

## **MINUTES**

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

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

**Call to Order:** By CHAIRMAN NORM WALLIN, on March 25, 1993, at 3:00 p.m.

#### **ROLL CALL**

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

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

**Members Excused:** Rep. Diane Wyatt (D)

**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: None  
Executive Action: SB 358, SB 298, SB 332, SB 189, SB 157,  
SB 215, SB 364, SB 288, SB 316

#### **EXECUTIVE ACTION ON SB 358**

**Motion/Vote:** REP. VOGEL moved to reconsider SB 358. Motion carried unanimously.

**Discussion:** REP. VOGEL offered amendments for SB 358, requiring Yellowstone County to get at least two appraisals prior to the sale of the nursing home. EXHIBIT 1

REP. WINSLOW informed the committee that there is already in place a bidding process and all SB 358 will do is circumvent that process.

REP. BOHLINGER, speaking in favor of SB 358, noted there should be concern for those residents of the nursing home by maintaining some continuity in services.

CHAIRMAN WALLIN asked if the amendment also requires the business to be sold at the highest appraisal.

Mr. Campbell said there are statutes covering the sale in Section 7-8-2213.

Motion/Vote: REP. VOGEL moved to adopt the amendment for SB 358. Motion carried unanimously.

Motion/Vote: REP. VOGEL MOVED SB 358 BE CONCURRED IN AS AMENDED. Motion carried 9-6 on a roll call vote with REP. EWER abstaining.

#### EXECUTIVE ACTION ON SENATE BILL 298

Motion/Vote: REP. BROWN MOVED SB 298 BE CONCURRED IN. Motion carried unanimously.

Motion/Vote: REP. BROWN moved to put SB 298 on the consent calendar. Motion carried unanimously. REP. EWER will carry the bill.

#### EXECUTIVE ACTION ON SENATE BILL 332

Discussion: REP. SAYLES recommended amending the bill on page 2, line 4 striking "or appointments" and including an immediate effective date. REP. DOWELL noted that "or appointments" should not be stricken since the County Commissioners want the option to appoint board members.

Motion: REP. BRANDEWIE MOVED SB 332 BE NOT CONCURRED IN.

Motion: REP. DOWELL MADE A SUBSTITUTE MOTION THAT SB 332 BE CONCURRED IN.

Motion/Vote: REP. DOWELL moved to amend SB 332 to include an immediate effective date. EXHIBIT 2 Motion carried 15-1 with REP. BRANDEWIE opposing.

Motion/Vote: MOTION WAS MADE THAT SB 332 BE CONCURRED IN AS AMENDED. Motion carried 9-5 with REPS. DOWELL, BRANDEWIE, RICE, HERRON, and MCCAFFREE opposing.

EXECUTIVE ACTION ON SENATE BILL 189

**Discussion:** REP. BRANDEWIE asked Cort Harrington, Montana Treasurer's Association, to address the problems with the bill.

Mr. Harrington noted the problem concerned the requirement that if the property taxes are assessed or levied they must be paid. There is a question that if January 1 is the assessment date the taxes are not known. He recommended changing an "or" to an "and" on page 2, line 9 and on page 7, line 1. This change would require that the taxes be both assessed and levied at the same time. EXHIBIT 3

REP. BOHLINGER informed the committee of a fax he received from Yellowstone County which stated SB 189 would provide an effective remedy for problems the county has encountered with property in tax default.

**Motion:** REP. BOHLINGER MOVED SB 189 BE CONCURRED IN.

**Motion/Vote:** REP. BRANDEWIE moved to amend SB 189. EXHIBIT 3  
Motion carried unanimously.

**Motion/Vote:** REP. BRANDEWIE MOVED SB 189 BE CONCURRED IN AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON SENATE BILL 157

**Discussion:** CHAIRMAN WALLIN informed the Committee that he had conferred with Greg Petesch, Chief Legal Counsel, Legislative Council, who has said this legislation is legal. With SB 157, property could be transferred from the county to the city.

**Motion/Vote:** REP. McCAFFREE MOVED SB 157 BE CONCURRED IN.  
Motion carried unanimously.

**Motion/Vote:** REP. VOGEL moved to put SB 157 on the consent calendar. Motion carried unanimously.

EXECUTIVE ACTION ON SENATE BILL 215

**Discussion:** REP. BOHLINGER said SB 215 would give Habitat for Humanity and other groups trying to provide housing for low income people a piece of real estate on which to place a dwelling unit. It is an opportunity to turn a piece of property which pays no taxes and is a blight on the community into a tax paying residence.

**Motion:** REP. BROWN MOVED SB 215 BE NOT CONCURRED IN.

**Motion/Vote:** REP. DOWELL MADE A SUBSTITUTE MOTION THAT SB 215 BE CONCURRED IN. Motion carried 14-2 with REPS. McCAFFREE and BROWN

opposing.

**EXECUTIVE ACTION ON SENATE BILL 364**

**Discussion:** REP. BOHLINGER explained his proposed amendment to SB 364. EXHIBIT 4 The amendment will address the concerns of the City of Billings as well as the Neighborhood Task Force of property values being diminished.

REP. BRANDEWIE commented that he appreciates REP. BOHLINGER'S efforts, however, SB 364 will still tear apart zoning regulations in every city and municipality in Montana. It will also affect the multi-family dwelling ordinances. REP. BRANDEWIE noted that if student housing was needed it should be the universities who accommodate them rather than destroying communities to solve the problem.

REP. EWER noted that zoning is a policing power with regard to congestion, noise, traffic, etc., but should not be used for something as arbitrary as relationships. He stated he did not feel the amendment was necessary and he supports the bill.

REP. BRANDEWIE expressed his opposition based on the fact that the bill states that a municipality may not regulate the number of residents in a dwelling.

**Motion:** REP. BOHLINGER MOVED SB 364 BE CONCURRED IN.

**Motion/Vote:** REP. BOHLINGER moved to adopt the amendments to SB 364. EXHIBIT 4 Motion carried 14-2 with REPS. DOWELL and HERRON opposing.

**Motion/Vote:** REP. BROWN MOVED SB 364 BE CONCURRED IN AS AMENDED. Motion carried 12-4 on a roll call vote.

**EXECUTIVE ACTION ON SENATE BILL 288**

**Discussion:** REP. MCCAFFREE recommended the inclusion of all special districts so that all entities in government will be allowed to dispose of old records. Mr. Campbell referred the committee to the definition of local governments on page 2, subsection 1 saying he did not feel that definition was inclusive enough to address REP. MCCAFFREE'S concerns. Mr. Campbell suggested including "any subdivision of an entity named in subsection 1a." The committee agreed with the recommendation.

**Motion:** REP. BRANDEWIE MOVED SB 288 BE CONCURRED IN.

**Motion/Vote:** REP. MCCAFFREE moved to amend SB 288. EXHIBIT 5 Motion carried unanimously.

**Motion/Vote:** REP. VOGEL MOVED SB 288 BE CONCURRED IN AS AMENDED.

Motion carried unanimously.

**EXECUTIVE ACTION ON SENATE BILL 316**

**Discussion:** REP. BRANDEWIE noted there is a problem with the bill. Money can be loaned to municipalities, counties, sewer and water districts for engineering studies with no requirement that the money be paid back. If an entity cannot afford to do the engineering study, they borrow the money and if these entities do not get on the project list, they have no way of repaying the loan and there is no recourse.

REP. HANSEN informed the Committee that the bill is being aimed at small municipalities who, financially, are not able to do water systems, etc.

REP. VOGEL said he has a problem with the concept of loaning money which may or not be paid back. If the local government entity has a good water system plan, it will be accepted. It may mean they will have to invest a little of their own money to launch the effort.

REP. BOHLINGER agreed with REP. VOGEL saying that if they make money available for engineering studies without any local participation, there could be a lot of public money at risk which is not the legislature's intent. He suggested striking the language on page 4, subsection 2, lines 5 & 6.

REP. BRANDEWIE asked REP. EWER if it is true that the money which would be borrowed is coal trust money and if it would also need a three-fourths vote to pass because it would put coal trust funds at a risk of not being returned back into the trust. REP. EWER replied the Treasure State Endowment program has been voted on and passed by the voters; and collateral for the loan is a portion of the coal severance tax monies.

REP. BRANDEWIE asked where in the bill it states that the money is being borrowed against the corpus of the endowment; in the bill it states the money is being borrowed from the Board of Investments.

REP. EWER said the Board of Investments manages all municipal finance programs which are funded by bond proceeds. He informed the Committee that he had missed the hearing on SB 316 and that it was the first he had seen of the bill.

REP. RICE said she was involved in the building of the Treasure State Endowment and that she sees SB 316 as an enhancement.

**Motion:** REP. McCAFFREE MOVED SB 316 BE CONCURRED IN.

**Motion/Vote:** REP. RICE moved to amend SB 316 by striking subsection b on page 4. EXHIBIT 6 Motion carried 15-1 with

REP. EWER opposing.

Motion/Vote: REP. BRANDEWIE moved to amend page 2, line 13 & 14, strike from "provided" through "funds." Motion failed on a voice vote.

Motion/Vote: REP. BRANDEWIE MOVED TO TABLE SB 316. Motion failed on a 12-4 roll call vote.

Motion/Vote: REP. DOWELL MOVED SB 316 BE CONCURRED IN AS AMENDED. Motion carried 12-4.

ADJOURNMENT

Adjournment: 7:30 p.m.

  
\_\_\_\_\_  
NORM WALLIN, Chairman

  
\_\_\_\_\_  
PAT BENNETT, Secretary

NW/pb

# HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT

COMMITTEE

ROLL CALL

DATE

3/25/93

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 <i>arrived for SB ZIS</i>	✓		✓
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

March 26, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that Senate Bill 157 (third reading copy -- blue) be concurred in and be placed on consent calendar.

Signed: *Norm Wallin*  
Norm Wallin, Chair

Committee Vote:  
Yes \_\_, No \_\_.

681033SC.Hss



HOUSE STANDING COMMITTEE REPORT

March 26, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that Senate Bill 215 (third reading copy -- blue) be concurred in.

Signed:   
Norm Wallin, Chair

Carried by: Rep. Bergman

Committee Vote:  
Yes \_\_\_\_, No \_\_\_\_.

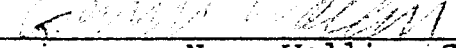
681035SC.Hss

HOUSE STANDING COMMITTEE REPORT

March 26, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that Senate Bill 288 (third reading copy -- blue) be concurred in as amended.

Signed:   
Norm Wallin, Chair

And, that such amendments read:

Carried by: Rep. Squires

1. Page 3, line 1.

Following: "means"

Insert: ": (a)"

2. Page 3, line 2.

Following: "district"

Insert: "; and

(b) any subdivision of an entity named in subsection  
(1) (a) "

-END-

Committee Vote:  
Yes \_\_, No \_\_.

681038SC.Hss

HOUSE STANDING COMMITTEE REPORT

March 26, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that Senate Bill 298 (third reading copy -- blue) be concurred in and be placed on consent calendar.

Signed: 

Norm Wallin, Chair

Committee Vote:  
Yes \_\_, No \_\_.

681023SC.Hss

HOUSE STANDING COMMITTEE REPORT

March 26, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that Senate Bill 316 (third reading copy -- blue) be concurred in as amended.

Signed:   
Norm Wallin, Chair

And, that such amendments read:

Carried by: Rep. Harper

1. Page 1, lines 21 through 24.

Strike: "The" on line 21 through "arranged." on line 24

2. Page 3, line 25.

Strike: ":"

3. Page 4, line 1.

Strike: "(a)"

4. Page 4, line 4.

Strike: "; and"

Insert: "."

5. Page 4, lines 5 through 7.

Strike: subsection (b) in its entirety

-END-

Committee Vote:  
Yes 12, No 4.

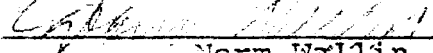
631044SC.Hss

HOUSE STANDING COMMITTEE REPORT

March 26, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that Senate Bill 332 (third reading copy -- blue) be concurred in as amended .

Signed:   
Norm Wallin, Chair

And, that such amendments read:

Carried by: Rep. Hansen

1. Title, line 14.

Following: " ; "

Strike: "AND"

2. Title, line 15.

Following: "MCA"

Insert: " ; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE "

3. Page 3, following line 11.

Insert: "

NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval."

-END-

Committee Vote:  
Yes    , No    .

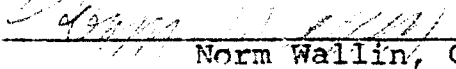
681025SC.Hss

HOUSE STANDING COMMITTEE REPORT

March 26, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that Senate Bill 358 (third reading copy -- blue) be concurred in as amended .

Signed:  Norm Wallin, Chair

And, that such amendments read:

Carried by: Rep. Vogel

1. Page 1, line 17.  
Strike: "an appraisal"  
Insert: "two appraisals"  
Strike: "a"

2. Page 1, line 18.  
Strike: "appraiser"  
Insert: "appraisers"

-END-

Committee Vote:  
Yes     , No     .


681015SC.Hss

HOUSE STANDING COMMITTEE REPORT

March 26, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that Senate Bill 364 (third reading copy -- blue) be concurred in as amended .

Signed:   
Norm Wallin, Chair

And, that such amendments read: Carried by: Rep. Bohlinger

1. Page 2, line 5.

Following: "line 4"

Insert: "(4) This section does not affect or limit the authority of a municipality to enact zoning regulations, pursuant to subsections (1) and (2); to reduce traffic and parking congestion; to control noise in a neighborhood; to avoid undue concentration of population; to regulate the total number of persons, related or unrelated, residing in a dwelling; or to conserve property values."

-END-

Committee Vote:  
Yes \_\_, No \_\_.

681037SC.Hss

# HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT

COMMITTEE

## ROLL CALL VOTE

DATE 3/25/93 BILL NO. SB 358 NUMBER 9-6  
 MOTION: Rep. Vogel moved SB 358  
as amended -  
Motion carried 9-6.

NAME	AYE	NO
REP. RAY BRANDEWIE, VICE CHAIRMAN	✓	
REP. ELLEN BERGMAN	✓	
REP. JOHN BOHLINGER	✓	
REP. DAVE BROWN	✓	
REP. TIM DOWELL		✓
REP. DAVID EWER	Abstained	
REP. STELLA JEAN HANSEN	Proxy	✓
REP. JACK HERRON	✓	
REP. ED McCAFFREE	✓	
REP. SHEILA RICE		✓
REP. TIM SAYLES		✓
REP. LIZ SMITH	✓	
REP. RANDY VOGEL	✓	
REP. KARYL WINSLOW		✓
REP. DIANA WYATT	Proxy	✓
REP NORM WALLIN, CHAIRMAN	✓	



# HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT

COMMITTEE

## ROLL CALL VOTE

DATE 3/25/93 BILL NO. SB 316 NUMBER 12-4

MOTION: Rep Brandewie moved to Table  
SB 316

Motion failed.

NAME	AYE	NO
REP. RAY BRANDEWIE, VICE CHAIRMAN	✓	
REP. ELLEN BERGMAN		✓
REP. JOHN BOHLINGER		✓
REP. DAVE BROWN		✓
REP. TIM DOWELL		✓
REP. DAVID EWER		✓
REP. STELLA JEAN HANSEN		✓
REP. JACK HERRON		✓
REP. ED McCAFFREE		✓
REP. SHEILA RICE		✓
REP. TIM SAYLES	✓	
REP. LIZ SMITH	✓	
REP. RANDY VOGEL		✓
REP. KARYL WINSLOW	✓	<del>WINSLOW</del>
REP. DIANA WYATT		✓
REP NORM WALLIN, CHAIRMAN		✓

# HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT

COMMITTEE

## ROLL CALL VOTE

DATE 3/25/93 BILL NO. SB 364 NUMBER 12-4

MOTION: Rep Brown moved SB 364 as amended. Motion carried.

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	✓	

EXHIBIT 1  
DATE 3/25/93  
SB SK 358

Amendments to Senate Bill No. 358  
Third Reading Copy

Requested by Representative Vogel  
For the Committee on Local Government

Prepared by Bart Campbell  
March 26, 1993

1. Page 1, line 17.  
Strike: "an appraisal"  
Insert: "two appraisals"  
Strike: "a"

2. Page 1, line 18.  
Strike: "appraiser"  
Insert: "appraisers"

Amendments to Senate Bill No. 332  
Third Reading Copy

Requested by Representative Vogel  
For the Committee on Local Government

Prepared by Bart Campbell  
March 26, 1993

1. Title, line 14.  
Following: "i"  
Strike: "AND"

2. Title, line 15.  
Following: "MCA"  
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 3, following line 11.  
Insert: "

NEW SECTION. Section 4. {standard} Effective date. [This  
act] is effective on passage and approval."

EXHIBIT - # 3  
DATE 3/25/93  
SB SB 189

Amendments to Senate Bill No. 189  
Third Reading Copy

Requested by Representative Brandewie  
For the Committee on Local Government

Prepared by Bart Campbell  
March 26, 1993

1. Page 2, line 9.

Strike: "or"

Insert: "and"

2. Page 7, line 1.

Strike: "or"

Insert: "and"

EXHIBIT 4  
DATE 3/25/93  
SB 364

Amendments to Senate Bill No. 364  
Third Reading Copy

Requested by Representative Bohlinger  
For the Committee on Local Government

Prepared by Bart Campbell  
March 26, 1993

1. Page 2, line 5.

Following: "line 4"

Insert: "(4) This section does not affect or limit the authority of a municipality to enact zoning regulations, pursuant to subsections (1) and (2); to reduce traffic and parking congestion; to control noise in a neighborhood; to avoid undue concentration of population; to regulate the total number of persons, related or unrelated, residing in a dwelling; or to conserve property values."

EXHIBIT 5  
DATE 3/25/93  
SB SB288

Amendments to Senate Bill No. 288  
Third Reading Copy

Requested by Representative McCaffree  
For the Committee on Local Government

Prepared by Bart Campbell  
March 26, 1993

1. Page 3, line 1.  
Following: "means"  
Insert: ": (a) "

2. Page 3, line 2.  
Following: "district"  
Insert: "; and

(b) any subdivision of an entity named in subsection  
(1) (a) "

Amendments to Senate Bill No. 316  
Third Reading Copy

Requested by Representative Sheila Rice  
For the Committee on Local Government

Prepared by Bart Campbell  
March 26, 1993

1. Page 1, lines 21 through 24.  
Strike: "The" on line 21 through "arranged." on line 24
2. Page 3, line 25.  
Strike: "i"
3. Page 4, line 1.  
Strike: "a"
4. Page 4, line 4.  
Strike: "; and"  
Insert: "."
5. Page 4, lines 5 through 7.  
Strike: subsection (b) in its entirety