse Rd, Helena	Sunny Vista Property Owners Subdivision	✓	
Ed Blackman Box 944, Clancy	Lewis & Clark Co.	✓	
Steve Moore 1434 Big Horn, Helena	Treasure State Ac. RD	✓	
Dennis Dirks 4210 Red Fox Helena	TREASURE STATE HOMEOWNERS	✓	
Kimballis 319 Florence Helena	Lewis Clark Co	✓	
Gordon Morris	MATO		
Blake Worsdal	Z & C Co.	✓	
John Luth	DNR		

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