

MINUTES

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

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By CHAIRMAN NORM WALLIN, on February 11, 1993, at 3:15 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 372; HB 364; HB 414; HB 481; HB 415;
HB 375
Executive Action: HB 344; HB 372; HB 375; HB 414; HB 415;
HB 481

HEARING ON HOUSE BILL 372

Opening Statement by Sponsor:

REP. SHEILA RICE, HD 36, Great Falls, explained that HB 372 provides for citizen bonds to be authorized by counties. Cities already have this ability. A citizen bond is sold in dominations of \$5,000 or less, giving the smaller investors an opportunity to

invest in city projects.

Proponents' Testimony:

Larry Fasbender, representing the City of Great Falls, testified in favor of HB 372 saying the change is necessary due to the change in operations of the fairgrounds in Great Falls. The county owns the fairgrounds property and the city manages it. Mr. Fasbender noted the importance of allowing citizens to participate in developing and improving that area.

Adam Carroll, representing the City of Great Falls, said there has been a great deal of interest from the citizens of Great Falls and Cascade County to have citizen bonds available. This would be beneficial for those people trying to save for a college education for their children or for retirement.

Sandra Oitzinger, Montana Association of Counties, (MACo), testified in support of HB 372 because it will add further county financing flexibility.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

REP. EWER asked Mr. Carroll if any city has ever used citizen bonds. Mr. Carroll said he did not think so.

Closing by Sponsor:

REP. SHEILA RICE concluded saying there had been a lot of interest from senior citizens to purchase the bonds.

HEARING ON HOUSE BILLS 364

Opening Statement by Sponsor:

REP. JOHN MERCER, HD 50, Polson, explained HB 364 was a result of road improvements being done around Flathead Lake. The citizens want to have rural improvement districts based on an assessed value, or by lineal feet or by how much area the person owns. He stated that people in the Flathead area want to split the cost equally. This method is not allowed under current law and HB 364 would make that change. He submitted a letter from the city of Missoula containing an amendment for HB 364 and said he supported the suggested amendment. EXHIBIT 1

Proponents' Testimony:

Beverly Gibson, Montana Association of Counties, (MACo), expressed support for HB 364 because of its added flexibility in assessing the costs of an RID. Ms. Gibson requested the same amendment be extended to Section 7-14-2907 which is the

transportation section.

Alec Hansen, Montana League of Cities and Towns, said the League supports HB 364 with the suggested amendments. The bill gives an assessment option which could provide a fairer method of allocating the costs among the properties.

Opponents' Testimony: None.

CHAIRMAN WALLIN informed REP. MERCER of letters he had received in support of HB 364 and asked if he wished them to be included in the record. REP. MERCER confirmed. EXHIBITS 2 and 3

Questions From Committee Members and Responses:

REP. SAYLES asked REP. MERCER to explain the amendments. REP. MERCER said one amendment would go in the transportation section and the other amendment allows the city commission or council to deal with special improvement districts. EXHIBIT 4

Closing by Sponsor:

REP. MERCER closed on HB 364 explaining that large land owners are reluctant to pay for road improvements and the result is that roads do not get paved.

HEARING ON HOUSE BILL 414

Opening Statement by Sponsor:

REP. VERNON KELLER, HD 83, Fishtail, introduced HB 414 saying it would give counties with solid waste districts and multi-county districts the ability to collect fees through taxing. The 1991 Legislature approved SB 189 which revised laws dealing with local government financing of solid waste management. The passage of SB 189 has required local governments to change the way they collect solid waste fees. In the past solid waste districts had fees in place which were collected along with property taxes. In order to meet EPA requirements, many solid waste districts are facing the need to borrow capital. Under current law and the attorney general's opinion, any local district contemplating an increased need in capital will need a separate billing system before they can borrow funds or sell bonds.

Proponents' Testimony:

Gene Huntington, Manager of the Public Finance Office in Montana for Dain Bosworth, Inc., informed the Committee of their involvement as financial consultants to counties faced with implementing new federal standards for landfills and solid waste management. Mr. Huntington said his office receives inquiries on how to finance landfills and solid waste management. Referrals are made to the counties regarding the purchase of billing

software. Most solid waste districts do not own computers which would cost at least \$10,000 to purchase. They would also need a billing clerk. Solid waste fees have been billed on tax notices. The attorney general's opinion preserved that unpaid bills can be placed on the tax lien.

Vicki Hyatt, Stillwater County Commissioner and County Solid Waste Board Member, testified in favor of HB 414. EXHIBIT 5

Blake Wordal, Lewis & Clark County Commissioner, representing the county, as well as the city of Helena, presented testimony. EXHIBIT 6

Sandra Oitzinger, Montana Association of Counties, (MACo), testified in support of HB 414.

Opponents' Testimony: None.

Questions From Committee Members and Responses: None.

Closing by Sponsor:

REP. KELLER thanked the committee and closed on HB 414.

HEARING ON HOUSE BILL 481

Opening Statement by Sponsor:

REP. DIANA WYATT, HD 37, Great Falls, noted that HB 481 was one of the expected Title 7 revision bills. It is an act standardizing percentages of signatures required for local government petitions to be 15% of the voters registered to vote at the last general election.

Proponents' Testimony: None.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

REP. BERGMAN asked about the decrease from 20% to 15% of the registered voters. REP. WYATT explained that even though it decreases to 15%, it is applied to registered voters rather than just voters. The assumption is that there are more registered voters than there are voters, therefore there would be a greater impact.

CHAIRMAN WALLIN asked if a city wanted to disincorporate, would it require only 15% of the people's signatures on the petition. REP. WYATT said that was her understanding.

REP. VOGEL asked what the reason was for lowering the percentage. REP. WYATT said the percentages are standard numbers in terms of

what has been done to other legislation related to voting. She clarified it was not a lowering in the sense that it refers to the number of people who turn out to vote versus the number of people who could turn out.

Mr. Campbell informed the committee that 15% of signatures on a petition would not disincorporate a city but rather would require the city commission schedule an election.

Closing by Sponsor:

REP. WYATT closed on HB 481.

HEARING ON HOUSE BILL 415

Opening Statement by Sponsor:

REP. DICK KNOX, HD 29, Winifred, noted that HB 415 would give county commissioners flexibility and the ability to act on abandoned roads. The commissioners would be able to initiate road abandonment procedures. County commissioners operate under Section 7-14-2615 (2) which gives them the ability to initiate the process. Referring to Section 3 of HB 415, REP. KNOX said this would assure landowners with adjacent property to a potentially abandoned road proper notification. HB 415 would give county commissioners a tool to deal with those roads which have not been used. There is a provision in the bill specifying that the road was not maintained in the last twenty years.

Proponents' Testimony:

Beverly Gibson, Montana Association of Counties, (MACo), said MACo finds the bill to be permissive and respectful of the public hearing process.

Lorna Frank, Montana Farm Bureau Federation, testified in favor of HB 415. EXHIBIT 7

Tucker Hughes, Stanford, expressed support for HB 415.

Jamie Doggett, Montana Stockgrowers and Cattlemen, and also representing Meagher County, expressed support for HB 415.

Vernon Petersen, Fergus County Commissioner, testified in support of HB 415 stating this would be a tool commissioners could use in researching roads. Oftentimes the commission finds unrecorded easements of which even the landowner is unaware.

Allen Horsfall, Jr., Ravalli County Commissioner, stated the bill would not change the existing built-in protection for the public process on road closures. It adds the ability for commissioners to act as a petitioner for the purpose of closing a road. In Ravalli County there are very old roads which are referred to as

Orchard Track platted roads created in 1908. A New York company platted Ravalli County in an overlay of sectional maps with roads running north, south, east and west; most of which have never been constructed and extend through private ground or adjacent to private ground. The increased amount of subdivision activity has created a burden on the landowners. These roads traverse across the property and create a problem for subdividers with regard to use of these roads. These roads are 30-foot roads platted in a manner not allowed by the present county road standards. Mr. Horsfall said the problem has resulted in a district court case where an individual filed an injunction against another person. He stated that if they'd already had this legislation they may have been able to avoid the court case.

Opponents' Testimony:

Lance Clark, Montana Association of Realtors, testified in opposition to HB 415. The Association's legislative committee contends there is nothing wrong with the freeholder-petition process and would prefer the road abandonment procedure remain under this direction. The Association believes it would limit access.

Questions From Committee Members and Responses:

REP. VOGEL asked if there is a statute allowing a landowner with an abandoned road to petition for possession of that property. Mr. Horsfall replied that under present law once the road is abandoned the property reverts back to the adjacent landowner.

REP. VOGEL asked what the process time is. Mr. Horsfall explained that a freeholder petition with ten signatures would allow the commissioners to hold a public hearing at which time any objections would be presented. The commissioners are required to advertise and hold a hearing within thirty days.

REP. BROWN asked what the law is regarding an official road on which the county has not done maintenance. Mr. Horsfall said the county is required to do some level of maintenance on a petitioned road. Platted roads are roads given by a landowner for public use. Dedicated roads are dedicated for public use forever unless petitioned to be closed, under the present law, by a freeholder.

REP. BROWN asked what happens to the county if it does not do the required upkeep. Mr. Horsfall said they hoped to have a case in the supreme court which would address this problem. Road maintenance is funded through mill levies, but the levies are insufficient for maintenance as growth occurs. He stated it has become cumbersome for counties to meet maintenance requirements on existing roads. In Ravalli County, there is land being purchased unseen by people in other states. Once they arrive they realize they have a public right-of-way through the property forever. Mr. Horsfall said there was no consideration given to

the terrain when these roads were platted.

REP. BROWN asked how the process works regarding recorded easements. Mr. Petersen said the petitions are kept in a vault by township and range. The petition is filed where it originated and often you cannot track where it originated. He explained they occasionally stumble across unrecorded easements in the process of researching the origination.

REP. BROWN asked Ms. Doggett if HB 415 relates to public land access. Ms. Doggett replied it did not.

REP. BRANDEWIE said he has a 100-year old county road with a 25-foot easement which has never been maintained by the county. He explained his property lies at the end of that road and there are other landowners in between. REP. BRANDEWIE asked Mr. Horsfall to comment on this situation. He also asked if after twenty years of never maintaining the road, the county decides to get rid of it, what happens. Mr. Horsfall responded by informing REP. BRANDEWIE that any freeholder along a potentially abandoned road would have enormous input especially if they are at the end of the road. This would insure the freeholder a guaranteed deed access. Mr. Horsfall said the criteria regarding a road abandonment petition is whether or not there are other accesses. He also said he would be reluctant to close any road if there was not another access for fear of litigation for landlocking, unless the landowners agreed to a guaranteed easement through the property. Most road abandonments do not have opposition. If there is no opposition and no one is landlocked, its a foregone conclusion to close the road. Mr. Horsfall concluded if there was even one landowner opposed to a closure, he would hesitate to do it.

REP. BRANDEWIE asked what protection the out-of-state owner would have in protecting a road they believed to be an access. Mr. Horsfall said he would not put his county in a position of being sued by the landowner.

REP. EWER commented that he represents an area with quite a few hunters who use unmaintained roads for access to public land. He asked how this legislation would affect the people who have used unmaintained roads as the only access to public land. Mr. Horsfall said he would not be a party to instigate an action which would close a road to public land. It could be a fight with whomever owns the land, whether it be BLM or the Department of State Lands.

REP. EWER asked if this legislation would make it easier to close a road used by sportsmen. Mr. Horsfall replied no, It simply supplies the commission with a mechanism to bring the hearing up. Prior to this legislation the only ones who could bring it up was a freeholder.

REP. EWER asked if HB 415 passed would the landowner (freeholder)

have more right to petition. Mr. Horsfall said no, the freeholder would have no change in authorization by statute to petition for a road closure. The bill would simply allow the county commission, by a resolution, to act on and eventually hold a road-closure hearing.

REP. BRANDEWIE asked about the hearing notification requirement. Mr. Horsfall said the public process for road closure remains intact. The commissioner's requirement would be notifying all of the landowners who have any adjacent landownership to the road by a letter inviting them to the hearing.

CHAIRMAN WALLIN asked how they would deal with a road that may be a partially maintained road with the remainder being an abandoned road. Mr. Horsfall said there is a possibility to have the beginning of a road petitioned to be closed, resulting in the remainder of that road being nonfunctional. In the case of a petitioned road closure with no opposition, Mr. Horsfall recommended petitioning to close the entire road rather than just a portion.

Closing by Sponsor:

REP. KNOX thanked the committee and closed on HB 415.

HEARING ON HOUSE BILL 375

Opening Statement by Sponsor:

REP. RAY BRANDEWIE, HD 49, Bigfork, stated HB 375, is a proposed bill to prohibit zoning regulations that discriminate between manufactured and site-built housing. EXHIBIT 8. He distributed a proposed amendment from the Montana Realtors Association. EXHIBIT 9

Proponents' Testimony:

Stuart Doggett, Executive Director of the Montana Manufactured Housing and RV Association, (MMH and RVA), testified in favor of HB 375. EXHIBIT 10. He also distributed testimony from the President of the Association, Bill Pierce. EXHIBIT 11

Roger Tippy, MMH and RVA, informed the committee that the MMH and RVA filed an amicus brief on an appeal by the Belgrade Board of Adjustment a few years ago which had denied a variance or a conditional use permit to put a manufactured house in a R-1 zone in Belgrade. The Supreme Court ruled as follows:

"Plaintiff points out a number of state legislatures and local government bodies that viewed the recent technological improvements in manufactured homes as sufficient to eliminate rules of distinguishing them

from modular homes; however, this Court is not willing to sit as a super-legislature or super-zoning board. If an ordinance is found to promote the public health, welfare, safety, morals of the community it is found here the wisdom, necessity, and policy of the ordinance are matters more appropriately left to the legislative body..."

Mr. Tippy stated the supreme court has virtually left it up to the legislature. The approach of the bill does not require local governments to rewrite any of the zoning ordinances. Property values will not be affected; people will still be able to comment; and the conditional permit denied, if the evidence is there.

Don Cape, Ponderosa Homes and Director of the Manufactured Housing Association, testified in support of HB 375 stating the Association has received quite a few requests for housing, and want to meet the property standards set by the different localities. He stated this housing is very viable, efficient and affordable. At the present time, this housing is allowed within a three-mile radius of city limits or in unzoned counties. This limitation creates a hardship on the elderly. The Board of Housing, VA, and FHA recognize these manufactured homes as viable housing when minimal property standards such as a foundation, etc. are met.

Tom Hopgood, Montana Association of Realtors, expressed support for HB 375, thanking the sponsor and Mr. Doggett for assisting in the drafting of HB 375.

Andy Skinner, representing Skinner Enterprises, Corp., owner of a subdivision in the Helena Valley, said he has spent seven years preparing a subdivision for this housing. He informed the committee there is not sufficient housing in Helena, and he has a list of people waiting for a lot in his subdivision. Mr. Skinner clarified the mobile homes of the past are nothing like today's manufactured homes.

Jim Kuehn, 93 Homes, Inc., Missoula, testified in favor of HB 375. He stated HB 375 would open the door for those people who have long been closed out of the housing market. Missoula is currently changing zoning ordinances. This ordinance would remove any discrimination against any housing manufactured off-site.

Andrew Sholz, Director of Site Development for the Manufactured Housing Institute, testified in favor of HB 375. EXHIBIT 12

Melissa Case, representing Montana People's Action, expressed support for HB 375. She stated any movement toward affordable housing will be good. As a recent college graduate, she expressed a need for young people to acquire housing.

Opponents' Testimony:

Jim Flisrand, city of Billings, said he opposed HB 375 because of its vagueness. He stated that Billings currently has city and county planning regulations to control zoning. The bill does not define a pitched roof according to the Uniform Building Code (UBC), which the state has adopted to control construction. The bill allows single-wide homes, since it only specifies 1,000 square feet and not the home width. The bill also does not define permanent foundation. Mr. Flisrand stated the bill would have adverse effects on existing subdivisions with high-priced homes. The city of Billings Building Department also has problems related to the remodeling of this type of construction. He pointed out that manufactured homes meet Housing and Urban Development (HUD) requirements; however, these requirements are different from the UBC Code.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. BOHLINGER asked Mr. Doggett the cost per square foot to construct a home in a factory. Mr. Doggett replied the figures vary, ranging from \$28 to \$33 per square foot; whereas a site-built home costs \$65 per square foot.

REP. BOHLINGER then asked whether, since factory homes cost half as much as the site built homes, it is likely a person would place a factory home on a \$30-40,000 lot. Mr. Doggett said it would not be likely. The bill specifically addresses compatibility with other homes in the area.

REP. VOGEL asked if a basement can be constructed under a factory home. Mr. Doggett said you can have a foundation, a four-foot crawl space, or a basement.

REP. VOGEL asked Mr. Flisrand what he considered a permanent foundation and whether a wood foundation is considered permanent. Mr. Flisrand replied that the UBC defines a permanent foundation as being below the frost level and that wood is allowed under the code.

REP. WINSLOW asked Mr. Doggett the maximum square footage of manufactured homes. Mr. Doggett said manufactured homes could go up to 2,800 square feet, which is considered a triple-wide.

REP. WINSLOW stated the requirement in most subdivisions in Billings is a minimum 2,500 square feet. REP. WINSLOW asked whether a person who purchased a triple-wide home would be able to put it in almost any neighborhood. Mr. Doggett informed REP. WINSLOW there may be other local requirements or covenants which would prohibit these homes. Mr. Doggett asked Mr. Skinner to explain the zoning situation in Helena.

Mr. Skinner informed the committee that several years ago the city of Helena was faced with this problem. The manufactured home dealers and the city together came up with an ordinance in which a manufactured home is allowed in an R-3 zone. A conditional use permit is required in an R-1 or R-2 zone, which gives the city a chance to review its location. He stated Billings would not be precluded from setting up similar regulations.

REP. HANSEN asked Mr. Skinner about putting a manufactured home on a leased-home site, and if it would be much like a trailer court. Mr. Skinner said the land-lease communities are private developments much like a subdivisions. The developer sets standards for homes which will be allowed in the communities.

REP. WYATT said she was concerned whether it was discriminatory to differentiate between manufactured homes and site-built homes. She asked whether the same argument could be made about covenants. Mr. Tippy responded that it was true in theory; however, zoning is derived from powers delegated by the legislature. Covenants are creatures of people's common law right to enter into contracts, and do not require any enabling powers. The amendment proposed by the realtors makes reference to covenants, but it does not enable legislation like the zoning does.

REP. WYATT asked whether zoning laws predate covenant contract agreements in an older neighborhood versus a newer neighborhood. Mr. Tippy responded that the area would need to be zoned before the developer could impose the covenants. Many rural areas only have covenants.

REP. BROWN said the biggest problem is for the public to understand the difference between manufactured housing and steel trailers. REP. BROWN asked Mr. Doggett to address this problem. Mr. Doggett said they have included the 1,000 square feet, pitched roof requirement in an effort to differentiate between a flat-roof steel trailer and a manufactured home.

REP. VOGEL asked if manufactured homes meet UBC requirements. Mr. Doggett said there are some which do meet the UBC requirements, however, others meet the HUD requirement.

REP. VOGEL noted some cities have UBC requirements and there is a concern that manufactured homes do not qualify. Mr. Doggett said the HUD home requirement continues to be a very restrictive code and requires energy values that far exceed the UBC requirements.

REP. DOWELL asked for an explanation of the difference in cost per square foot between a manufactured home and a site-built home. Mr. Doggett replied that when you build in quantity it lowers the cost.

REP. DOWELL asked how many dealers there are in Montana. Mr. Doggett said there are approximately 20 dealers.

REP. HANSEN asked if a manufactured home situated on a lot could be moved. Mr. Doggett replied statistically 90% of these homes, once they are put on a foundation, are not moved.

REP. HANSEN, referring to the second option in the bill, asked what the length of a lease is in a leased-lot subdivision would be. Mr. Cape said 90% are only 30 days. The leased-lot subdivision offers temporary foundations such as concrete blocks.

Closing by Sponsor:

REP. BRANDEWIE clarified that throughout the country there are subdivisions where one can have a long-term lease on a half acre and not have retirement money tied up in land. In any community it will be the appraiser who determines what a permanent foundation is. REP. BRANDEWIE noted the purpose of the bill is to have affordable housing. In Montana there are 110,000 people living in trailer homes in trailer parks. He stated this is the next step in the progression toward home ownership.

EXECUTIVE ACTION ON HOUSE BILL 344

Motion: MOTION WAS MADE THAT HB 344 DO PASS.

Motion/Vote: REP. BROWN MOVED TO AMEND HB 344. EXHIBIT 13
Motion carried unanimously.

Motion/Vote: REP. BROWN MOVED HB 344 DO PASS AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON HOUSE BILL 372

Motion: REP. WYATT MOVED HB 372 DO PASS.

Motion/Vote: REP. EWER MOVED HB 372 DO NOT PASS. Motion failed 13-3 on a roll-call vote with REPS. EWER, VOGEL and WINSLOW voting in favor.

Motion/Vote: REP. BROWN MOVED TO REVERSE THE VOTE FOR HB 372. HB 372 do pass motion carried on a 13-3 vote with REPS. EWER, VOGEL and WINSLOW opposing.

EXECUTIVE ACTION ON HOUSE BILL 375

Motion: REP. BROWN MOVED HB 375 DO PASS.

Discussion: REP. BRANDEWIE said he approved of the amendment. EXHIBIT 14. The amendment recognizes existing covenants in unzoned properties.

Motion/Vote: REP. BROWN moved to adopt the amendment for HB 375.

EXHIBIT 14. Motion carried 13-3 with REPS. EWER, SMITH and HERRON opposing.

Motion/Vote: REP. BRANDEWIE MOVED HB 375 DO PASS AS AMENDED. Motion carried 14-2 with REPS. WYATT and RICE opposing.

EXECUTIVE ACTION ON HOUSE BILL 414

Motion/Vote: MOTION WAS MADE THAT HB 414 DO PASS. Motion carried unanimously.

EXECUTIVE ACTION ON HOUSE BILL 415

Motion: REP. BROWN MOVED HB 415 DO NOT PASS.

Motion/Vote: REP. VOGEL MOVED TO TABLE HB 415. Motion carried 14-2 with REPS. McCAFFREE and RICE opposing.

EXECUTIVE ACTION ON HOUSE BILL 481

Motion/Vote: REP. DOWELL MOVED HB 481 DO PASS. Motion carried unanimously.


Motion/Vote: REP. BROWN moved to put HB 481 on the consent calendar. Motion carried unanimously.

ADJOURNMENT

Adjournment: 6:30 p.m.



NORM WALLIN, Chairman



PAT BENNETT, Secretary

NW/pb

HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT

COMMITTEE

ROLL CALL

DATE

2/11/93

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 12, 1993

Page 1 of 1

1993
of 1

Speaker: We, the committee on Local Government report that
Bill 344 (first reading copy -- white) do pass as amended

that

Signed: Norm Wallin
Norm Wallin, Chair

Chair

that such amendments read:

page 14, line 17.
changing: "authority"
to: "or" through "governing"
to: ", which rules must be approved by the local governing
body, for"


-END-

HOUSE STANDING COMMITTEE REPORT

February 12, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that House Bill 344 (first reading copy -- white) do pass as amended

Signed: 
Norm Wallin, Chair

And, that such amendments read:

1. Page 14, line 17.

Following: "authority"

Strike: "or" through "governing"

Insert: ", which rules must be approved by the local governing
body, for"


-END-

HOUSE STANDING COMMITTEE REPORT

February 12, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that House Bill 372 (first reading copy -- white) do pass .


Signed: 
Norm Wallin, Chair

HOUSE STANDING COMMITTEE REPORT

February 12, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that House Bill 375 (first reading copy -- white) do pass as amended

Signed: 
Norm Wallin, Chair

And, that such amendments read:

1. Page 3, following line 14.
Insert: "(7) Nothing contained in this section may be construed to limit existing covenants or the ability to enter into covenants pursuant Title 70, chapter 17, part 2."

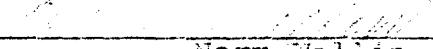
-END-

HOUSE STANDING COMMITTEE REPORT

February 12, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that House Bill 414 (first reading copy -- white) do pass .

Signed: 
Norm Wallin, Chair

HOUSE STANDING COMMITTEE REPORT

February 12, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that House Bill 481 (first reading copy -- white) do pass and be placed on consent calendar .

Signed: *Norm Wallin*
Norm Wallin, Chair

HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT COMMITTEE

ROLL CALL VOTE

DATE 2/11/93 BILL NO. HB372 NUMBER _____

MOTION: Do Not Pass. Motion failed. 13-3

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		✓



FINANCE/CITY CLERK OFFICE

435 RYMAN ST. • MISSOULA, MT 59802-4297 • (406) 523-4700
FAX (406) 728-6690

FINANCE AND DEBT MANAGEMENT
BUDGET AND ANALYSIS
ACCOUNTING
CITY CLERK
UTILITY BILLING
RISK MANAGEMENT
GRANT ADMINISTRATION

February 7, 1993
Letter #93-051

EXHIBIT 1
DATE 2-11-93
HB 364

The Honorable John Mercer
Speaker of the House
Montana House of Representatives
Capitol Station
Helena, Montana 59620

Dear Representative Mercer:

This letter is written in regards to your bill, HB364, which would allow County Commissioners an additional method of assessment for rural special improvement districts (RSID's). This bill is set for hearing before the House Local Government Committee on Thursday, February 11th. I have reviewed this bill with Bruce Bender, our City Engineer, and he says that the express language of this assessment option would also help cities and towns. Therefore, we would respectfully request that you consider adding the language on page 2, lines 17-19 of HB364 to Section 7-12-4162 M.C.A. for use by cities and towns as well.

This request is justified because the SID laws of cities and towns and the RSID laws for counties have often been copied to each other and are usually cross referenced. In fact the section of law that you are modifying, Section 7-12-2151 M.C.A., is cross referenced to 7-12-4162 M.C.A. and vice versa. As well, the authorization for the types of SID's and RSID's that may be created both reference to 7-12-4102 M.C.A. so that the types of districts that both forms of government can create are always the same. While the language concerning "assessable area" in both 7-12-2151 M.C.A. and 7-12-4162 M.C.A. can be used to mimic entire lot and parcel assessment methods, Mr. Bender says that the clear language that you propose to add to RSID law is beneficial and an improvement.

Therefore, we would respectfully request that you consider adding the same language in HB364, lines 17-19 of page 2, to Section 7-12-4162 for use by cities and towns as well. Thank you for your consideration of our request.

Sincerely,

Chuck Stearns
Finance Officer/City Clerk

cc: House Local Government Committee Members
Alec Hansen, Montana League of Cities and Towns
Bruce Bender, City Engineer
HB364 File



EXHIBIT 2 (406) 721-5700
DATE 2-11-93
HB 364

BCC-93-055
February 2, 1993

Representative Norm Wallin, Chair
House Local Government Committee
State Capitol
Helena, MT 59620

Dear Representative Wallin,

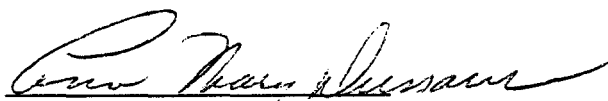
We are writing to your committee to express support for HB 364 which allows County Commissioners to assess property within a Rural Improvement District in equal amounts based on the total cost of the improvement.

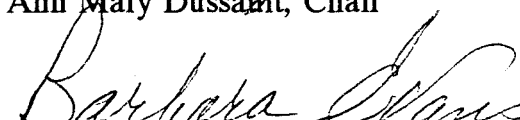
We, along with other counties, have been basically doing this for some time, and have found it to be the most equitable means of assessing costs. This bill will clarify the issue and allow those involved in RSID's to know up-front what the costs will be and how they will be assessed.

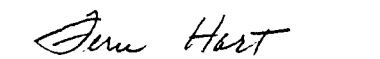
Thank you for your consideration of our remarks.

Sincerely,

BOARD OF COUNTY COMMISSIONERS


Ann Mary Dussault, Chair


Barbara Evans, Commissioner


Fern Hart, Commissioner

MISSOULA
COUNTYBOARD OF COUNTY COMMISSIONERS
MISSOULA COUNTY COURTHOUSE
MISSOULA, MONTANA 59802

(406) 721-5700

BCC-93-055
February 2, 1993EXHIBIT 3
DATE 2-11-93
HB 364

Representative Norm Wallin, Chair
House Local Government Committee
State Capitol
Helena, MT 59620

Dear Representative Wallin,

We are writing to your committee to express support for HB 364 which allows County Commissioners to assess property within a Rural Improvement District in equal amounts based on the total cost of the improvement.

We, along with other counties, have been basically doing this for some time, and have found it to be the most equitable means of assessing costs. This bill will clarify the issue and allow those involved in RSID's to know up-front what the costs will be and how they will be assessed.

Thank you for your consideration of our remarks.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

Ann Mary Dussart, Chair

Barbara Evans, Commissioner

Fern Hart, Commissioner

EXHIBIT 4
DATE 2-11-93
HB 364

Amendments to House Bill No. 364
First Reading Copy

Requested by Representative Mercer
For the Committee on Local Government

Prepared by Connie Erickson
February 10, 1993

1. Title, line 6.

Following: "DISTRICT"

Insert: "AND WITHIN A ROAD IMPROVEMENT DISTRICT"

2. Title, line 7.

Following: ";

Insert: "ALLOWING A CITY COUNCIL OR COMMISSION TO ASSESS PROPERTY
WITHIN A SPECIAL IMPROVEMENT DISTRICT IN EQUAL AMOUNTS BASED
ON THE TOTAL COST OF THE IMPROVEMENT;"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "7-12-2151,".

Insert: "7-12-4162, AND 7-14-2907,"

3. Page 3.

Following: line 9

Insert: "Section 2. Section 7-12-4162, MCA, is amended to read:

"7-12-4162. Assessment of costs -- area option -- assessed valuation option -- equal amount option. (1) (a) The city council or commission shall assess the entire cost of an improvement against benefited property in the district, each lot or parcel of land assessed within such district to be assessed for that part of the whole cost which its assessable area bears to the assessable area of all benefited lots or parcels in the district, exclusive of streets, avenues, alleys, and public places. For the purposes of this subsection, "assessable area" means an area of a lot or parcel of land representing the benefit conferred on the lot or parcel by the improvement. Assessable area may be less than but may not exceed the actual area of the lot or parcel.

(b) The council or commission, in its discretion, shall have the power to pay the whole or any part of the cost of any street, avenue, or alley intersection out of any funds in its hands available for that purpose or to include the whole or any part of such costs within the amount of the assessment to be paid by the benefited property in the district.

(c) In order to equitably apportion the cost of any of the improvements herein provided for between that land within the district which lies within 25 feet of the line of the street on which the improvement is to be made and all other benefited land within the district, the council or commission may, in the resolution creating any improvement district, provide that the

amount of the assessment against the property in such district to defray the cost of such improvements shall be so assessed that each square foot of land within the district lying within 25 feet of the line of the street on which the improvements therein provided for are made shall bear double the amount of cost of such improvements per square foot of such land that each square foot of any other benefited land within the district shall bear.

(2) The city council or city commission may assess the cost of an improvement against each lot or parcel of land in the district based on the assessed value of the benefited lots or parcels of land within the district if the council or commission determines such assessment to be equitable and in proportion to and not exceeding the benefits derived from the improvement by the lot or parcel.

(3) The city council or city commission may assess each lot or parcel of land in the district an equal amount based upon the total cost of the improvement."

Section 3. Section 7-14-2907, MCA, is amended to read:

"7-14-2907. Cost of road improvement districts -- property owner assessments. (1) The cost of operating a road improvement district must be assessed upon all the benefited property in the district based upon the benefits received, and the board of county commissioners shall adopt one or any combination of the following methods of assessment for improvements made for the benefit of the district:

(a) Each parcel of benefited property assessed in such district may be assessed with that part of the whole cost which its assessable area bears to the assessable area of all the benefited parcels in the district, exclusive of roads and public places. For the purposes of this subsection (1)(a), "assessable area" means an area of a parcel of benefited property representing the benefit conferred upon the parcel by the improvement. Assessable area may be less than but may not exceed the actual area of the parcel.

(b) Each parcel of benefited property assessed in the district may be assessed with that part of the whole cost of the improvement based upon the assessed value of the benefited parcels of land within said district if the board determines such assessment to be equitable in proportion to and not exceeding the benefits received from the improvement by the parcel.

(c) Each parcel of benefited property in the district abutting upon the road where the improvement has been made may be assessed in proportion to its lineal feet abutting the road.

(d) Each parcel of benefited property in the district may be assessed an equal amount based upon the total cost of the improvement.

(2) The board may use one or any combination of methods of assessment in a single road improvement district and, if more than one improvement is undertaken, need not assess each parcel of benefited property in the district for the cost of all the improvements.

(3) Not later than the first Monday in September of each year, the board of county commissioners shall adopt a resolution levying and assessing upon all the benefited property in the

district an amount equal to the total amount necessary for district operations. The amount necessary for district operations is the total of:

(a) (i) the estimated amount for improvements as authorized in 7-14-2903; and

(ii) the amount necessary to pay for debts for authorized improvements that cost more than estimated in previous years;

(b) less any amount in the road improvement district fund, as provided for in 7-14-2908, that may be unspent, unencumbered, and available for district use.

(4) (a) It is the duty of the county treasurer to collect the assessments in the same manner and at the same time as taxes for general purposes are collected.

(b) When an assessment becomes delinquent, the unpaid amount becomes a lien on the assessed parcel of land. The collection of delinquent assessments or enforcement of a lien may be made by any method authorized by law for the collection or payment of taxes."

EXHIBIT 4
DATE 2-11-93
HB 364

Good afternoon, Chairman Wallin, Committee members,

I'm Vicki Hyatt, Stillwater County Commissioner and a member of our county's Solid Waste Board. I'm here to support House Bill 414, a measure which would allow solid waste districts the right to borrow money without setting up a costly separate billing system. This right has historically been granted to refuse disposal districts, but was taken away by the 1991 legislature during the free conference amendment process.

Because of the changing regulatory climate in the solid waste field, Stillwater County is in the process of changing its operating methods. We currently have 71 container sites across the county to serve our 6,500 residents. Our goal is to build a transfer station to facilitate recycling and establish between 6 to 12 controlled container sites across the county to better manage the materials which enter our waste stream. We have closed our landfill and are currently hauling approximately 100 tons of garbage to the Billings landfill each week.

We are in the early planning stages of our project, but its obvious that in order to accomplish our system change, we will need to borrow money and spread the costs out over several years. Imagine our surprise when we found out that solid waste districts weren't afforded the same opportunity as airport districts, hospital districts and numerous other local government special districts when it came to borrowing capital for expansion, improvement or changes. We were informed that in order to secure a revenue bond, it would be necessary to establish a separate billing system and likely hire additional help to accomplish the task. This is unwarranted and unnecessary expense during times when the public is crying for frugality.

In anticipating the arguments against House Bill 414, I'd assume those in private industry would argue that local government has a distinct edge because of a reduced bad debt percentage and an advantage or using a single billing system--the tax collection process--to obtain revenues industry needs to bill monthly to receive. I would also assume the private solid waste industry would argue that privatization is the preferable method to providing this valuable service.

To counter the arguments, I submit to you that there is basically little competition in Montana in the private waste collection realm. In our area, the only two shows in town are local government entities and BFI. Our Solid Waste Board has periodically looked at privatization through the years and has found that we can provide the service more economically.

A case in point. In neighboring Carbon County, BFI charges \$159 each

Commissioners
Kay McKenna, Mayor
Margaret Crennen
Tom Huddleston
Colleen McCarthy
Mike Murray



EXHIBIT 6
DATE 2-11-93
HB 414

City-County
Administration Building
316 North Park
Helena, MT 59623
Phone: 406/447-8000

William J. Verwolf
City Manager

City of Helena

TESTIMONY

HOUSE BILL #414

MR. CHAIRMAN AND MEMBERS OF THE HOUSE LOCAL GOVERNMENT COMMITTEE:

MY NAME IS RICHARD A. NISBET, DIRECTOR OF PUBLIC WORKS FOR THE CITY OF HELENA. I AM REPRESENTING THE CITY OF HELENA IN FAVOR OF HOUSE BILL #414.

THE CITY OF HELENA AND LEWIS AND CLARK COUNTY HAVE BEEN WORKING TOGETHER FOR THE LAST FIVE - SIX YEARS IN SITING A JOINT CITY/COUNTY LANDFILL. LEWIS AND CLARK COUNTY HAS TAKEN THE LEAD ROLE IN OWNING AND OPERATING THE LANDFILL WHILE THE CITY WILL OWN AND OPERATE THE TRANSFER STATION THAT WILL SERVE BOTH ENTITIES. THE CITY IS IN FAVOR OF HOUSE BILL #414 BECAUSE IT REMOVES THE RESTRICTIONS THAT WERE PLACED ON THE COUNTY BY THE 1991 LEGISLATURE. THE RESTRICTIONS DID NOT ALLOW FEES COLLECTED BY THE TAX NOTICE PROCESS TO BE USED TO RETIRE DEBT SERVICE. THE COUNTY WILL NEED TO SELL REVENUE BONDS IN ORDER TO PAY FOR THE DEVELOPMENT OF OUR JOINT CITY/COUNTY LANDFILL, AND THIS LEGISLATION WILL REMOVE THE RESTRICTIONS PREVIOUSLY PLACED ON THE COUNTY.

IN SUMMARY, THE CITY OF HELENA URGES YOUR SUPPORT AND PASSAGE OF HOUSE BILL #414.

THANK YOU.

RICHARD A. NISBET, P.E.
DIRECTOR OF PUBLIC WORKS
CITY OF HELENA



MONTANA FARM BUREAU FEDERATION

502 South 19th • Bozeman, Montana 59715

Phone: (406) 587-3153

DATE 2-11-93

HB 415

BILL NUMBER HB-415; TESTIMONY BY: LORNA FRANK ;

DATE: Feb. 11, 1993 ; SUPPORT YES ; OPPOSE ;

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, FOR THE RECORD MY NAME IS LORNA FRANK, REPRESENTING OVER 4500 MONTANA FARM BUREAU MEMBERS.

WE SUPPORT HB-415. THE VOTING DELEGATES AT OUR CONVENTION LAST NOVEMBER PASSED A RESOLUTION WHICH SAYS JUST WHAT THIS BILL DOES.

SECTION 1, PARA 4 IS WRITTEN IN THE PERMISSIVE (MAY) WHICH ALLOWS THE COUNTY COMMISSIONERS AUTHORITY TO DISCONTINUE OR ABANDON A COUNTY ROAD WHICH HAS NOT BEEN MAINTAINED FOR 20 YEARS.

WE FEEL THIS GIVES THE COMMISSIONERS THE FLEXIBILITY THEY NEED TO CLOSE A ROAD THAT IS NOT BEING MAINTAINED. HOWEVER, THEY CAN STILL USE THE PRESENT METHOD.

OUR REASON FOR PUTTING IN THE LANGUAGE "NOTWITHSTANDING OTHER PROVISIONS OF THE LAW" IS USED IN CASE ANY ONE OF THE OTHER ROAD ABANDONMENT BILLS INTRODUCED THIS SESSION ARE ENACTED.

EXHIBIT # 7
DATE 2-11-93
X

PAGE 2, 2a, ALLOWS THE COMMISSIONERS TO ABANDON A COUNTY ROAD BY RESOLUTION RATHER THAN BY PETITION.

2b ADDRESSES A COUNTY ROAD DIVIDING TWO COUNTIES. BOTH COUNTIES MUST AGREE TO THE ABANDONMENT BEFORE ANYTHING IS DONE.

SECTION 3, PAGE 3 SAYS THE COUNTY COMMISSIONERS SHALL NOTIFY LANDOWNERS BY CERTIFIED MAIL OF THE PROPOSED ABANDONMENT.

THIS WOULD GIVE THE LANDOWNERS A CHANCE TO PARTICIPATE IN THE PUBLIC HEARING PROCESS THAT WOULD FOLLOW. WE ARE IN NO WAY TAKING AWAY OR CHANGING THE NOTICE AND PUBLIC HEARING PROCESS IN MCA 7-14-2615.

FARM BUREAU MEMBERS FEEL THIS IS A GOOD BILL AND DESERVES YOUR CONSIDERATION AND A DO PASS RECOMMENDATION ON HB-415.

PROPOSED BILL INTRODUCTION FOR HB 375
HOUSE LOCAL GOVERNMENT COMM. 2/11/93
By Representative Ray Brandewie

EXHIBIT 8
DATE 2-11-93
HB 375

For the record I am Representative Ray Brandewie of House District 49. Today I bring before you HB 375, a bill that is long overdue in Montana, and a bill that seeks to help end discrimination against "Manufactured Housing" by local and state zoning authorities.

As you will hear from the proponents of this bill, the manufactured housing industry continues to face barriers, at the federal, state and local levels, to have their product accepted as a viable form of affordable housing.

Several years ago I don't know many legislators who would have sponsored this bill, but manufactured housing has changed significantly and the products produced today are federally regulated and must comply with very stringent building standards. Actually there are several forms of factory-built or manufactured homes. This bill concerns itself with the form of factory-built housing known as manufactured homes, or what we used to call mobile homes. For the purpose of this bill the manufactured home must be at least 1000 square feet in size, have a pitched roof, be located on a permanent foundation, and must meet or exceed the building requirements of the other homes in the local or state zoning area.

I remind members of the committee that we live in a state with a housing shortage, and manufactured housing, located on a permanent foundation, offers the chance for many Montanans to own a home. According to the National Association of Realtors, today's first-time homebuyers cannot afford the typical starter home. This is a fifteen year trend that does not appear to be changing.

Manufactured housing provides home ownership opportunities for many consumers who are squeezed out of the traditional housing market and forced to rent or live in subsidized housing. By passing HB 375 we can help eliminate zoning barriers that discriminates against manufactured housing that meets the requirements of comparable site-built homes. But most of all we can open the doors to another form of affordable housing.

For many areas across Montana manufactured housing has been excepted. The purpose of HB 375 is to establish, on a statewide basis, a fair law that all zoning authorities, manufactured housing dealers, consumers and others can understand. I urge you to support this measure and would now like you to hear from the proponents to HB 375.

Amend ment

EXHIBIT 9
DATE 2-11-93
HB 375

Amendment to HB 375
(requested Montana Realtors Assoc.)
Feb. 11, 1993 - House Local Gov. Committee

Insert on P. 3, L. 15

(7) Nothing contained herein shall be construed to limit existing covenants or the ability to enter into covenants pursuant to Part 2, Chapter 17, Title 70.

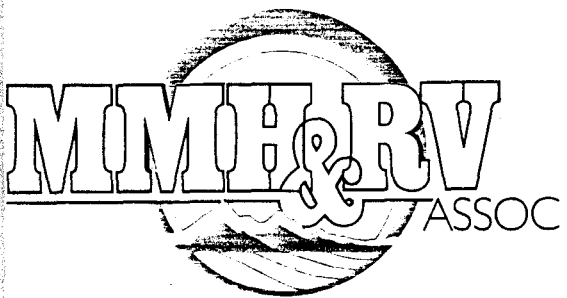


EXHIBIT 10
DATE 2-11-93
HB 375

1215 ELEVENTH AVENUE
P.O. BOX 4396
HELENA, MONTANA 59604
406/442-2164

MONTANA MANUFACTURED HOUSING & RECREATIONAL VEHICLE ASSOCIATION

**HB 375 - Testimony in Support
by, Stuart Doggett, Executive Director, MMH & RV
February 11, 1993**

Mr. Chairman, members of the committee, for the record my name is Stuart Doggett, Executive Director of the Montana Manufactured Housing and RV Association. The association is a statewide organization representing manufactured housing dealers, manufacturers, RV Dealers and various associate members who support the enhancement of the manufactured housing and RV industries.

The association has requested HB 375 and we are pleased for the opportunity to address and work for a much needed change in our state and local zoning laws and how they treat manufactured housing. As Representative Brandewie has indicated the modern manufactured home is an attractive and viable housing alternative. In Montana manufactured housing consumers includes people from all walks of life -- from the first time home buyers, to consumers seeking an easy to maintain form of housing, to retired couples looking to scale down and purchase a guaranteed form of energy efficient housing.

You will hear many positive stories about the manufactured housing industry in Montana, but I want to leave with you a few statistics to consider:

- * Presently over 15% of Montana's population, or approximately 55,000, Montanans are living a manufactured home and the numbers are growing.
- * Today's manufactured homes are built entirely in a factory then transported to the buyers' homesite where more than 90 percent are permanently sited.
- * More and more Montana consumers are demanding manufactured housing. In 1991 the number of shipments to Montana increased approximately 45%. And in 1992 the year end figures are up 56% over 1991. Clearly consumers in Montana like manufactured housing products.

* Statistics from our national affiliate, MHI, also reveal that in 1992 a total of 1,974 private building permits were issued in Montana. Further MHI statistics indicate that 1,021 manufactured homes were shipped to Montana. Or in other words, manufactured housing in Montana in 1992 represented 34.1% of the total number of new privately owned housing units.

Encouraging the development of affordable housing is a problem facing public officials in every part of the country. Although community leaders see manufactured housing as a potential answer, and although Montana consumers are clearly purchasing more manufactured homes than ever, we need your help to eliminate outdated zoning barriers. A step in the right direction will be to pass HB 375. On behalf of our membership we urge you to pass this measure. Thank you.

(Two handouts to be given out)

MOBILE HOMES
MOTOR HOMES
TRAVEL TRAILERS
PARTS & ACCESSORIES
INSURANCE

GEO. R.
INC.

PIERCE

EXHIBIT 11

DATE 2-11-93

HB 375

5TH STREET WEST AT
MONTANA AVENUE
Phone 252-9313
P.O. Box 30777
BILLINGS, MONTANA
59107

February 11, 1993

TO: House Local Government Committee

FROM: Bill Pierce, Pierce Homes of Billings

We are a family firm which has been in the Manufactured Housing business since 1956. To be more accurate, we started out in the trailer business in 1956, and have seen it grow and evolve through the mobile home business into today's Manufactured Housing industry. The Manufactured Housing industry of today has very little in common with the trailer and mobile homes manufactured in the past. The fact that a majority of the other states have adopted legislation similar to HB 375, is pretty strong testimony that, like the cigarette commercial states, "We've come a long way Baby!"

These homes are built to a federally mandated construction standard and those homes that are shipped into Montana, without exception, exceed minimum HUD code standards. As our product has continued to improve over the years, terms and phrases such as, fire trap, wobbly box, tin shed, destroyers of property values, etc., no longer apply.

Today's Manufactured Home buyer sees our product, not as a alternative, but rather a solution to the need for quality affordable, energy efficient, attractive, housing. Based on Montana's per capita income rating, a favorable vote on this bill will, without a doubt, provide more Montanans with an opportunity to own their own home.

The increase in the number of financial institutions actively pursuing long term financing of Manufactured Homes says a great deal about the product we have to offer our customers. The Montana Board of Housing has just recently set aside funds strictly for Manufactured Houses.

This bill also addresses the concern of many people who aren't opposed to Manufactured Homes "as long as they don't try to put one in my neighborhood". As a final note, one of the most effective zoning tools is not in the statutes, but rather a simple fact of economics. The person who purchases a building site for \$30,000 to \$40,000 or more isn't about to put a \$30,000 home (site built or manufactured), on that site. Land costs are a big factor in subsequent building costs.

The discriminatory zoning practices of yesterday's trailer can not and should not be applied to today's Manufactured Homes.

310-11
2-11-93
HP 375

Compatible Singlewife would not be

Compatible

Corner Poplar + Oak on Penn Foundation

COST AND SIZE COMPARISONS OF NEW MANUFACTURED HOMES AND SITE-BUILT HOMES SOLD

Manufactured Homes	1985	1986	1987	1988	1989	1990
Average Sales Price	\$21,800	\$22,400	\$23,700	\$25,100	\$26,600	\$27,800
(All lengths and widths)						
Cost per sq. foot	\$20.57	\$20.18	\$20.79	\$21.36	\$22.26	\$23.07
Average sq. footage	1,060	1,110	1,140	1,175	1,195	1,205
Single Section						
Average Sales Price	\$17,800	\$17,800	\$18,400	\$18,600	\$19,200	\$19,800
Cost per sq. foot	\$18.84	\$18.84	\$19.07	\$19.18	\$19.79	\$20.20
Average sq. footage	945	945	965	970	970	980
Multisection						
Average Sales Price	\$30,100	\$30,800	\$32,400	\$33,600	\$34,800	\$36,600
* Cost per sq. foot	\$21.97	\$22.08	\$22.82	\$23.41	\$24.17	\$25.42
γ Average sq. footage	1,370	1,395	1,420	1,435	1,440	1,440
Site-Built Homes						
Average Sales Price	\$100,800	\$111,900	\$127,000	\$138,200	\$148,800	\$149,800
Land Price*	\$20,160	\$22,380	\$25,440	\$37,314	\$42,300	\$41,048
Price of structure	\$80,640	\$89,520	\$101,760	\$100,886	\$106,500	\$108,752
* Cost per sq. foot	\$45.18	\$49.05	\$53.42	\$50.57	\$53.25	\$53.05
Average sq. footage (Living space)	1,785	1,825	1,905	1,995	2,000	2,050

Est. 199

28-3

65 up

Source: U.S. Department of Commerce *National Association of Home Builders

Data shows that owning a manufactured home is considerably less expensive than owning a site-built home. The average cost of a manufactured home in 1990 was \$27,800 whereas the price of a new site-built home was \$149,000 and \$118,000 for a used site-built. In 1990, a manufactured home was almost one-fourth the cost of a newly constructed site-built. The median monthly costs for a manufactured home owner in 1990 was \$257 compared to \$398 for site-built owners and \$424 for site-built and manufactured home renters. The size of manufactured

homes has also increased, giving consumers greater flexibility and more for their money. In 1990, the average square footage for a manufactured home was 1200 ft., up from 1060 ft. in 1985. Multisection homes accounted for 48% of the homes shipped in 1990.

For more information about manufactured housing, contact:

Manufactured Housing Institute
1745 Jefferson Davis Highway
Suite 511
Arlington, VA 22202
(703) 979-6620

Comparison of Manufactured Home Shipments to Sales of New Single-Family Site-Built Homes
(in thousands)

	1985	1986	1987	1988	1989	1990
Site-Built Homes Sold	688	750	671	676	650	534
Percent of total	71%	75%	74%	76%	77%	74%
Manufactured Homes Shipped	283	245	233	218	198	188
Percent of total	29%	25%	26%	24%	23%	26%
Total New	971	995	904	894	848	722

Source: U.S. Department of Commerce, Bureau of Census Data Conventional Homes, C25 Construction Reports

Comparison of Manufactured Home Shipments to All Privately Owned Site-Built Housing Starts
(in thousands)

	1985	1986	1987	1988	1989	1990
Site-Built Homes	1,742	1,805	1,621	1,488	1,376	1,192
Percent of Total	26%	28%	27%	27%	27%	28%
Manufactured Homes	283	245	233	218	198	188
Percent of Total	14%	12%	13%	13%	13%	14%
Total New	2,025	2,050	1,854	1,706	1,574	1,380

Source: U.S. Department of Commerce, Bureau of Census Data Conventional Home, C25 Construction Reports

EXHIBIT 12
DATE 2-11-93
HB 375

noon.

Andrew Scholz, and I am the Director of Site Development for Manufactured Housing Institute, which is the national trade organization representing all elements of the manufactured housing industry. I would like to give you a national perspective on House Bill 375 that you have before you.

19 states have statewide legislation and/or state or federal regulations which have the effect of state legislation, aimed at eliminating exclusionary zoning practices with respect toward low and moderate income homes. This year, state legislators in MD, OH, and MISS will likely approve bills similar to House Bill 375.

The Advisory Commission on Regulatory Barriers to Affordable Housing issued its report to HUD Sec. Jack Kemp and President Bush. You may have heard this report called the NIMBY REPORT. The commission identified many of the federal, state and local government barriers which impede the delivery of affordable housing throughout the country. The report clearly stated that in order for affordable housing to become a reality, it would be necessary for the state governments to take the lead in removing regulatory barriers. Among the recommendations of the report, Recommendation 7-11 calls on state governments to initiate legislation to end discrimination against certain types of affordable housing such as amending their zoning enabling acts to authorize manufactured housing as a permitted dwelling unit under local zoning, and to prevent local communities from enacting ordinances forbidding manufactured housing. Interestingly enough, during Congressional hearings on the Kemp Commission Report, one congressman from a state where local government officials from his district urged both the state and federal governments to take action to remove regulatory barriers, stating that it would be more acceptable coming from the state and federal level than from the local government level.

n

to

o

and many local government officials, planning commission members, and housing providers express tremendous interest in manufactured housing, and the driving force has been the sudden realization that their own sons and daughters cannot afford to own a home in the community where they grew up.

ble

ies.

As you know, the Affordable Housing Act of 1990 required state and local governments that receive federal entitlement funds to prepare a report and submit a proposal to identify regulatory barriers to affordable housing and then to present a plan of action to remove those barriers.

Hampshire , in Britton v. the town of Chester, declared that a local government cannot abuse its police powers by using zoning ordinances as a means of excluding an economically disadvantaged segment of the population.

The important point we would would urge this committee to keep in mind is that the technology exists today to provide the most affordable housing opportunities for middle and lower income homeowners by allowing those people to have compatable manufactured homes on building lots located near population and work centers. Manufactured homes can help solve the housing delima without requiring subsidy funds, and we urge you to strongly consider ~~its~~ passage. • F BILL 375.

EXHIBIT 12
2-11-93
HB 375

EXHIBIT 13
DATE 2-11-93
HB 344

Amendments to House Bill No. 344
First Reading Copy

Requested by Representative Dave Brown
For the Committee on Local Government

Prepared by Bart Campbell
February 11, 1993

1. Page 14, line 17.

Following: "authority"

Strike: "or" through "governing"

Insert: ", which rules must be approved by the local governing
body, for"

EXHIBIT 17
DATE 2-11-93
HB 375

Amendments to House Bill No. 375
First Reading Copy

Requested by Representative Brandewie
For the Committee on Local Government

Prepared by Bart Campbell
February 12, 1993

1. Page 3, following line 14.

Insert: "(7) Nothing contained in this section may be construed to limit existing covenants or the ability to enter into covenants pursuant Title 70, chapter 17, part 2."

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

LOCAL GOVERNMENT _____

COMMITTEE _____

BILL NO. HB 364

DATE 2/11/93

SPONSOR(S) Rep John Mercer

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Beverly Gibson	MACO	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 GOVERNMENT _____ COMMITTEE _____ BILL NO. HB 415
 DATE 2/11/93 SPONSOR(S) Rep Dick Knost
 PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Allen C. Horsfall Jr.	Ravalli County Comm.	✓	
Lorna Frank	Mt. Barn Bureau	✓	
Vera Petersen	Fergus County	✓	
Doreen Olson	M A Co	✓	
Lance Clark	MT ASSN Realtors		✓
Tucker Hughes Student	Boardman	✓	
Jamie Duggitt	MT Stockgrowers & Cattlemen	✓	

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 414
 DATE 2/11/93 SPONSOR(S) Rep Vernon Keller

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
BLAKE WARDAL	Lewis & Clark County City of Helena	X	
Sandra Ditzinger	Mt. Assn of Counties	X	
James D. Baggett	Mt. Callahan	A	
Vicki Hazzett	St. Co. Commissioner	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 GOVERNMENT _____

COMMITTEE _____

BILL NO. HB 325

DATE 2/11/93

SPONSOR(S) _____

Rep Ray Brandwile

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Stuart Daggott	MT Manufactured Housing Assoc.	✓	
Jim Flisvand	City of Billings		✓
Dan Cape	Parlessa Homes Bldg	✓	
Roger Tippu	MT Mfg Housing Assn.	✓	
Andrew Skinner	Skinner Ent. Prefab Shoring Tract	✓	
Jim Kuehn	93 Homes Inc. Missoula	✓	
ANDREW R. Scholtz	MANUFACTURED HOUSING INSTITUTE	✓	
Tom Hoppard	Mt. Assoc. Realtors	support a.m.e.d.s.	

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 372

DATE 2/11/93

SPONSOR(S) Rep Sheila Rice

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Sandra Ditzinger	MA Co	✓	
Adam Carroll	City of Great Falls	x	
Larry Washburn	City of Great Falls	x	

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