

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By CHAIRMAN NORM WALLIN, on January 14, 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. Dave Brown (D)
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. John Bohlinger (R)
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 109
Executive Action: HB 109, HB 39

HEARING ON HOUSE BILL 109

Opening Statement by Sponsor:

REP. JOE BARNETT, House District 76, Belgrade, introduced HB 109
as a follow-up to a resolution adopted by the Gallatin County

Commissioners on June 1, 1991 and again at their annual convention on June 18, 1992. The commissioners realized they may be authorizing something they could not fulfill. If the county receives enough signatures on a petition from an improvement district to build a road, the county would be obligated to pay no less than 35% of the cost of that road. This could result in an amount much too large for the county to pay. HB 109 is an act allowing county commissioners discretion in developing the county road, even after receiving a petition.

Proponents' Testimony:

Gordon Morris, Executive Director, Montana Association of Counties (MACo), stated the effort is to change the mandatory requirement on county participation in funding local improvement districts. Presently the county commissioners have no discretion in participating in the funding, other than 35% of the project. The county commissioners want it to be discretionary so if they choose to participate they may do so.

Opponents' Testimony:

Tom Hopgood, Montana Association of Realtors, stated the Association represents the rights of landowners and believes HB 109 takes away a statutory right to petition the government for creation of a road. Mr. Hopgood said the county commissioners do not want to spend money on roads which is why the people who will use the road should have the right to petition the government; and the government does not have the right to refuse. He stated they consider this to be a right of the property owner. Perhaps if there is a concern about how much it costs, the best approach would be to adjust the percentages.

Questions From Committee Members and Responses:

REP. BROWN asked Mr. Morris what would happen if someone puts in a new subdivision and eventually those people petition the government to pave their road, would this bill give the commissioners the right to say no. Mr. Morris said that would be correct with the proposed bill, where they currently don't have that opportunity. The road would or could still go forward, however, it would fall under the RSID statutes. The adjacent property owners also pay the cost and there may be some participation by the county. No rights will be taken away and the projects will still get done. You won't be using this archaic approach which mandates the county participate in terms of a special project which hits every taxpayer in the county for the benefit of a select group.

REP. BROWN asked if this bill has anything to do with the closing notes by the commissioners. Mr. Morris replied it did not. He

referred to a case in Gallatin County where the commissioners were able to resist the imposition of this statute to create a road in an area the commissioners were actually recommending be created under the RSID statutes. There was consideration given to seeking the repeal of this section of law.

REP. BROWN asked if the commissioners got around this by using an RSID. Mr. Morris said no, the commissioners had a problem coming up with the 35% portion which would have to be paid under this statute, but were able to convince the people to go the RSID route.

CHAIRMAN WALLIN asked how this law would relate to someone who has built a home near an abandoned road and are demanding the county build a road. Mr. Morris stated that was behind this whole issue. If you obtain the necessary petitioners to request, under the present law the county is obligated to use tax money to participate in the project to the extent of 35%.

REP. BROWN asked Mr. Morris if there are any federal or state matching funds for road improvement. Mr. Morris said that it would have to be part of the highway system.

REP. McCAFFREE noted it would have to be a designated secondary road in order to receive gas tax money.

Closing by Sponsor:

REP. BARNETT closed on HB 109 informing the committee of a situation outside of Belgrade where a ranch was subdivided into 20-acre plots, half of which face and have access to a black-top road and the other half which face a county road that has not been kept up. They petitioned the county to upgrade this road, which the county had to do at an expense of \$167,000 to the rest of the county. This legislation is directed at this type of situation.

EXECUTIVE ACTION ON HOUSE BILL 109

Motion/Vote: REP. BRANDEWIE MOVED HB 109 DO PASS. Motion carried 12-2 on a roll-call vote, with REP. BROWN and REP. HERRON opposing.

EXECUTIVE ACTION ON HOUSE BILL 39

Motion: REP. BRANDEWIE MOVED HB 39 DO PASS.

Discussion: REP. BRANDEWIE referred to the proposed amendment for HB 39. EXHIBIT 1

Motion: REP. BROWN moved to adopt the amendment for HB 39.
Motion carried unanimously.

Motion: REP. BROWN MOVED HB 39 DO PASS AS AMENDED. Motion
carried unanimously.

ADJOURNMENT

Adjournment: 4:00 p.m.



NORM WALLIN, Chairman



PAT BENNETT, Secretary

NW/pb

HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT

COMMITTEE

ROLL CALL

DATE

1/14/93


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 STANDING COMMITTEE REPORT

January 15, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that House Bill 39 (first reading copy -- white) do pass as amended

Signed: 
Norm Wallin, Chair

And, that such amendments read:

1. Title, line 5.

Following: "SEWER"

Insert: "REVENUE"

2. Title, line 6.

Following: "AND"

Strike: "REPEALING"

Insert: "AMENDING"

3. Page 1, line 9.

Strike: section 1 in its entirety

4. Page 1.

Following: line 10

Insert: "Section 1. Section 7-7-4222, MCA, is amended to read:


"7-7-4222. Election required for bond issue relating to water and sewer systems. ~~No money must be borrowed on bonds~~ Bonds backed by the full faith and credit of the city or town and issued for the construction, purchase, or securing of a water plant, water system, water supply, sewage treatment and disposal plant, or sewer system may not be issued until the proposition has been submitted to a vote and the majority vote cast in favor thereof."


HOUSE STANDING COMMITTEE REPORT

January 15, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that
House Bill 109 (first reading copy -- white) do pass.

Signed: 
Norm Wallin, Chair


11-1-15

HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT COMMITTEE

ROLL CALL VOTE

DATE 1/14/93 BILL NO. HB 109 NUMBER

MOTION: Rep Brandewie moved HB 109
do pass. Motion passed on a 12-2
roll call vote.

NAME	AYE	NO
REP. RAY BRANDEWIE, VICE CHAIRMAN	✓	
REP. ELLEN BERGMAN	✓	
REP. JOHN BOHLINGER	Excused	
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	Excused	
REP. KARYL WINSLOW	✓	
REP. DIANA WYATT	✓	
REP NORM WALLIN, CHAIRMAN	✓	

Amendments to House Bill No. 39
First Reading Copy

Requested by Rep. David Ewer
For the Committee on Local Government

Prepared by Connie F. Erickson
December 31, 1992

1. Title, line 5.
Following: "SEWER"
Insert: "REVENUE"

2. Title, line 6.
Following: "AND"
Strike: "REPEALING"
Insert: "AMENDING"

3. Page 1, line 9.
Strike: section 1 in its entirety

4. Page 1.
Following: line 10
Insert: "Section 1. Section 7-7-4222, MCA, is amended to read:
"7-7-4222. Election required for bond issue relating to
water and sewer systems. ~~No money must be borrowed on bonds~~ Bonds
backed by the full faith and credit of the city or town and
issued for the construction, purchase, or securing of a water
plant, water system, water supply, sewage treatment and disposal
plant, or sewer system may not be issued until the proposition
has been submitted to a vote and the majority vote cast in favor
thereof.""

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Local Government COMMITTEE

BILL NO. HB 109

DATE 1/14/93 SPONSOR(S) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<i>Gordon Morris</i>	<i>MA Co</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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