

## **MINUTES**

### **MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON LOCAL GOVERNMENT**

**Call to Order:** By Senator Kennedy, on March 16, 1993, at  
3:00 p.m.

#### **ROLL CALL**

##### **Members Present:**

Sen. Ed Kennedy, Chair (D)  
Sen. Sue Bartlett, Vice Chair (D)  
Sen. Dorothy Eck (D)  
Sen. Delwyn Gage (R)  
Sen. Ethel Harding (R)  
Sen. John Hertel (R)  
Sen. Bernie Swift (R)  
Sen. Eleanor Vaughn (D)  
Sen. Mignon Waterman (D)  
Sen. Jeff Weldon (D)

**Members Excused:** Sen. David Rye

**Members Absent:** None.

**Staff Present:** Connie Erickson, Legislative Council  
Rosalyn Cooperman, Committee Secretary

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

##### **Committee Business Summary:**

Hearing: HB 308, HB 363, HB 364, HB 414, HB 613  
Executive Action: HB 299, HB 363, HB 364, HB 414, HB 613

#### **HEARING ON HB 414**

##### **Opening Statement by Sponsor:**

Representative Vern Keller, House District 83, stated in 1991, the laws relating to local government funding of solid waste management districts were generally revised. He said the revision restricted the manner in which revenue could be collected for bonds and has placed a hardship on local governments. Representative Keller said current law requires any local district contemplating borrowing capital to set up a separate billing system before they may borrow funds or sell bonds.

**Proponents' Testimony:**

Mr. Gene Huntington, Dain Bosworth, stated his company assists cities and counties in financing solid waste projects. He said current law makes it difficult for local governments to obtain financing for these districts. Mr. Huntington added local governments are prohibited from billing on the tax notices and are required to set up a utility billing system. He said a recent attorney general ruling on this issue stated local governments, multi-county districts and districts, cannot repay loans on bonds with money collected from tax notices. Mr. Huntington concluded the requirement to set up a utility billing system was cost prohibitive for the majority of local governments.

Mr. Blake Wordal, Lewis and Clark County Commissioner, stated there was no good reason for the current restriction. He said existing law presents a hardship, especially for smaller districts. Mr. Wordal stated there were two smaller solid waste districts in Lewis and Clark County; one of which, the Lincoln landfill district, will have to close because of its proximity to the Blackfoot River. He said it would be nearly impossible for the Lincoln district to set up its own billing system because it is run on a volunteer basis. Mr. Wordal urged the Committee to support HB 414.

Mr. Richard Nisbet, City of Helena, spoke from prepared testimony in support of HB 414. (Exhibit #1)

Mr. Gordon Morris, Montana Association of Counties (MACo), stated his support for HB 414.

**Opponents' Testimony:**

None.

**Informational Testimony:**

None.

**Questions From Committee Members and Responses:**

Senator Eck asked Mr. Morris to identify the service charges authorized in 7-13-233 and 7-13-307. Mr. Morris replied those sections authorized the assessment of service charges in the collection of solid wastes.

**Closing by Sponsor:**

Representative Keller urged the Committee to give HB 414 a Do Pass. He said Senator Beck had agreed to carry HB 414 on the Senate floor should it pass.

**HEARING ON HB 308****Opening Statement by Sponsor:**

Representative Betty Lou Kasten, House District 28, stated HB 308 was the same bill she carried last session pertaining to irrigation districts. She said HB 308 would change the language from "may receive" to "shall accept" so county treasurers would be required to accept assistance from an employee of the irrigation district if so requested by the commissioners of the district.

**Proponents' Testimony:**

Ms. Jo Brunner, Montana Water Resources Association, spoke from prepared testimony in support of HB 308. (Exhibit #2)

**Opponents' Testimony:**

Mr. Cort Harrington, Montana County Treasurers Association, stated his organization was concerned about the amendment which would require county treasurers to accept assistance from an irrigation district. He said the "shall accept" language is sufficiently vague and does not state how much assistance a county treasurer would be required to receive. Mr. Harrington said this change in language would not solve the problems irrigation districts experience. He said the main problem with the exchange of information is a lack of proximity.

Ms. Fleda Brammer, Broadwater County Treasurer, spoke from prepared testimony in opposition to HB 308. (Exhibit #3)

**Informational Testimony:**

None.

**Questions From Committee Members and Responses:**

Senator Harding asked Ms. Brunner if county treasurers understood they would only have to accept assistance if it had been requested by the irrigation district. Ms. Brunner replied HB 308

would not pertain to those counties that do not have an irrigation district.

Senator Harding asked Ms. Brunner if representatives from irrigation districts had met with county treasurers to resolve their problems. Ms. Brunner replied that in the instances where county treasurers were not relaying information to the irrigation districts in a timely manner, representatives from the irrigation districts did meet with their county treasurers to try to resolve their conflict. She said information needs to be accessible to irrigation district employees on a daily basis.

Senator Harding asked Ms. Brunner how many counties would be affected by HB 308. Ms. Brunner replied she was unsure, but thought maybe six or eight counties would be affected.

Senator Eck asked Ms. Brunner how much assistance an irrigation district could give a county treasurer. Ms. Brunner replied the irrigation districts prepare the irrigation roles and the county sends out these notices with their tax roles. She said the level of assistance could vary and would need to be worked out between the irrigation districts and the county treasurers.

Senator Eck asked Ms. Brunner how much decision-making authority an irrigation district had. Ms. Brunner replied irrigation districts have the right to invest their own funds. She said irrigation districts do not want to take over the responsibilities of the county treasurers.

**Closing by Sponsor:**

Representative Kasten stated a number of irrigation districts were not receiving information on a timely basis from their county treasurers. She said irrigation district employees would give their assistance only if requested to do so. Representative Kasten concluded Senator Swift would carry HB 308 on the Senate floor in the event it received a Do Pass.

**HEARING ON HB 363**

**Opening Statement by Sponsor:**

Representative Jim Rice, House District 43, stated that in 1991, a problem arose regarding the funding of district courts. He said counties were not generating enough money from allowable mills and many courts faced the possibility of closing. Representative Rice stated a bill was introduced in the 1991 session to revamp the system of judicial funding which allowed cities and counties to reallocate revenue generated from the local option tax to use for district courts. He submitted a copy of the session law passed in 1991 (Exhibit #4) and stated

HB 363 would extend the effective date for another two years. Representative Rice stated HB 363 has a companion bill which would study funding and administrative options of Montana's judicial system. Representative Rice said the Legislature did not create the local option tax in 1991 but changed the allocation of revenue which can be raised. He stated the present funding mechanism should be allowed to continue until a more permanent solution is found. Representative Rice concluded he did not believe the fiscal note was accurate.

**Proponents' Testimony:**

Mr. Gordon Morris, Montana Association of Counties (MACo), submitted testimony from Ms. Janet Kelly, Custer County Commissioner (Exhibit #5) and stated he was also speaking on behalf of Mr. Pat Melvy from the State Bar of Montana and Mr. Larry Fasbender from Cascade County. Mr. Morris stated thirty seven counties currently assess the local option tax and submitted a copy of a county by county breakdown of the purposes for which the money is used. (Exhibit #6) He said the majority of revenue is used to fund district courts while a number of counties use the remaining portion to fund foster care and general operations. Mr. Morris stated HB 363 would extend the sunset to 30 June 1995 and urged the Committee to support the measure.

Mr. Alec Hansen, Montana League of Cities and Towns, stated his support for HB 363. He said this law was the sole reason Silver Bow County was able to fund its district court operations. Mr. Hansen said cities and towns which use this option depend on this revenue to maintain balanced budgets. He concluded that killing HB 363 would not do away with the local option tax.

Mr. Blake Wordal, Lewis and Clark County Commissioner, stated the local option tax generates \$400,000 for district court operations in Lewis and Clark County. He said he did not know how Lewis and Clark County would fund district court operations without the local option tax revenue but stated district court judges could mandate that they come up with funding.

Mr. Dick Nisbet, City of Helena, stated his support for HB 363.

**Opponents' Testimony:**

None.

**Informational Testimony:**

None.

**Questions From Committee Members and Responses:**

None.

**Closing by Sponsor:**

Representative Rice stated the decision to redirect revenue generated by the local option tax is made by county commissioners who have to take responsibility for their decision. He said district courts have the authority to order their funding if they do not receive it and concluded HB 363 would avoid this situation. Representative Rice stated Senator Doherty would carry HB 363 on the Senate floor should the bill receive a Do Pass.

**EXECUTIVE ACTION ON HB 363****Motion/Vote:**

Senator Eck moved HB 363 BE CONCURRED IN. MOTION CARRIED UNANIMOUSLY. Senator Doherty will carry HB 363 on the Senate floor.

**HEARING ON HB 364****Opening Statement by Sponsor:**

Speaker of the House John Mercer, House District 50, stated HB 364 was drafted at the request of some Flathead Lake residents who wish to upgrade their road. He said current law requires improvements to be assessed to landowners based on the value or size of their property or by how much of their land is adjacent to the road being improved. Speaker Mercer said HB 364 would authorize a city council or commission to divide equally the cost of upgrading a Special Improvement District (SID) between its landowners. He said this authority would be an additional option and would not be binding.

**Proponents' Testimony:**

Mr. Gordon Morris, Montana Association of Counties (MACo), stated his support for HB 364. He said a MACo amendment to HB 364 was adopted in the House which would extend this same language to Road Improvement Districts (RIDs).

**Opponents' Testimony:**

None.

**Informational Testimony:**

None.

**Questions From Committee Members and Responses:**

Senator Gage asked Speaker Mercer why "benefitted property" was mentioned on page 6, line 14 but not mentioned elsewhere in the bill. Speaker Mercer replied he was unsure and deferred to Connie Erickson. Ms. Erickson replied the wording was consistent with existing improvement district language.

Senator Gage asked Mr. Morris to respond to his question regarding benefitted property. Mr. Morris replied that benefitted property pertains to the land which is directly serviced by the Road Improvement District (RID). He said assessments to pay for road improvements may be required from only those individuals directly benefitting from the road improvement.

**Closing by Sponsor:**

Speaker Mercer stated county commissioners would provide the necessary check and balance for this option since the decision to pay equally for assessments would be a public one. Speaker Mercer asked Senator Harding to carry HB 364 on the Senate floor should it receive a Do Pass.

**HEARING ON HB 613**

**Opening Statement by Sponsor:**

Representative David Ewer, House District 45, submitted testimony from Ms. Mae Nan Ellingson of Dorsey & Whitney (Exhibit #7). He said HB 613 would modernize local government laws on debt issuance. Representative Ewer stated HB 613 would make a series of technical amendments as outlined in Ms. Ellingson's memorandum.

**Proponents' Testimony:**

None.

**Opponents' Testimony:**

None.

**Informational Testimony:**

None.

**Questions From Committee Members and Responses:**

Senator Gage asked Representative Ewer why bonds held by the state of Montana cannot be redeemed early as specified on page 2, lines 7 and 8. Representative Ewer replied he was unsure but speculated it was artifactual language. He said the language could be stricken.

Senator Gage asked Representative Ewer if HB 613 would require an immediate effective date, to which he replied an immediate effective date would be preferable.

Senator Waterman stated she would prefer to leave the effective date alone because "we have lived with this law for ten years so we might as well live with it until October".

**Closing by Sponsor:**

Representative Ewer stated HB 613 was passed unanimously by the House Local Government Committee.

**EXECUTIVE ACTION ON HB 613**

**Motion:**

Senator Eck moved HB 613 BE CONCURRED IN.

**Motion:**

Senator Gage made a substitute motion to strike the language excluding bonds held by the state from early redemption.

**Discussion:**

Senator Kennedy asked Mr. Morris if any additional language would have to be deleted. Mr. Morris replied if the Committee struck the language on page 4, line 15, it would also need to strike similar language as mentioned for the redemption of bonds.



Senator Kennedy asked Representative Ewer his opinion on Mr. Morris' comments. Representative Ewer replied the existing language has nothing to do with what the state does with its own bonds. He said the state, at one time, had the first right to buy any bond issued by local governments but added the state no longer has an interest in doing so. He said he supported the amendment offered by Senator Gage.

**Vote:**

Senator Gage's motion to amend HB 613 PASSED UNANIMOUSLY.

**Motion/Vote:**

Senator Waterman moved HB 613 BE CONCURRED IN AS AMENDED. MOTION CARRIED UNANIMOUSLY. Senator Gage will carry HB 613 on the Senate floor.

**EXECUTIVE ACTION ON HB 364**

**Motion:**

Senator Harding moved HB 364 BE CONCURRED IN.

**Discussion:**

Senator Eck suggested Senator Harding discuss HB 364 with Senator Crippen before she presented it on the Senate floor.

**Vote:**

The BE CONCURRED IN motion PASSED unanimously. Senator Harding will carry HB 364 on the Senate floor.

**EXECUTIVE ACTION ON HB 414**

**Motion/Vote:**

Senator Eck moved HB 414 BE CONCURRED IN. MOTION CARRIED UNANIMOUSLY. Senator Beck will carry HB 414 on the Senate floor.

EXECUTIVE ACTION ON HB 299Discussion:

Senator Kennedy stated HB 299 would recognize the Local Government Center (Center) at Montana State University (MSU) which would assist them in applying for grants. He said there was some consideration given to deleting subsection d of Section 1 which would authorize the Center to receive legislative appropriations. Senator Kennedy said he asked Connie Erickson to prepare amendments to remove this authorization and to also recognize the Bureau of Government Research (Bureau) at the University of Montana (UM). (Exhibits #8 and #9)

Senator Waterman stated the Center would receive legislative funding only if the Legislature decided to fund it. She said she favored retaining the authorization but wanted to know why other Committee members wished to strike the language.

Senator Harding stated she had offered the suggestion to delete subsection d but added she had problems with the entire bill. She said if HB 299 were passed, the Legislature would try to appropriate funds to the Center. Senator Harding concluded that passing HB 299 would only add to the University System at a time when the system can least afford it.

Senator Hertel stated he agreed with Senator Harding's arguments and added that the Committee would be setting a precedent of acceptance for other university-related entities if HB 299 were passed.

Senator Kennedy stated the purpose of HB 299 was to assist the Center in applying for private foundation grants. He said leaving in the authorization to receive legislative funding could be of benefit to the Center in applying for grants.

Senator Weldon stated he did not want to jeopardize the Center's ability to receive grants but said he was concerned with the mechanism by which these agencies were supported. He said he spoke with Connie Erickson about changing the bill to a resolution but added the Committee would be unable to do so.

Senator Weldon asked Dr. Ken Weaver of the Local Government Center if they had ever considered drafting a resolution instead of a bill. Dr. Weaver replied the Legislature adopted a resolution last session which recognized the work of the Center. He said HB 299 was requested by local governments and not by the Center.

Senator Kennedy asked Dr. Weaver if removing the authorization to receive legislative funding would adversely affect his Center.

Dr. Weaver replied the authorization was not critical and said it would not "cripple the bill".

Senator Swift stated he supported the amendment to delete subsection d because HB 299, in its current form, implies the Legislature will fund the Center.

**Motion/Vote:**

Senator Swift moved the Committee adopt the first set of amendments to HB 299 which would delete subsection d, the subsection authorizing the Center to receive legislative funding. (Exhibit #8) Motion FAILED by roll call vote five votes to five.

**Motion:**

Senator Weldon moved the second set of amendments to HB 299 (Exhibit #9) which would also recognize the Bureau of Government Research at UM and authorize them to receive legislative funding.

**Discussion:**

Senator Weldon stated that while he was concerned about statutorily recognizing a program or agency within the University System, he said the Center at MSU and the Bureau at UM were so similar in function that it would only be fair to statutorily recognize them both. He said he received a letter from Mr. Jim Lopach, former director of the Bureau at UM, who wrote, "The Bureau was a key player, along with the Montana Association of Counties and the Montana League of Cities and Towns, concerning local government analysis and training. The Bureau ceased its programming when it lost state support. I believe the interest and expertise still are present at UM to provide the state with the same kind of programming. Much of this could be done could be done in conjunction with MSU." Senator Weldon said if there was some advantage in the grant application process to have received statutory recognition from the state, he said all bureaus of use to the state should receive the same recognition.

Senator Kennedy stated he would not support Senator Weldon's amendment because the Bureau at UM did not ask for statutory recognition while the Center at MSU did.

Senator Gage stated he was concerned that by passing this amendment and bill, the Committee would be statutorily recognizing an entity which, in the future, may no longer be active or exist.

Senator Eck stated many years ago there was concern about starting a local government advisory council to assist Montana's local governments. She said many states already have such a

council which is funded by the state. Senator Eck said she supported Senator Weldon's amendment because it may encourage the Bureau to become active again. She said Senator Weldon's amendments were not in conflict with the bill and added she would like both entities to continue the work they have done in the past.

Senator Vaughn asked Dr. Weaver if the resolution passed in the 1991 session statutorily recognized the Center for its contribution. Dr. Weaver replied the resolution recognized the Local Government Policy Council as a mechanism to identify projects for research within the Local Government Center. He said the purpose of HB 299 would be to recognize the Local Government Center. Dr. Weaver said the resolution did not specifically recognize the contributions of the Local Government Center.

Senator Kennedy asked Dr. Weaver if he supported the amendment to statutorily recognize the Bureau at UM. Dr. Weaver stated the purpose of the Center is to provide outreach to Montana's local governments. He said he was unsure why the Bureau at UM ceased to operate.

Senator Gage stated many people have the impression there is a duplication of services within the University System. He said statutorily recognizing both the Center and the Bureau would further add to this impression.

Senator Hertel asked Senator Weldon to highlight the similarities and differences between the Center at MSU and the Bureau at UM. Senator Weldon replied both are the only programs in the University System which focus on government research. He said the Bureau has traditionally focused more on state issues while the Center has focused on local governments.

Senator Hertel stated the sponsors in the bill specifically sought to recognize the Local Government Center at MSU and added the amendment suggested by Senator Weldon would move the bill away from its intent. He said that if the Bureau was recognized, the Committee should determine whether or not any other university-related agencies wish to be recognized as well.

Senator Weldon said that his comments should in no way reflect negatively on the Center at MSU. He said his concern was to make sure the Bureau at UM was recognized as well and added he was asking for statutory recognition on their behalf.

**Vote:**

Senator Weldon's motion to statutorily recognize the Bureau at UM FAILED by roll call vote three votes to seven.

**Motion:**

Senator Eck moved HB 299 BE CONCURRED IN.

**Discussion:**

Senator Bartlett stated that while she was concerned that all other university-related agencies will bring similar bills to the Legislature next session if HB 299 is passed, she added that the services provided by the Center at MSU were important enough to deserve statutory recognition.

Senator Harding stated she would not support HB 299 because she believed doing so would unnecessarily add to the University System.


Senator Weldon stated his support for HB 299 and added that passing the bill would not add the Center to the University System because the Center did not rely on University System funds.

**Vote:**

The BE CONCURRED IN motion PASSED six votes to four with Senators Gage, Harding, Hertel and Swift voting NO. Senator Weldon will carry HB 299 on the Senate floor.

**ADJOURNMENT**

**Adjournment:** 5:05 p.m.

  
SENATOR JOHN "ED" KENNEDY, Chair

  
ROSALYN COOPERMAN, Secretary

JEK/rlc

## ROLL CALL

SENATE COMMITTEE      Local Government

DATE 3-16-73

NAME

PRESENT

ABSENT

EXCUSED

[illegible]

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 17, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 299 (first reading copy -- blue), respectfully report that House Bill No. 299 be concurred in.

Signed: John Ed Kennedy Jr  
Senator John "Ed" Kennedy, Jr., Chair

W Amd. Coord.  
W Sec. of Senate

Senator Weldon  
Senator Carrying Bill

600856SC.San

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 17, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 363 (first reading copy -- blue), respectfully report that House Bill No. 363 be concurred in.

Signed: John Ed Kennedy Jr.  
Senator John "Ed" Kennedy, Jr., Chair

AM Amd. Coord.  
on Sec. of Senate

Senator Doherty  
Senator Carrying Bill

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SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 17, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 364 (first reading copy -- blue), respectfully report that House Bill No. 364 be concurred in.

Signed: John Ed Kennedy  
Senator John "Ed" Kennedy, Jr., Chair

AM Amd. Coord.  
27 Sec. of Senate

Senator Harding  
Senator Carrying Bill

600854SC.San

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 17, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 414 (first reading copy -- blue), respectfully report that House Bill No. 414 be concurred in.

Signed: John Ed Kennedy Jr.  
Senator John "Ed" Kennedy, Jr., Chair

ABW Amd. Coord.  
W Sec. of Senate

Senator Beck  
Senator Carrying Bill

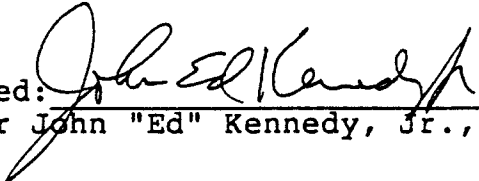
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SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 17, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 613 (first reading copy -- blue), respectfully report that House Bill No. 613 be amended as follows and as so amended be concurred in.

Signed:   
Senator John "Ed" Kennedy, Jr., Chair

That such amendments read:

1. Page 1, lines 22 and 23.

Strike: "held" on line 22 through "state" on line 23

2. Page 2, lines 7 and 8.

Strike: "and" on line 7 through "Montana," on line 8

3. Page 4, lines 6 and 7.


Strike: "held" on line 6 through "state" on line 7

4. Page 4, line 15.

Strike: "and whenever ~~such~~ the bonds are not held by the state,"

-END-

M+ Amd. Coord.  
SN Sec. of Senate

  
Senator Carrying Bill

601528SC.Sma

# ROLL CALL VOTE

SENATE COMMITTEE Local Government BILL NO. HB 299

DATE 16 March 1993 TIME 3:00 A.M. P.M.

NAME	YES	NO
Senator Bernie Swift	✓	
Senator Mignon Waterman		✓
Senator Jeff Weldon		✓
Senator Eleanor Vaughn	✓	
Senator Dorothy Eck		✓
Senator Delwyn Gage	✓	
Senator Ethel Hardling	✓	
Senator John Hertel	✓	
Senator David Rye		
Senator Sue Bartlett		✓
Senator John "Ed" Kennedy		✓
MOTION FAILED- 5 votes to 5		

Rosalyn Cooperman  
SECRETARY

Sen. John "Ed" Kennedy  
CHAIR

MOTION: Senator Swift moved the Committee strike subsection d of Section 1 which would authorize the Local Government Center at MSU to receive legislative funding

## ROLL CALL VOTE

SENATE COMMITTEE Local Government BILL NO. #B299

DATE 16 March 1993 TIME 3:00 A.M. (P.M.)

[illegible]

Rosalyn Cooperman  
SECRETARY

Sen John "Ed" Kennedy  
CHAIR

MOTION: Senator Weldon moved the Committee  
statutorily recognize the Bureau of Government  
Research at the University of Montana.

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 1

DATE 3-16-93

BILL NO. HB 414

TESTIMONY

HOUSE BILL #414

MR. CHAIRMAN AND MEMBERS OF THE SENATE 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.

HB 308

Kasten

Senate Local Government

Mr. Chairman, Members of the Committee for your information my name is Jo Brunner, I am the Executive Director of the Montana Water Resources Association.

Mr. Chairman, the Montana Water Resources Association introduced this bill to allow irrigation districts to receive the assessment information and assessment receipts in a more timely fashion.

The majority of irrigation districts either do not have a problem with the way the law is written currently, or they have decided to live with it and adjust.

For those who are unable to accomplish either living with a treasurers interpretation of the law, or adjusting because of proximity to the county seat, this is an important law change.

This morning I called the managers of East Bench Irrigation District in Dillon, Greenfields Irrigation District in Fairfield, Bitter Root Irrigation District in Hamilton, Glasgow Irrigation District in Glasgow and Huntley Project in Ballantine.

The information I am relating to you is as of this date and hopefully will help you to better understand our reasoning for asking Rep. Kasten to introduce this bill for us.

Irrigation Districts provide the county treasurers with assessment roles. The counties then mail them out with the tax assessments and the funds come back into the county office. Water assessments may be paid separate from taxes. In other words, a water user may be current on his water assessment and delinquent on land taxes. Understandably, this takes an extra step in the process and is not all that popular in treasurers offices.

Federal reclamation projects are required, through law, to not deliver water to delinquent land owners. Land owners are allowed to be one year in arrears before they are considered delinquent. And the first half of the current year tax must be paid.

East Bench I D lies in both Madison and Beaverhead Counties. East Bench Irrigation has worked out an agreement with the Beaverhead Treasurer to not only mail out the assessment lists but to collect the assessments and to make its own investments, all within existing law.

In other words, the Beaverhead treasurer has agreed, upon request of the I. D. Board of commissioners to accept assistance from the Irrigation District. The assessments go out from and come directly into the districts office. The secretary then records all incoming paid receipts, and transfers the monies and records to the treasurers office. Both the county and East Bench know almost immediately not only who is current, but the financial collection.

The Madison county treasurer, upon request of the East Bench Board of Directors is not willing to allow this procedure. Madison county relays assessment payment information on to East Bench 30 days after the month in which it is collected. If the water user paid the assessment on the 20th of April, the information would not reach East Bench until late May. Water delivery usually begins much prior to that date. Last year, East Bench delivered water to a delinquent water user for 30 days because Madison County had overlooked a delinquent account within several paid up accounts from the same landholder. The treasurers office is not familiar with who owns which unit.

And in time of drought this can be a very serious problem. On the other hand, not delivering water to a paid up land owner can cause problems also.

Greenfields Irrigation District also has units in two counties. Teton and Cascade. Cascade County sends records of the payments received each month. However, as is with all businesses, irrigation districts have bills to pay each month, on a timely basis. Yesterday, March 15, Greenfields received the February receipts from Cascade County.

Once a year, Greenfields has to travel to Great Falls to Cascade County courthouse and go through the records to get the ownership changes.

Some one from Greenfields must travel to Choteau once a month, or whenever the information is needed and rummage through their accounts receivable to ascertain who has paid GID assessments. The county has told GID that the county is not required to log and tabulate the districts assessment transactions separately, stating, we are not paid to do this.

Teton County does periodically send ownership changes to GID.

Buffalo Rapids located in Terry, a county seat, has three counties to deal with. From their perspective it is simpler to call the separate treasurers and request the information on receipt of payments. They require a receipt of payment from each water user before water delivery. And as with the others who have not made arrangements to handle the whole process, they say it would be helpful to have a more current financial report.

Huntley Project and Glasgow Irrigation District both require paid receipts by the water user before delivery of water, since the notification periods from the treasurers office is less than current during the irrigation season.

Bitter Root Irrigation District gets monthly statement of receipts paid, and goes to the courthouse once a year to go through the delinquent list. If they wait until May when that list normally comes out, they are well into the irrigation season. They made arrangements with the treasurers office for a person from the office to sit down with the BID personal and go through the assessments. They are not aware of any trouble with funds transfer.



You will have noticed that small districts, usually closer to the county seat, have fewer problems. If they have had problems, they have adjusted by ferreting out the records, providing the means to obtain the records and making arrangements with the local treasurers.

Larger districts have more problems, partially due to the size of the districts and the numbers of assessments. Some problems certainly are caused by the lack of workforce within the county.

Beaverhead has worked with that treasurer a process agreeable to both interests. East Bench does the work and then relays the information and monies on to the county. The ability to work within that type of a partnership is all this bill requests.

Last session, we agreed to 'may' accept, but the same treasurers who were reluctant to work through this situation still aren't. We do not understand a problem with the willingness of the districts to remove the burden from the treasurers office, such as happened in Beaverhead. We do not want to go into a treasurers office and disrupt routine, displace county workers, tear files apart, mess up records. We want to work out a system that will be beneficial to all concerned.

While a time lag of a few days is understandable even in our computer age, we do not understand a time lag of 2 or 3 months in relaying assessment receipts. That money is used within the county collected, drawing interest or to keep from borrowing and paying interest, while the district may have had to borrow monies to pay current bills.

This bill relates to IRRIGATION DISTRICTS, not to misquitoe districts or fire districts, but to irrigation districts. Why it should set a precedence for others to want to do the same thing, we don't understand.

I apologize for the length of this testimony. I felt however that providing you with this information at the beginning would help you to better understand the irrigation districts situation. I will be glad to answer any questions I can.

Thank you for your time and patience.

We ask a do pass on this bill.

# County Treasurer / County Superintendent of Schools

BROADWATER COUNTY

P.O. Box 489 • TOWNSEND, MONTANA 59644

PHONE (406) 266-3445

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 3

DATE 3-16-93

BILL NO. HB 308

MARCH 16, 1993

HOUSE BILL 308/HEARING 3:00 P.M./ROOM 405

SPONSOR: HON BETTY LOU <sup>Kasten</sup>~~LATEN~~

COMMITTEE: SENATE LOCAL GOVERNMENT

FIRST, I WANT TO APOLOGIZE FOR NOT OPPOSING HOUSE BILL 308 IN THE SENATE. THAT WAS AN OVERSIGHT AND MANY OF US ARE SORRY FOR THAT.

WHY DOES THIS BILL EXIST? I FAIL TO MAKE ANY SENSE OF IT. THE TAX COLLECTION LAWS ARE WORKING AND I BELIEVE BETTER THAN THEY EVER HAVE. WHY FIX SOMETHING WHICH IS NOT BROKEN? I FEEL STRONGLY THAT HOUSE BILL 308, IF PASSED WOULD BE COUNTER PRODUCTIVE IN THAT IT WOULD SPECIFICALLY CHANGE THE PROCESS FOR IRRIGATION DISTRICTS.

I BELIEVE THIS BILL WAS WRITTEN BECAUSE OF AN ISOLATED INCIDENT FOR ONE IRRIGATION DISTRICT WHICH COULD BE WORKED BETWEEN THE PARTIES INVOLVED. IT WOULD NOT SERVE A REASONABLE PURPOSE TO COMMIT ALL MONTANA COUNTIES TO A CHANGE IN THE STATUTES WHICH WE NOW HAVE.

IF PASSED, HOUSE BILL 308 WOULD HAVE A VERY NEGATIVE EFFECT ON THE TAX COLLECTION PROCESS IN MONTANA AND HAMPER THE PRODUCTIVE EXERCISE OF THE COUNTY TREASURER'S DUTIES.

I URGE YOU, DO NOT PASS HOUSE BILL 308. THANK YOU.

SINCERELY,



FLEDA BRAMMER

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 4DATE 3-16-93BILL NO. HB 363

## CHAPTER NO. 749

[HB 312]

AN ACT TO PROVIDE STATE REIMBURSEMENT PAYMENTS FOR DISTRICT COURT EXPENSES TO COUNTIES THAT HAVE EXPENDED THE REVENUE FROM THE MAXIMUM PERMISSIBLE MILL LEVY FOR DISTRICT COURT FUNDING; TO AUTHORIZE THE COUNTY COMMISSIONERS TO USE A PORTION OF THE LOCAL OPTION VEHICLE TAX FOR COUNTY PURPOSES; TO PROVIDE FOR THE DISTRIBUTION OF A PORTION OF THE TAX TO THE COUNTY AND MUNICIPALITIES; AMENDING SECTIONS 7-6-2427 AND 61-3-537, MCA; AND PROVIDING AN EFFECTIVE DATE, AN APPLICABILITY DATE, AND A TERMINATION DATE.

*Be it enacted by the Legislature of the State of Montana:*

Section 1. Section 7-6-2427, MCA, is amended to read:

"7-6-2427. Special provisions for certain charges related to criminal prosecutions. (1) Notwithstanding 7-6-2426, all costs of a criminal prosecution, including ~~attorneys'~~ attorney fees, of an offense committed in the state prison are not charges against the county in which the state prison is located. ~~Such~~ The costs ~~shall~~ must be paid by the department of institutions.

(2) If a criminal action is removed before trial, the costs accruing upon ~~such~~ removal and trial must be a charge against the county in which the indictment was found or information filed, subject to ~~partial or total~~ reimbursement as provided in 3-5-901."

Section 2. Section 61-3-537, MCA, is amended to read:

"61-3-537. Local option vehicle tax. (1) A county may impose a local vehicle tax on vehicles subject to a property tax under 61-3-504(2) at a rate of up to 0.5% of the value determined under 61-3-503, in addition to the tax imposed under 61-3-504(2).

(2) A local vehicle tax is payable at the same time and in the same manner as the tax imposed under 61-3-504(2). ~~and The local vehicle tax is distributed in the same manner, based on the registration address of the owner of the motor vehicle as follows:~~

(a) 50% to the county; and

(b) the remaining 50% to the county and the incorporated cities and towns within the county, apportioned on the basis of population. The distribution to a city or town is determined by multiplying the amount of money available by the ratio of the population of the city or town to the total county population. The distribution to the county is determined by multiplying the amount of money available by the ratio of the population of unincorporated areas within the county to the total county population.

(3) The governing body of a county may impose a local vehicle tax for a fiscal year by adopting a resolution before July 1 of the fiscal year, after conducting a public hearing on the proposed resolution. *The resolution may provide for the distribution of the local vehicle tax.*"

Section 3. Effective date — applicability. [This act] is effective July 1, 1991, and applies to district court expenditures made after June 30, 1991.

Section 4. Termination. [This act] terminates June 30, 1993.

Approved May 15, 1991.

**Testimony of Janet R. Kelly, Chair, Custer County Commission  
before the Senate Local Government Committee  
Tuesday, March 16, 1993**

**Chairman Kennedy, Members of the Committee, Ladies and Gentlemen:**

Good afternoon. I'm Janet Kelly, Chair of the Custer County Commission, in Miles City. I'm here in support of HB 363, the bill to extend the existing Local Option Vehicle Tax for two years. My testimony will emphasize the importance of this bill in funding District Courts.

As you know, District Courts are funded by the county's district court mill levy, miscellaneous revenues designated by statute, the state criminal reimbursement program, and the grant-in-aid programs.

Custer County levies the statutory maximum, as do most counties in the state, but these funding sources don't provide us with enough money to pay our District Court bills.

Funding District Courts isn't a new problem. It burdens most counties, small or large, rich or poor, rural or urban. I'm one of two county commissioners who sat on the statewide committee that was formed in 1990 to study this issue and to propose some solutions. Although HB 363 doesn't provide a long-term solution, it offers us, as local government officials, a way to handle our existing funding problems.

District Court funding has become more difficult for several reasons:

1. I-105 has frozen our taxes at the 1986 level;
2. The State has decreased its level of contribution to District Courts;
3. Inflation has shrunk the value of our dollars.
4. County Commissions don't have total control over the District Court Fund. District Court Judges set wage levels for Court Reporters and Juvenile Probation Officers. County Commissioners must follow

these court orders, and any other court payment directive, or we'll find ourselves in contempt of court.

We're responsible for paying the bills to operate the district court, but the law doesn't allow us to control the cost.

While HB 363 doesn't provide a long-term solution, it will continue to give us some local control over our budgetary problems. It provides us with another funding source to use at our discretion to solve our financial problems. HB 363 doesn't restrict these dollars to district court. Instead, it allows local government officials the flexibility to address general funding problems as best we see fit. Who knows what is needed better than local government officials?

Custer County is an excellent example of what the local option tax means to local governments. In fiscal year 1992, Custer County didn't impose the local option tax. We started the year showing a District Court deficit of \$25,292. By year's end the deficit had grown to \$48,133. By imposing the local vehicle option tax this year, we've reduced our district court deficit to \$17,695 as of February 28, 1993. By year's end, we should be showing a positive cash balance.

I urge your favorable consideration and support of HB 363. Please, continue to provide us with a way to manage our financial health and well-being locally.

Thank you.

COUNTY	% TAKEN	RATE	PRIMARY COUNTY USE	SECONDARY COUNTY USE
BEAVERHEAD	No			
BIG HORN	No			SENATE LOCAL GOVERNMENT
BLAINE	No			EXHIBIT NO. 6
BROADWATER	Yes	.5%	District Court	DATE 3-16-93
CARBON	Yes	.375%	General Fund	BILL NO 118 363
CARTER	Yes	.5%	General govt	
CASCADE	Yes	.5%	District Court	
CHOUTEAU	Yes	.5%	General Fund	
CUSTER	Yes	.5%	District Court	
DANIELS	Yes	.5%	District Court	
DAWSON	Yes	.5%	General Fund	
A-DEER LODGE	No			
FALLON	No			
FERGUS	Yes	.5%	District Court	Foster Care
FLATHEAD	No			
GALLATIN	Yes	.4%	Libraries/Road	District Court
GARFIELD	Yes	.5%	General Govt	
GLACIER	No			
GOLDEN VALLEY	Yes	.5%	General fund	
GRANITE	No back			
HILL	Yes	.25	General	District Court
JEFFERSON	Yes	.25	District Court	
JUDITH BASIN	Yes	.5	General fund	
LAKE	Yes	.5%	District Court	General Fund
LEWIS & CLARK	Yes	.5%	District Court	
LIBERTY	Yes	.5%	General distrib.	
LINCOLN	Yes	.5%	District Court	General Fund
MADISON	No			
MCCONE	No			
MEAGHER	Yes	.5%	General Fund	
MINERAL	Yes	.5%	General Government	
MISSOULA	Yes	.5%	District Court	
MUSSELSHELL	Yes	.5%	District Court	
PARK	Yes	.5%	Roads	
PETROLEUM	No			
PHILLIPS	No			
PONDERA	Yes	.25	District Court	
POWDER RIVER	Yes	.5%	District Court	
POWELL	Yes	.5%	General Government	
PRAIRIE	Yes	.5%	General Fund	Courthouse Operation
RAVALLI	Yes	.5%	District Court	Captl Imp/Gen Fund
RICHLAND	No			
ROOSEVELT	Yes	.5%	General Government	
ROSEBUD	No			
SANDERS	Yes	.5%	District Court	
SHERIDAN	No			
STILLWATER	Yes	.5%	General Fund	
SWEET GRASS	Yes	.5%	General Fund	
TETON	Yes	.5%	Salaries	
TOOLE	No			
TREASURE	Yes	.5%	General Government	
VALLEY	No			
WHEATLAND	Yes	.5%	District Court	
WIBAUX	No			
YELLOWSTONE	No			
R - SILVER BOW	Yes	.5%	District Court	

# DORSEY & WHITNEY

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS


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507 DAVIDSON BUILDING  
GREAT FALLS, MONTANA 59401  
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MAE NAN ELLINGSON

## MEMORANDUM

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75009 PARIS, FRANCE  
33-1-42-66-59-49  
35 SQUARE DE MEEÛS  
B-1040 BRUSSELS, BELGIUM  
32-2-504.46.11

TO: Members of the Senate Local Government Committee  
FROM: Mae Nan Ellingson   
DATE: March 16, 1993  
RE: HB 613

SENATE LOCAL GOVERNMENT  
EXHIBIT NO. 7  
DATE 3-16-93  
BILL NO. HB 613

The purpose of House Bill 613 is to revise certain statutory provisions related to the issuance of bonds by cities and counties that are either unduly restrictive on local governments or not in keeping with current practices and requirements related to the issuance of tax-exempt bonds and to repeal certain statutes that are on their face inconsistent with other existing statutes.

Sections 1 through 4 amend the existing law relative to general obligation bonds of cities and counties, as follows:

1. Sections 1 and 3, respectively, make technical changes in Sections 7-7-2268 and 7-7-4268 dealing with early redemption of bonds by counties and cities to: (1) reflect that bonds are currently issued in registered form; (2) indicate that amortization bonds do not have coupons attached to them, but rather are payable in installment payments; and (3) remove the requirement (and expense associated therewith) that the city or county publish notice of the redemption if the bonds which are to be redeemed prior to their stated maturity are issued in registered form, and to allow a redemption date other than an interest payment date.

2. Sections 2 and 4, respectively, make changes to Sections 7-7-2269 and 7-7-4269 and give the county or city, respectively, the ability to specify the

DORSEY & WHITNEY

Members of the Senate Local Government Committee

March 16, 1993

Page 2

order of redemption of their respective bonds at the time of the issuance. The current law requires redemption in the "numerical order in which the bonds were issued". It is not exactly clear what that means, but it has been interpreted to mean that bonds are to be redeemed in order of maturities, which generally results in the issuer having to call bonds bearing a lower interest rate first; which is not in the best interest of the issuer or its taxpayers. In most instances, an issuer would reserve the right to call bonds in inverse order of maturities. This change would give them that flexibility.

Sections 5, 6 and 7 of the bill would repeal or amend provisions of Title 7, Chapter 13 and Chapter 14 that are on their face inconsistent with or unnecessary in light of Title 7, Chapter 7, Part 44.

In 1939 the Legislature enacted the Municipal Revenue Bond Act of 1939, which is codified at Title 7, Chapter 7, Part 44 (the "Revenue Bond Act"), which authorized cities and towns to finance certain self-supporting municipal undertakings, including water and sewer systems through the issuance of revenue bonds. At the time it was introduced, the provisions that are now codified in 7-13-4321, et. seq., were also on the books. It also provides for the issuance of revenue bonds specifically for water and sewer systems, upon approval of the electors of the city or town. Through the years, the legislature has added to the list of undertakings that can be financed through the issuance of revenue bonds under the Revenue Bond Act. As originally introduced, the Revenue Bond Act required that the issuance of revenue bonds thereunder be approved initially by property owners, and after that was held unconstitutional, by the voters of the city or town. In 1973, pursuant to Chapter 413, Montana Session Laws, the Legislature amended the applicable provisions of the Revenue Bond Act to remove the requirement that revenue bonds be approved by the voters.

The Revenue Bond Act, as it currently exists provides that:

"(2) Bonds may be authorized to be issued under this part by resolution or resolutions of the governing body of the municipality:

(a) without an election; or

(b) when authorized by a majority of the qualified electors voting upon such question at a special election, should the governing body in its sole discretion choose to submit the question to the electorate."



DORSEY & WHITNEY

Members of the Senate Local Government Committee  
March 16, 1993  
Page 3

By its terms Chapter 413 evidenced the legislative intent to have this change supersede any other provision of law, to the contrary, part of Chapter 413 now codified at Section 7-7-4403 provides:

"(1) The powers conferred in this part shall be in addition and supplemental to the powers conferred by any other general, special, or local law.

(2) The undertaking may be acquired, purchased, constructed, reconstructed, improved, bettered, and extended and bonds may be issued under this part for said purposes, notwithstanding that any general, special or local law may provide for the acquisition, purchase, construction, reconstruction, improvement, betterment, and extension of a like undertaking or the issuance of bonds for like purposes and without regard to the requirements, restrictions, limitations, or other provisions contained in any other general, special, or local law, including but not limited to any requirement for the approval by the voters of any municipality.

(3) Insofar as the provisions of this part are inconsistent with the provisions of any other general, special, or local law, the provisions of this part shall be controlling."

In our experience, since 1973, all water and sewer revenue bonds have been issued under the Revenue Bond Act. By virtue of that Act, the provisions of Sections 7-13-4302 and 7-13-4303 and Sections 7-13-4321 through 7-13-4345 have been rendered obsolete, and as far as we can determine, not used for any purpose. They only add confusion by continuing to remain in our codes.

Amendments to House Bill No. 299  
Third Reading Copy

Requested by Senator Kennedy  
For the Committee on Local Government

Prepared by Connie Erickson  
March 11, 1993

SENATE LOCAL GOVERNMENT  
EXHIBIT NO. 8  
DATE 3-16-93  
BILL NO. HB 299

1. Title, lines 5 through 7.

Strike: ";" on line 5 through "APPROPRIATIONS" on line 7

2. Page 1, line 21.

Following: ";"

Insert: "and"

3. Page 1, lines 23 and 24.

Strike: ";" on line 23 through "appropriations" on line 24

Amendments to House Bill No. 299  
Third Reading Copy

Requested by Senator Kennedy  
For the Committee on Local Government

Prepared by Connie Erickson  
March 10, 1993

SENATE LOCAL GOVERNMENT  
EXHIBIT NO. 9  
DATE 3-16-93  
BILL NO. HB 299

1. Title, line 5.

Following: "UNIVERSITY"

Insert: "AND THE BUREAU OF GOVERNMENT RESEARCH AT THE UNIVERSITY  
OF MONTANA"

2. Title, lines 5 through 7.

Strike: ";" on line 5 through "APPROPRIATIONS" on line 7

3. Page 1, line 21.

Following: ";"

Insert: "and"

4. Page 1, lines 23 and 24.

Strike: ";" on line 23 through "appropriations" on line 24

5. Page 1.

Following: line 24

Insert: "NEW SECTION. Section 2. Bureau of government research  
-- purpose -- funding. (1) There is a bureau of government  
research at the university of Montana. The purpose of the  
bureau is to facilitate research and publication in the area  
of state and local government and to maintain a liaison  
between political scientists and government officials  
through the exchange of information.

(2) The bureau of government research may:

(a) receive and administer gifts, donations, and  
bequests;

(b) contract with individuals, organizations, and  
governmental agencies for cooperative endeavors; and

(c) apply for and receive grants from public and  
private agencies."

Renumber: subsequent section

6. Page 2, line 1.

Strike: "[Section 1] is"

Insert: "[Sections 1 and 2] are"

Exhibit II  
3-16-93  
HB-299

7. Page 2, line 3.  
Strike: "[section 1]"  
Insert: "[sections 1 and 2]"

DATE 3/16/93

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY: HB 308 - Kasten; HB 363 - Rice;  
HB 364 - Mercer; HB 414 - Keller; HB 613 - Ewer

Name	Representing	Bill No.	Check One	
			Support	Oppose
Richard A Nesbet	City of Helena	HB 414	✓	
" " "	" " "	HB 363	✓	
Gordon Morris	MACO HB 363 414 364 613	all	✓	
J B runner		HB 308	✓	
Blake L Widal	Twins of Clark County	HB 363 HB 414	✓	
Lida Brammer	Broadwater Co Treas	HB 308		X
Pat Melby	State Bar of Mont	HB 363	✓	
Larry Fashen	Cascade County	HB-363	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY