

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By NORM WALLIN, CHAIRMAN, on February 2, 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. 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. Randy Vogel (R)
Rep. Karyl Winslow (R)
Rep. Diane Wyatt (D)

Members Excused: None.

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 295; HB 226; HB 299
Executive Action: HB 185; HB 200; HB 223

HEARING ON HOUSE BILL 295

Opening Statement by Sponsor:

REP. MIKE FOSTER, H.D. 32, Townsend, stated HB 295 stems from a bill passed during the 1991 session. The 1991 Legislature determined it was prudent, for safety reasons, to allow the reduction of speed limits on highways around schools or cross walks. HB 295 would add senior citizen's centers to the list of areas where speed limits can be reduced. People from Neihart are

present and wish to testify about the difficulties they have experienced with speed limits in their town.

Proponents' Testimony:

Alec Hansen, Executive Director, Montana League of Cities and Towns, said he had spoken with the City Clerk of Neihart several times regarding this problem. The current law addresses schools and cross walks, etc. The problem in Neihart is that there is not a school. They have logging trucks go through town at a high rate of speed at times when these people are trying to cross the street to get to their center. Oftentimes there are icy conditions. The simple purpose of the bill is to protect these people.

Mayor A.J. Buskirk, Neihart, informed the Committee that there are two approaches to the senior center to get in and out, one is comparatively blind. The Highway Department widened the road all through town eliminating any shoulder to walk on. There have been deer killed due to people going too fast.

Sonny O'Neill, citizen from Neihart, said the road was widened by four feet and no one can walk back and forth to the center.

Francis Wright, Neihart City Council Member, testifying for HB 295 said the senior center is a popular attraction and serves people from other communities. There are times when people attending functions must park on each side of the highway. It has presented a dangerous situation for those crossing back and forth.

Ed Caplis, Montana Senior Citizens Association, testified in favor of HB 295.

Charles Bartle, citizen, Belt, noted that Neihart is also a recreation area. On the weekends there are numerous skiers and snowmobilers. Mr. Bartle stated he had counted as many as 45 cars going 45 to 50 miles per hour while walking his dog.

Opponents' Testimony:

Tom Barnard, Administrator, Highways Division, Department of Transportation, said they are also concerned about the safety of senior citizens but must oppose this legislation. EXHIBIT 1

Questions From Committee Members and Responses:

REP. BRANDEWIE asked Mr. Barnard about the problem they have had in Bigfork. There was a study done and there still isn't a stop light. He also asked how soon they could expect a stop light and how soon they would be able to address the people of Neihart's problem. Mr. Barnard replied that the Bigfork situation is far beyond fixing with a traffic signal. There is a problem with approach alignments which would require the department to rebuild

the intersection. This will take some time. He stated they just recently became aware of this issue in Neihart. The department will be there in the next two to three weeks. Neihart requested that the study be done on the weekend.

REP. BRANDEWIE asked if, in the Bigfork area, they anticipated putting in the flashing lights like those by the Swan River School. Mr. Barnard said that arbitrarily establishing speed zones around a school is not going to cure the problem, however, it is easier to do around schools because there are identifiable times when you can expect students to be present. This does not create a speed trap. This won't work around senior citizen's centers because there is no set time in which you can expect people to be present.

REP. BOHLINGER said he was astonished by some of the remarks made by Mr. Barnard. For instance, that a sign really does not do much to control traffic and that it does not slow people down. Mr. Barnard replied that it was generally true. He stated it has been proven and is based on the normal, prudent driver who usually will travel at a speed that fits the conditions. They use the 85 percentile figure. This says that 85% of the drivers adjust their speed according to the conditions and are safe drivers. It gives law enforcement a tool to work on the other 15%. If you arbitrarily reduce the speed limit without any prevailing conditions to justify doing so, then the normal driver will proceed at the same speed he has driven through the area before.

REP. BOHLINGER asked if the sign was there, would it provide a revenue opportunity for the community by placing a fine on people who go through the town at an unsafe speed. Mr. Barnard said to post a reduced speed limit sign will not cure the problem. If a speed limit is arbitrarily reduced by ten miles per hour, it usually makes violators out of at least 50% of the general public. It could only be enforced if there was a law enforcement officer there every day.

REP. WYATT asked Mr. Barnard if there is a current law designating the speed within city limit boundaries. Mr. Barnard stated the law currently says that in a situation such as Neihart, the Montana Highway Commission has the authority to establish speed zones in the area based on a traffic and engineering investigations.

REP. WYATT asked if the legislature could establish a 25 mile per hour speed without designating a senior citizen's target zone. Mr. Barnard said if the investigation is done and shows that the travelling public believes it is a reasonable speed then the speed limit could be adjusted.

REP. VOGEL asked Mr. Barnard if the city of Neihart was incorporated. Mr. Barnard replied yes.

REP. VOGEL informed the Committee that the money which comes from citations goes to the state. He then asked Mr. Barnard if the study had been done. Mr. Barnard said there had been studies done in Neihart resulting in speed adjustments. The most recent one was four years ago.

REP. BERGMAN asked what the speed limit is at the present time. Mayor Buskirk answered it is 45 miles per hour.

REP. BERGMAN asked what speed limit they had in mind. Mayor Buskirk said anything less than what it is. He stated that he lives on the edge of town with eight other houses situated approximately 45 feet from the center line to the front porches of these homes. The speed limit is 50 miles per hour. He informed the Committee that a pickup hit his porch a few years ago.

REP. BRANDEWIE asked how wide the street is. Mr. Barnard said he thought it was 45 feet.

REP. SMITH said she understood that the last study was done in 1985 and asked Mr. Barnard if he knew why the study was done. Mr. Barnard responded that it was done at the request of Neihart.

REP. SMITH asked what the requirement would be for better control in that area. Mr. Barnard said the senior citizen's center question is new and the issue just recently brought to the traffic engineers. Mr. Barnard said what is needed is for the engineers to look at the situation and see if there are specific problems affecting safety, such as the parking.

REP. SMITH asked if Mr. Barnard was aware of any other senior citizen's centers in Montana affected by speed or traffic problems. Mr. Barnard said he could not give names of specific ones, but he would not doubt there are many where this is a concern.

REP. BRANDEWIE asked, when the department uses their 85% rule, if an increase in traffic since 1985 was taken into consideration. Mr. Barnard said when a traffic study is done for the purpose of establishing a speed limit the department doesn't look five years down the road. The only time a speed limit would be reduced is if were to be enforced on a daily basis.

CHAIRMAN WALLIN, referring to similar problems in the past, asked Mr. Barnard how those methods could be used in this particular case, and what is the suggested plan to take care of the situation. Mr. Barnard said the department's plan is to go to Neihart on a weekend and look carefully at the problem and identify those things which can be done to improve safety.

REP. SAYLES, citing Section 68-8-309 of the Montana Code Annotated (MCA), stated this statute covered the problem as far as he could tell. This section states that if they notify the

department, the department must look at it and the commission may set a safe speed limit. REP. SAYLES asked if that isn't what they are asking for and wouldn't it be accomplished through this statute. REP. FOSTER replied no.

Closing by Sponsor:

REP. FOSTER said after hearing Mr. Barnard it was deja vu all over again from last session in the Highway Committee. The committee went through this whole issue and Neihart was much of that discussion. The department told the Highway Committee at that time not to worry about it, they would take care of it. REP. FOSTER said that what REP. SAYLES read from the MCA sounds good, but in the real world it doesn't work. Neihart is not getting the relief they deserve.

VICE CHAIRMAN BRANDEWIE assumed the chair.

HEARING ON HOUSE BILL 226

Opening Statement by Sponsor:

REP. NORMA WALLIN, H.D. 78, Bozeman, opened the hearing on HB 226 explaining the bill was not generated by any association or group, but addresses a problem that has been brought up at different times by a number of people. REP. WALLIN explained that residents who live within three miles of the city limits fall under the city rules but do not get to vote for the city councilmen who set the rules which affect them. All these people want is the right to vote in the election. They are affected by rules established in which they don't have any representation.

Proponents' Testimony:

Jim Drummond testified in favor of HB 226. EXHIBIT 2

Robert Ellerd, citizen of Bozeman, said he is also within the three-mile area where he does not have the right to vote for those who set the rules and regulations. He stated he feels this is political and doesn't understand why he cannot cast a vote for those who have the privilege of setting the rules which affect him.

Shelley Cheney, citizen, Bozeman, said she and her husband live within the jurisdictional area of Bozeman and when their home was built they were required to purchase a building permit costing approximately \$800. Ms. Cheney explained that the city council had jurisdiction over what type of fence would be put on their deck and yet she and her husband did not have the right to vote for these people.

REP. H.S. "SONNY" HANSON wished to be recorded as a proponent.

REP. RANDY VOGEL, H.D. 86, asked the Committee to strongly

consider this bill. This doesn't just happen in Bozeman. He explained that last year in Billings he had a home built almost three miles outside the city limits. The cost in fees to the city of Billings was approximately \$1,500. REP. VOGEL said they were also charged for a heating permit and there is no recourse when you cannot vote for those who set the fees.

Opponents' Testimony:

Alec Hansen, Executive Director, Montana League of Cities and Towns, said they oppose HB 226. He stated that generally you rely on residency as one of the primary qualifications for someone to vote. As an example, Mr. Hansen noted that the corporate executives of Burlington Northern Railroad who live in Minneapolis do not get to vote in Montana. The problem here is that cities can go three miles beyond its borders to provide services that this legislature has determined to be very important. Zoning regulations protect the property owners. Mr. Hansen said that the cities would be perfectly willing to allow people from the outlying areas to serve on the zoning board. He noted that this should be encouraged, people deserve to be represented on the zoning board. It is a completely different issue, however, to allow them to vote in municipal elections. Zoning is an important part of municipal government but it is only one of the many, many functions cities and towns perform for their constituents. He explained that people in the outlying areas are not subject to municipal taxes. They are talking about fees not taxes. The people who live and pay taxes within the city should decide the tax and finance policies of that city. Some examples are police and fire protection, wages, benefits, compensation, and every other responsibility of that city and town. Mr. Hansen suggested that if these people want to vote in the city election then they should agree to annexation or move to town. In the towns where there are joint city/county planning boards these people are represented.

Questions From Committee Members and Responses:

REP. McCAFFREE asked Mr. Drummond if he is taxed by city government. Mr. Drummond said when he is assessed in any capacity he considers it to be a tax. Mr. Drummond said the fee is a tax for the service.

REP. McCAFFREE asked Mr. Drummond if he receives any city services. Mr. Drummond said that when they request the right to move or build a service from the city, a city inspector comes to look at the property and tells them what can and cannot be done. When it is completed, the inspector comes out again and indicates whether it is satisfactory or not. He stated that they are being charged a resident's fee and are not considered residents.

REP. DOWELL asked Mr. Drummond if HB 226 would relate to school levy elections as well. Mr. Drummond said it did not, that it would depend on the district you are in. He explained in the

district he is in they vote for high school levies, however, if you move out a little farther it would be another district.

REP. DOWELL noted that the city of Kalispell has a K-8 school district and a high school district. The elementary district is voted on only by the residents of Kalispell, but if you are out of the city limits you are then in a rural school district. He asked how this would affect the Bozeman area. Mr. Drummond said they are not in a rural school district. He said they are within the city school districts.

REP. DOWELL asked if this would relate to school levy elections even for the three-mile areas that did not belong to the school district. Mr. Drummond said that, as he understands the bill, it does not involve school districts.

Ms. Cheney noted that besides being a resident, she is also the Gallatin County Clerk and Recorder and Election Administrator. In Gallatin County the school district boundaries are totally different than the city election boundaries. People voting on bond issues or trustees are within the school district boundary. She said it could be possible that a city limit line and a school district line are the same.

REP. DOWELL said that Kalispell is not like Gallatin County. On the east side of town the school district and the city boundaries are the same. This means that for three miles out there will be people voting in school elections who don't send their kids to those schools.

REP. HANSEN asked Mr. Hansen about Missoula and their city/county planning board. She said those people all pay the same fees. If a school district crosses the county line, would they get to vote in the school election. Mr. Hansen replied that in certain areas city zoning has gone out three miles to protect property values and in that area anyone who is subject to a zoning law obviously has an opportunity to go to the zoning board and be represented. He also noted that if the bill passed there would need to be changes made to other statutes relating to electors.

Closing by Sponsor:

REP. WALLIN closed on HB 226. He clarified that an individual is not elected to a planning board, they are appointed. Therefore, there is no way that a person is represented by a vote. People have testified there are problems which are not being resolved by appointees.

HEARING ON HOUSE BILL 299

Opening Statement by Sponsor:

REP. NORM WALLIN, H.D. 78, Bozeman, described the Local Govern-

ment Center as a study group to assist local governments in problem solving, etc. They operate out of Montana State University in Bozeman. The purpose of the bill is to give the status and credibility the Center needs when applying for grant money.

Proponents' Testimony:

Alec Hansen, Executive Director, Montana League of Cities and Towns, said the League is very proud of the level of the professionalism in city government in Montana. He stated cities and towns have been able to survive under I-105 for several reasons, but the principal one is effective management. Montana cities are very well run and the credit for that goes to the Local Government Center. **Mr. Hansen** informed the Committee that each March the Local Government Center conducts a training program for city clerks, treasurers and finance officers. They also conduct training programs for newly elected municipal officials. There are many certified clerks, treasurers, and finance officers in the state who have gone through this course. **Mr. Hansen** stated these people are true professionals and he appreciates the work that the Center does.

Gordon Morris, Executive Director, Montana Association of Counties (MACo), expressed support for HB 299. The Association has had a long standing working relationship with the Local Government Center at MSU and, as a result, there are now annual elected official conferences.

David Toppen, Associate Commissioner for Higher Education, said that the Board of Regents enables the creation of campus centers. These centers generally function to serve either teaching or researching the public service mission of the various campuses. He stated the Board has approved thirty such centers. **EXHIBIT 3** The Local Government Center is one of a dozen centers on campus and they are proud of the Center's accomplishments. However, retaining the very strongest possible legislative endorsement could be construed as a way to ensure or enhance levels of funding for the Center. Much of what this legislation proposes is already there. However, where the problem comes in this case, is that the Center needs the endorsement of the legislature in order to obtain the type of funding that clearly links the Center with city and county governments. He expressed some concern with the bill possibly causing a separation between the Center from the other 29 like it and that it may send a negative message to the others.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

REP. McCAFFREE asked **REP. WALLIN** if the bill would require an effective date. **REP. WALLIN** said that without stipulating an

effective date in the bill it would become effective the first of October, 1993. However, if the Committee felt that it should be implemented sooner, he would have no objection.

REP. McCAFFREE said that without an effective date no money could be appropriated until FY 95. REP. WALLIN noted that they are not asking for money, simply asking for recognition so that they can apply for grants.

REP. SMITH asked if they would be able to receive legislative appropriations in the future. REP. WALLIN said it would authorize them to receive it if they were to ask, however, at the present time they are not asking for it.

Closing by Sponsor:

REP. WALLIN thanked the committee and closed on HB 299.

EXECUTIVE ACTION ON HOUSE BILL 185

Motion: REP. BRANDEWIE MOVED HB 185 DO NOT PASS.

Motion/Vote: REP. HANSEN made a substitute motion that HB 185 do pass. The motion failed on a 11-5 roll call vote with REPS. BERGMAN, HANSEN, McCAFFREE, VOGEL AND WINSLOW voting in favor.

Motion/Vote: REP. BROWN MOVED TO TABLE HB 185. Motion carried unanimously.

EXECUTIVE ACTION ON HOUSE BILL 200

Motion/Vote: REP. BERGMAN MOVED THAT HB 200 DO PASS. Motion failed on a 13-3 vote with REPS. BERGMAN, HANSEN, AND VOGEL voting in favor.

Substitute Motion/Vote: REP. BRANDEWIE made a substitute motion to table HB 200. Motion carried unanimously.

EXECUTIVE ACTION ON HOUSE BILL 223

Motion/Vote: REP. BRANDEWIE MOVED THAT HB 223 DO PASS. Motion carried unanimously.

HOUSE LOCAL GOVERNMENT COMMITTEE

February 2, 1993

Page 10 of 10

ADJOURNMENT

Adjournment: 5:00 p.m.


NORM WALLIN, Chairman


PAT BENNETT, Secretary

NW/pb

HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT

COMMITTEE

ROLL CALL

DATE

2/2/93

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

February 3, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that House Bill 223 (first reading copy -- white) do pass.

Signed: Norm Wallin
Norm Wallin, Chair

HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT

COMMITTEE

ROLL CALL VOTE

DATE 2/2/93 BILL NO. HB 185 NUMBER 11-5

MOTION: Rep Hansen moved No
Pass. Motion failed

NAME	AYE	NO
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		✓
REP. NORM WALLIN, CHAIRMAN		✓

HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT

COMMITTEE

ROLL CALL VOTE

DATE 2/2/93 BILL NO. HB 200 NUMBER 13-3
 MOTION: Do Pass, failed.

NAME	AYE	NO
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		✓
REP NORM WALLIN, CHAIRMAN		✓

BACKGROUND ON HB 295

The proposed legislation involves amendment to 61-8-310 MCA "When local authorities may and shall alter limits." The amendment revises subsection (1)(d) to include senior citizen centers with school zones. This subsection allows the local authority to decrease the speed limit along a specified segment of roadway (presently near schools and designated school crosswalks) to not less than 80 percent, rounded down to the nearest whole number evenly divisible by 5 but not less than 25 miles per hour, of the speed limit that would be set on the basis of an engineering and traffic investigation.

The Department of Transportation opposes this legislation amending subsection (1)(d). This opposition is based on grounds that this is inappropriate use of the speed limit sign. This amendment incorrectly assumes that an arbitrarily reduced speed limit can be used to slow down the general traffic stream and improve safety. It is a fundamental traffic engineering principle, proven nationwide, that the speed of the traffic stream that exists on any segment of roadway is a function of the roadway conditions and the relationship those conditions have with the surrounding environment. In actuality the speed limit sign has little or no affect on the speed of the traffic stream and provides no communication to the driver that there is a pending conflict to be dealt with.

The real issue here is concern for public safety along roadways passing by senior citizen centers and though crosswalks providing pedestrian access to those centers. To be successful, safety issues must be dealt with in ^adirect and deliberate manner. Counter measures to be implemented, once a safety problem has been identified, must be directly and clearly targeted at the problem.

For example, it may be a problem related to pedestrians and difficulty crossing a roadway. The first step is to make sure that there are no obstacles obscuring the pedestrian's ability to see and judge if there are adequate gaps in the traffic stream. It is also important at this stage to determine if the gaps in the traffic stream are of adequate size and number for the pedestrian to make the required crossing comfortably and safely. If one or both of these conditions are found to be inadequate then counter measures should be implemented. These should be counter measures that directly address these issues for the pedestrian, such as clearing out the sight restricting obstacles and/or improve the number of safe gaps that are available. This can be done by either reducing the required crossing distance or by using traffic control devices such as painting the crosswalk and installing warning signs. Where warranted, the use of higher forms of traffic control, such as traffic signals, can be used. It is very important to note that whichever form of traffic control is used that it must appear logical to both the pedestrian and the motorist or it will be ignored.

Arbitrary adjustment of the speed limit will not do anything to positively address such concerns. To be successful, counter-measures aimed at improving safety on our roadways should not require either the pedestrian or the motorist to divert from their natural response to the situation at hand. If the roadway conditions visible to the motorist do not clearly show reason to alter travel speed the motorist will not respond. Of course, if law enforcement is present, successful adjustment may be obtained during that presence. However, experience has shown that once the visible law enforcement is removed, the speed of the traffic stream returns to its natural level.

Speed based on conditions is the foundation recognized by all 50 states in the setting of speed limits. To identify what that limit should be, several factors must be considered in an engineering and traffic investigation. Those factors are:

1. Road surface characteristics, shoulder condition, grade, alignment and sight distance.
2. The 85th percentile speed and pace speed.
3. Roadside development and culture, and roadside friction
4. Safe speed for curves or hazardous locations within the zone.
5. Parking practices and pedestrian activity.
6. Reported accident experience for a recent 12-month period.

Setting speed limits based on logical conclusions generated from this engineering and traffic investigation is strongly recommended by the Department of Transportation and is consistent with practice recommended by the National Manual on Uniform Traffic Control Devices, which has been adopted by the State of Montana, and by the National Institute of Transportation Engineers.

Serious safety issues found on our roadways should be dealt with directly through engineering measures which may include elements such as warning signs, roadway pavement markings, clearing of sight obstructions and, when necessary, roadway reconstruction.

It is our experience that the speed limit sign is not an effective tool in attempting to directly deal with safety issues identified along our roadways. We strongly urge you to not amend Section 61-8-310. To do so would not improve safety but only create speed traps.

REFERENCE-HB226

EXHIBIT 2
DATE 2-2-93
HB 226

MR CHAIRMAN AND MEMBERS OF THE COMMITTEE;

I AM APPEARING BEFORE YOU IN SUPPORT OF HOUSE BILL 226 INTRODUCED BY REPRESENTATIVE NORM WALLIN.

THE 1976 LEGISLATURE PASSED A BILL AUTHORIZING CERTAIN LOCAL CITIES, TOWN COUNCILS OR OTHER LEGISLATIVE OR GOVERNING BODIES TO EXTEND THEIR ZONING REGULATIONS UP TO 3 MILES DEPENDING ON THE DEFINED CLASS OF THE CITY. THIS INCLUDES LAND THAT IS NOT IN SUBDIVISIONS.

THE BILL ALSO STATES "ANY CITY OR TOWN COUNCIL OR OTHER LEGISLATIVE BODY MAY THEREAFTER ENFORCE SUCH REGULATIONS IN THE AREA TO THE SAME EXTENT, AS IF SUCH PROPERTY WERE SITUATED WITHIN ITS CORPORATE LIMITS" .

IT IS MY FEELING THAT THE ENACTMENT OF THIS LEGISLATION HAS DONE MUCH TO BRING ABOUT SYSTEMATIC GROWTH AND PREVENT UNCONTROLLED URBAN SPREAD IN OUR COMMUNITIES.

THE PURPOSE OF HB 226 IS NOT TO QUESTION THE ZONING OR THE REGULATIONS ADOPTED BY THE CITY OR TOWN GOVERNING BODIES BUT TO CALL TO YOUR ATTENTION THE FACT THAT THOSE WHO DO NOT RESIDE WITHIN A SUBDIVISION ARE ASSESSED AND TAXED BY THOSE BODIES WITHOUT REPRESENTATION OR THE OPPORTUNITY TO VOTE FOR THE GOVERNING BODIES ASSESSING SUCH FEES AND TAXES.

WE ARE REQUESTING THAT HB226 BE APPROVED AND THAT WE ARE ALLOWED TO VOTE FOR THE GOVERNING BODY ASSESSING THE RESIDENTS WITHIN THEIR JURISDICTION.

IT IS ALSO MY BELIEF THAT GOVERNING BODIES ARE MORE RESPONSIVE TO THOSE IN THEIR JURISDICTIONS IF THEY ARE ELECTED SO THAT WE ARE TAXED WITH REPRESENTATION.

I HAVE WITH ME THE FEE SCHEDULE FOR THE CITY OF BOZEMAN FOR THE EXTENDED ZONING SHOWING THAT:

BUILDING PERMIT-80,000 HOUSE----\$615.45
BUILDING PERMIT-100,000 HOUSE---\$714.45
THIS INITIATES THE PLAN REVIEW
PLUMBING PERMITS ARE ADDITIONAL COSTS
ELECTRICAL PERMITS ARE ADDITIONAL CASTS

FEE SCHEDULES APPLY TO ANY BUILDING OR REMODELING OF HOUSE, BARN, CHICKEN HOUSE, ETC. I CITE THESE FIGURES TO SHOW THE TAX AND FEES ARE CONSIDERABLE AND APPROVAL AND FEES ARE ASSESSED AGAINST ALL IN THE EXTENDED ZONE JUST AS THEY ARE WITHIN THE CITY OR TOWN BOUNDARIES.

WE ARE PART OF THE COMMUNITY AND WE ASK THAT WE BE INCLUDED IN THE ELECTION OF OUR GOVERNING BODY.

Board of Regents Policy: 218.1 - Authorization of Centers - UM

3
HB2

Maureen and Mike Mansfield Center
Public Policy Research Center
Telecommunications Center
Tourism and Recreation Institute
University of Montana Higher Education Center - Billings
University of Montana Higher Education Center - Dillon
Montana University Affiliated Rural Institute on Disabilities
Honors College

EXHIBIT 3
DATE 2-2-93
HB 299

Board of Regents Policy: 218.2 - Authorization of Centers - EMC

Instructional Development Center
Center for Continuing Education and Community Service
Center for Business Enterprise
Urban Institute
Institute for Health and Human Services
Montana Center for Handicapped Children

Board of Regents Policy: 218.3 - Authorization of Centers - WMCUM

Rural Education Center

Board of Regents Policy: 218.4 - Authorization of Centers - MSU

Center for Bilingual/multicultural Education
Center for Business and Management Development
Center for Adult Learning Research
Center for Research on Rural Education
Center for Synthesis and Characterization of Advanced Materials
Center for Interfacial Microbial Process Engineering
Montana University System Water Resources Center
Survey Research Center
Burton K. Wheeler Center for the Study of Public Issues in Montana
Geographic Information and Analysis Center
* Local Government Center
Center for High Elevation Studies

Board of Regents Policy: 218.5 - Authorization of Centers - Tech

Center for Energy and Minerals Research

Board of Regents Policy: 218.6 - Authorization of Centers - NMC

Center for Individualized Instruction
Higher Education Center - Great Falls

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Local Gov. COMMITTEE HB 295
DATE Feb 2, 1991 SPONSOR(S) Rep Foster
PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Donalene O'Neill 109 No H Livingston	Town of Nehant	X	
Joseph D. O'Neill 109 No H Livingston	Town of Nehant	X	
Charles Bartle Box 12 Nehant	Town of Nehant	X	
Francis Wright Box 54 Nehant	" " "	X	
G.J. Buskirk Box 132 Nehant Mt	Town of Nehant	X	
Ed Caplis MSCA		X	
Assoc. Idem	Cities	✓	
Tom Barnard	Mont. Dept. of Transportation		X

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 Gov. COMMITTEE BILL NO. HB 299
DATE 2/2 SPONSOR(S) Rep Waller
PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<u>Gordon Morris</u>	<u>MAA</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Dec. House</u>	<u>Cities</u>	<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.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Local Government COMMITTEE BILL NO. HB 226
DATE 2/2/93 SPONSOR(S) Rep Wallin
PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Shelley Cheney 7480 Goldenstein Lane Bozeman	self	✓	
Marilyn Bracken 607 Cheekridge, Helena	Lewis Clark Co.		✓
Robert Allred	self	✓	
Jim Drummond	self	✓	
Alec Hansen	CITIES		✓

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