

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN WILLIAM BOHARSKI**, on January 31,
1995, at 3:00 P.M.

ROLL CALL

Members Present:

Rep. William E. Boharski, Chairman (R)
Rep. Jack R. Herron, Vice Chairman (Majority) (R)
Rep. David Ewer, Vice Chairman (Minority) (D)
Rep. Chris Ahner (R)
Rep. Shiell Anderson (R)
Rep. Ellen Bergman (R)
Rep. John C. Bohlinger (R)
Rep. Matt Brainard (R)
Rep. Matt Denny (R)
Rep. Rose Forbes (R)
Rep. Antoinette R. Hagener (D)
Rep. Bob Keenan (R)
Rep. Linda McCulloch (D)
Rep. Jeanette S. McKee (R)
Rep. Norm Mills (R)
Rep. Debbie Shea (D)
Rep. Joe Tropila (D)
Rep. Diana E. Wyatt (D)

Members Excused: None

Members Absent: None

Staff Present: Bart Campbell, Legislative Council
Evelyn Burris, Committee Secretary

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

Committee Business Summary:

Hearing: HB 231; HB 259; HB 260; HB 289; SB 52
Executive Action: HB 103 RECONSIDERATION POSTPONED

HEARING ON HB 231

Opening Statement by Sponsor:

REP. BOB PAVLOVICH, HD 70, Butte, said HB 231 is an act
increasing the cost for entry of confession of judgment; and
amending section 27-9-103, MCA. This bill was inadvertently
overlooked in the 1993 session.

Proponents' Testimony:

Bob Gilbert, Montana Clerks of District Court, reiterated this is a housekeeping bill overlooked in the 1993 session. The Clerks of District Court felt this should be brought up to the level of all the others.

Nancy Sweeny, Clerk of District Court, Lewis and Clark County, appeared on behalf of the Montana Association of Clerks of District Court and said that HB 231 would amend 27-9-103, MCA, to set the fee for a confession of judgment at \$45. Although this amendment would increase fees, the fiscal impact of this proposed legislation is negligible, as reflected in the fiscal note. Lewis and Clark County would have received an additional \$80 during the entire calendar year 1994. The Montana Association of Clerks of District Court did not request **REP. PAVLOVICH** to submit this bill to significantly increase a revenue source. This legislation will make the collection of a fee for entry of judgment uniform by correcting an oversight of the 1993 legislation session. **EXHIBIT 1**

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses: None

Closing by Sponsor: The sponsor closed and said this would be a good time to put this bill on the consent calendar.

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HEARING ON HB 289**Opening Statement by Sponsor:**

REP. LOREN SOFT, HD 12, Billings, introduced HB 289 and said this is an act implementing the recommendation of the Governor's Task Force to Renew Montana Government by eliminating the 12 percent a year utility rate increase limit for municipal utilities; amending section 69-7-102, MCA. This bill would remove the Public Service Commission (PSC) from reviewing municipal utility rate increases. A municipality has the power and authority to regulate, establish, and change, as it considers proper rates, charges, and classifications imposed for utility services to its inhabitants and other persons served by municipal utility systems. Rates, charges, and classifications must be reasonable and just. The local elected officials rather than statewide elected officials are in a better position to set rates. The local level officials are more accountable to the people in their local districts. The task force heard a lot of testimony on how expensive it is to prepare these rates and concluded they could use the money and put the funds into water and sewer projects.

The rural water and sewer districts are not currently not under the jurisdiction of the PSC. **REP. SOFT** then gave examples in the Helena Valley where the Eastgate water and sewer district has approximately 500 customers. The task force was concerned with higher fees to people residing outside the municipal boundary, which is not allowed by current statute. Another concern was if rates get too high, what recourse do people have. They will still have the avenues of appeal available to them through this bill. PSC does a good job in assisting some committees in their rate requests, however, this would no longer be available. There are private engineers and accountants that would be available to the cities to help them prepare these. The counties and the governor's office worked together on this bill. Montana is one of twelve states left in the union that has regulated water, utilities and six states including Montana have regulated sewer utilities. **REP. SOFT** urged support of this bill.

Proponents' Testimony:

Laurie Ekanger, Governor's Office, spoke in favor of **HB 289** and urged support of this bill.

Nancy McCaffree, Public Service Commission, spoke in favor of this bill with the amendment. The present statute requires a minimal amount of their staff time, approximately 1,510 hours a year. They would like to be in or out of regulating municipal water. As it now stands, the statute gives only an illusion of regulation. One of their concerns is they want local governments set rates to cover water and sewer costs only and they should be very conscientious that the costs do not become a source of revenue from the general fund. **EXHIBIT 2**

Larry Fasbender, City of Great Falls, agreed with previous testimony and said this bill is long overdue and he urged a do pass recommendation.

James Kembel, City of Billings, wished to go on record in support of **HB 289**.

Dave Ashley, Deputy Director, Department of Administration, submitted a proposed amendment for consideration. **EXHIBIT 3**

Kim Milburn, Public Works Department, City of Helena, added their support for this bill. Whenever rate increases are proposed, they will go through a very strict analysis on how the rates will be determined based upon cost. Once that is determined, it is presented in a public forum hearing for the city commission and public to attend. This is a very public process.

{Tape: 1; Side: 1; Approx. Counter: 14.7;}

Alec Hanson, Montana League of Cities and Towns, attested their support of this bill and reiterated previous testimony and said

this is a good time for all the public utilities in Montana to operate under the same law.

Opponents' Testimony:

Greg Van Horssen, representing 1,100 property managers of the state, said he has never before stood up against this much opposition in his entire lobbying career. The people he represents operate approximately 50 to 75,000 units across the state. They are concerned about the problem of affordable housing in Montana and they bear the brunt of this problem. Every time there is an increase in utilities or any other operating cost on property, they must raise rents. Their concern is that the result would be an excess increase in rent in the future, and they will have to pass that increase along to the consumers in the state of Montana. The 12% cap once exceeded would require utilities to proceed to the Commission may have in some cases acted as a de-incentive to raising rates to that magnitude. To the extent, if it did act as a dis-incentive and did keep rates down and keep housing more affordable in the future, he asked for the committee's consideration.

Informational Testimony: None

Questions From Committee Members and Responses:

REP. SHIELL ANDERSON asked **Ms. McCaffree**, if currently if there is a proposed rate increase greater than 12%, does it go to the Commission. **Ms. McCaffree** responded yes, it is protested. **REP. ANDERSON** asked if there have situations where a particular rate increase has been requested and Commission will give them 13% instead of 14%. **Ms. McCaffree** responded it could, consult their rate analysis. **REP. ANDERSON** asked how many do they see. **Ms. McCaffree** responded very few, twelve last year.

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REP. DAVID EWER said it was his understanding that county water and sewer districts are not under rate review by the Commission. **Ms. McCaffree** responded that she believes so. **REP. EWER** said only municipalities are under the Commission and not water and sewer districts providing services.

REP. EWER said regarding the concern raised about municipalities arbitrarily raising rates he referred to statutory provision 7-13-4304, stating "Authority for the charge of services that local governments water and sewer rates charge and rentals shall be nearly as possibly equitable in proportion to the services and benefits rendered." **REP. EWER** said there are other references in the statute that service charges have to bear in proportion to the benefits received and asked **Mr. Van Horssen** if he still has concerns with that statute in law. **Mr. Van Horssen** responded that his concern primarily involves removing what once was a cap to a utility increase. They had the Commission get involved when a

rate increase reached a certain magnitude. The fact that the Commission was eventually going to be involved in the magnitude increase may have by virtue of the small number of cases brought before the organization serve as a dis-incentive. Previous to this change in the legislation, they may not have seen changes to the magnitude that they may see in the future.

REP. JOHN BOHLINGER stated if they were to eliminate the 12% cap and if they were to twice water as its done in neighboring states, being one of six states that regulate water, the states that are not regulated, what percentage increase are consumers of that product faced with, is it a runaway situation?

Bill Verwolf, City Manager, Helena, responded the history of the Commission regulation of municipal water rights, there are two exemptions. One is as long as the rate increase is kept under 12% per annum, they are exempt from that review. The other is they raise the rates to pay for an improvement that was mandated by a superior authority of state and federal governments, the cost of providing that is also exempt from Commission review. Since those two exemptions were in place, very few municipalities have need to go to the Commission for something in excess of 12%. Most of the water and utility rates around the state have been either for mandated improvements or consistent for inflation costs. There was a mandated improvement cost in the city of Helena a number of years ago and there has not been a rate increase since. There may be a raise increase in the future to meet inflationary costs. There was a decrease and they were able to re-issue a bond issue at a lower interest rate and lower the annual debt service, which allowed them to take a few cents off the water rate. The elected officials are very aware of the impact of water rates on their constituents and have been conservative about rates. They are concerned if they are charging enough to keep the system up, as opposed to letting it go and having to do major improvements in lump sums.

REP. NORM MILLS asked **Mr. Van Horssen** what his attitude would be if there was a major failure of a water system and they had to have a rate increase above the 12% and a number of his constituents would be in danger of losing their water service. He referred to the two exemptions to the 12%. The landlord has the statutory obligations to take care of those type things. They must be non-committal when it comes to a statutory obligation. There is no concern in that respect. The people he represents fully expect and are happy to provide those type of expenditures. They generally must pass those costs along. The necessary costs are not the problem.

CHAIRMAN BOHARSKI referred to the fiscal note and asked **Ms. McCaffree** of the 12 filings with the Commission in FY94, were any of those changed by the public service commission. **Ms. McCaffree** responded no. **CHAIRMAN BOHARSKI** asked if they were allowed to go through as they were requested. **Ms. McCaffree** responded yes. **CHAIRMAN BOHARSKI** asked if they were all water and sewer. **Ms.**

McCaffree said they were all water and sewer and mainly to bring their facilities up to standard that is required by federal government.

CHAIRMAN BOHARSKI referred to the fiscal note shows the reduction in the next biennium of about \$13,000 and asked if via her support of this bill, she is asking the appropriations committee to take a similar reduction in her budget. **Ms. McCaffree** said it requires so little time of their staff, about 150 hours a year they put into it.

Closing by Sponsor: The sponsor closed asking support of this bill.

{Tape: 1; Side: 1; Approx. Counter: 30.7;}

HEARING ON HB 259

Opening Statement by Sponsor:

REP. CARLEY TUSS, HD 46, Great Falls, is bringing this bill before the committee at the request of the Cascade County Commissioners and the Cascade County sheriff, and it dealt with the penalty of curfew violations. The part of the code this statute falls under has to do with the powers of the county commissioners. They may or may not decide to have a curfew but in the event that they do, the current penalty is \$10. They want the penalty raised not to exceed \$75 and or ten hours of community service. The last time this was changed was in 1969.

Proponents' Testimony:

Larry Fasbender, Cascade County, reiterated the comments of the sponsor and said this ordinance is in place but the fine is so low it is hardly enforceable. They want to give judges the latitude to enforce the law through imposing community service or higher fine penalties.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

REP. NORM MILLS asked **REP. TUSS** if she was acquainted with the curfew law. She responded that she was. **REP. MILLS** asked at what age the curfew kicks out of operation. She responded the curfew law in Cascade County applies after 11:00 p.m. for persons sixteen years of age and under. **REP. MILLS** asked if there was any irrigated land in the county. **REP. TUSS** responded yes. **REP. MILLS** asked if a person under sixteen working in irrigation would be in violation of the curfew. **REP. TUSS** responded during the summer and early fall, she spent four different night shifts

riding along with the Cascade County Sheriff and each time a curfew came into question, the sheriff deputies were always engaged in conversation with the youth they found. If they were on valid business, there was no problem. The officers were very deliberate in engaging with the person before they accused them of a crime. **REP. MILLS** asked if under the proposed bill would it not be a violation of the law if they are out walking on the street after 11:00 p.m. **REP. TUSS** said they would be charged under the current law as easily as they would be charged under the proposed law. She is asking that only the penalty be changed.

REP. ELLEN BERGMAN asked if the \$10 fine has not been doing the job. **REP. TUSS** responded that the assessment of the sheriff's department is that the fine is so low as to invite ridicule. Curfew is looked at very seriously by the Cascade County Sheriff.

REP. JOE TROPILA asked **REP. TUSS** about the curfew times. She said curfew is 12:00 p.m. on weekends, 11:00 p.m. weekdays.

CHAIRMAN BOHARSKI asked how many citations were issued in the last couple years. **REP. TUSS** said the violation has been issued very rarely because the intent and manner that Cascade County Sheriff's department operate is conversation, instruction guiding first, and violations only after there are repeated offenses or if the juveniles are actively engaged in some other unhealthy behaviors. **CHAIRMAN BOHARSKI** asked if it is very rarely enforced, who ridicules them. **REP. TUSS** said the people ridiculing are the members of the community who feel that "it is so low as to be laughable."

Closing by Sponsor:

The sponsor closed referring to the fiscal note and said there's no fiscal impact on county government because there's no mandate for county government to have a curfew violation. If that county government decides to have a curfew violation they have accepted the fiscal impact that goes along with it.

HEARING ON SB 52

Opening Statement by Sponsor:

SENATOR JOHN HARP, SD 42, Kalispell, said this bill is an act clarifying annexation law by substituting real property owners for freeholders and, with respect to municipal annexation with the provision of services laws, by substituting real property owners for resident freeholders; amending certain sections, and providing an immediate effective date. This bill allows first class cities, people who own property who are not resident freeholders, the ability to be re-classified as real property owners. For people who do not reside on that piece of property will have the opportunity to protest a waiver of annexation in an

area where a first class city is potentially annexing some area in Montana.

Currently, if a landowner doesn't reside or do business on, or rent a piece of property, they can continue to have the privilege of paying taxes and everything that goes with owning property but they don't have the right to protest a waiver of annexation. He was shocked by not being able to say yes or no if he wants to be a part of a city. The purpose of this bill will give the ability to say yes or no if a person is a real property owner in Montana in dealing with first class cities.

Proponents' Testimony:

Howard Gipe, Flathead County Commissioner, said they strongly support SB 52. The small business people of Evergreen have spent many years building up their businesses. Some are marginal and some are good business. At the present time, the law enforcement is controlled by the Sheriff's office, a few security businesses and the Highway Patrol. They have good law enforcement and fire protection. He feels there would be a major problem with the possibility of people being annexed without a vote or representation. **Mr. Gipe** asked for support of this bill.

Gordon Morris, Director, Association of Counties, wished to go on record in support of SB 52 and stated that it would clarify the annexation laws in reference to the archaic language used in current statute dealing with the freeholder identification as it's used currently and asked for favorable consideration.

Greg Van Horssen, Montana Housing Providers, asked a do pass recommendation.

REP. CAROLYN SQUIRES, HD 58, Missoula, stated she is representing the constituents in her district and they would like to have the definition cleared up. They oppose annexation and encourage support of this bill. Her area is one of the areas that most recently defeated the petition to annexing the city.

Lance Clark, Montana Association of Realtors, stated on behalf of their 3,050 members, they urge a do pass of SB 52.

{Tape: 1; Side: 1; Approx. Counter: 47.}

James Lofftus, President of Montana Fire District Association, voiced his support.

Jack Fallon, Evergreen, stated his concern resulting in the planning and construction of a \$14 million sanitary sewer system that was designed and mitigate the aqua feed beneath Evergreen that feeds Flathead Lake. He said the sewer system is part of the Flathead County Water and Sewer District #1 and the financing consists of an EPA grant and \$8.5 million RSID. He provided background information on when it was created and the properties

and taxes involved. **Mr. Fallon** gave some background of the coordination and involvement of the EPA, Water Quality Bureau, NPRC, Flathead County, Bond Councils, Engineers, Attorneys, Free Contractors. If annexation had occurred before sewage began flowing, the city would have netted over \$300,000 a year. That would have come from a mill levy, a street maintenance assessment, storm drainage assessment, and gaming revenues.

Under annexation, real property taxes would have increased by 30% and personal property taxes would have increased by 16.5%. This was on top of 24% increase experience through the RSID assessment. "It may not be double taxation but it is a wail of increase in taxation without representation, so where is the fairness?" **Mr. Fallon** said they are not against annexation, but they are for getting something for their dollar. He believes SB 52 will allow the property owner the appropriate say for taxation without representation and urged the committee's support.

EXHIBIT 4

James Balke, Belgrade Rural Fire District, said the taxpayers who are going to be affected should be able to make the decision and he urged the committee's support.

REP. CARLEY TUSS said for the record, she is a proponent of this bill.

Opponents' Testimony:

Bruce Williams, Kalispell City Manager, said he was representing Mayor Douglas D. Rauthe and the six city council members who asked to go on record as opposed to SB 52. The specifics of their objections are presented in **EXHIBIT 5**. They have requested that in the event the committee strongly supports the provisions of SB 52 they ask that an amendment be considered which would change the phrase "real property owners" to read "Montana electors owning real property". This amendment will eliminate their concern about giving large out-of-state corporations the opportunity to protest annexations. Fifty-six percent of the state constituents live inside Montana cities and towns.

Mr. Williams said the amendment to Montana annexation laws is being sponsored because of Kalispell's attempt to annex 280 acres of commercial property which is adjacent to the City's eastern city limits.

Mr. Williams gave the history surrounding this annexation issue involving the area's need to be served by an EPA-approved sewage treatment facility. Because it was significantly less expensive for the area property owners to contract with the City of Kalispell to treat its sewage rather than build their own facility, the city agreed to extend and reserve 30% of the capacity of their new treatment facility for Evergreen's exclusive use in exchange for their commitment to pay the debt associated with the reserve capacity and agreement that they

would annex when the city decided to initiate the process. The agreement to annex consisted of consent waivers from over 55% of the property owners in the area to be annexed. The area is now fully sewered, with its collection system being built and funded by a rural special improvement district bond. The city is now receiving and treating the area's sewage. **Mr. Williams** outlined the reasons that in their opinion, a local agreement between consenting parties should not be settled by state legislative policy. **EXHIBIT 6**

{Tape: 1; Side: 1; Approx. Counter: 59.9;}

Larry Gallagher, Director of Planning, Economic and Community Development, City of Kalispell, submitted graphs showing the Flathead County and Kalispell population from 1960 to the year 2015 along with the county planning area city limits, the city planning jurisdiction and the Gateway West Mall Assessed Valuation comparison. **EXHIBIT 7** **Mr. Gallagher** said no one assumed that during the period 1960-1995 the population of Flathead County would almost double, a 99.79 percent increase to 65,862 people in 1995. In 1960 the City of Kalispell had a population of 10,150.

Mr. Gallagher spoke about the Kalispell Bypass Feasibility Study for the 1990-2015 population projections and the reasons the city wants to annex Evergreen. The passage of this bill will allow giant retailers and satellite businesses to absorb the retail sales dollars and other disposable income of Kalispell and Flathead County residents while devastating kalispell's commercial/retail property tax base, enjoying Kalispell's municipal services, specifically wastewater treatment and police protection while being assessed at rates 17.38 - 20.22 percent lower than a city taxpayer. The city of Kalispell agrees with **SEN. HARP** that SB 52 is a fairness issue and property owners should be treated equally. They disagree with his legislation to enable Evergreen business owners to enjoy all the benefits available to Kalispell's business community and residents without paying a reasonable share of the cost.

{Tape: 1; Side: 2; Approx. Counter: 7.2;}

Daniel Kemmis, Mayor of Missoula, said the testimony he has heard reminds him of his tenure on this committee some years ago. So far most of what's been heard has the appearance of a localized battle, and possibly needs to be resolved in court. The worst possible way to make state law is in trying to resolve a localized dispute. He urged not to take the invitation to resolve this local dispute and substantially change the state law. On the surface this seems to be a reasonable and democratic bill giving some people a say. **Mr. Kemmis** explained how economies work and how the municipal government works. The temptation is built in for some businesses to locate in such a way that they get all of the advantages of the years of investment that the businesses and other investors who formed the

city have made because that local economy already exists for them. In Missoula, every time they have used the annexation law they are now being asked to change, they have used it to bring into the city those businesses that have taken advantage of a good deal. This law, the way it is written, says if a business is going to take advantage of this good situation, then they have to come under the tent whenever the people inside the city decide they can extend services to them. This change in the law undermines the basic understanding. It says it's okay for certain businesses to take advantage of a good deal, and not pay their fair share. He urged a do not pass.

{Tape: 1; Side: 2; Approx. Counter: 13.3;}

Jim Nugent, City Attorney, Missoula, submitted written testimony and urged defeat of SB 52 because it is poorly thought out and has a major problem in respect of how votes would be counted.

EXHIBIT 8

{Tape: 1; Side: 2; Approx. Counter: 18.5;}

Alec Hanson, League of Cities and Towns, stated there are three annexation disputes going on in Montana: Evergreen, Black Eagle, and Reserve Street in Missoula. The result will probably be that three different bills will come into this committee and if passed, the fate of the cities in Montana will be sealed, cities will not be able to grow, expand water and sewer districts, etc. **Mr. Hanson** gave examples of how the city of Billings annexed with Billings Heights, the largest annexation in the history of Montana, that worked well. He reiterated and agreed with the testimony of Mayor Kemmis' testimony.

James Kembel, City of Billings, reiterated previous testimony and said the city wants to go on record in opposition to SB 52.

Vern Erickson, Montana State Firemen Association, reiterated previous testimony and said they too oppose this bill.

Informational Testimony:

Bill Verwolf, City of Helena, said this bill has a number of inconsistencies and language problems that need to be straightened out. He referred to resident electors owning real property, and the next paragraph the language refers to real property owners. He offered to work with the drafter of this bill to clean up the language.

Questions From Committee Members and Responses:

REP. BOB KEENAN referred to page 3 of **Mr. Gallagher's** testimony and asked about the classification and appraisal of property. **Mr. Gallagher** responded the classification appraisal office reclassified and reappraised the property, the owner appealed and the final result is the result of the appeal. It shows the

results of the classification in the state and the Department of Revenue reassessment and the results of the appeal and final tax notice.

Mr. Gallagher said it is his understanding with the 30% capacity reserve for Evergreen, the city of Kalispell has approximately the capacity left for 5,000 dwelling units based on current assumption. That is the maximum capacity on the existing facility with the reserve set aside for Evergreen.

REP. KEENAN asked **Mr. Gallagher** if he had any numbers on the development of the old cherry packing plant in Kalispell Center Mall and the impact that had on the tax base. He felt they would more than offset any Gateway West Mall loss. He responded the taxable evaluation of the Kalispell Center Mall is a depreciating asset as is all commercial 4 property. Tidyman was an addition to the tax rolls two years ago. Tidyman pays an assessed evaluation of \$5.50 a square foot compared to property in Evergreen at \$1.47 a square foot. He attested to the fact the Gateway West Mall located on the city's western edge has been 50% vacant for the past 13 months. In 1992 this 1960's vintage enclosed mall shopping center was valued at 7.214 million for tax purposes. Today after its 2nd annual tax appeal, it is valued at \$4.615 million, a 36% drop in value since 1992.

{Tape: 1; Side: 2; Approx. Counter: 29.3; Comments: Some of REP. ANDERSON'S questions are barely audible}

REP. SHIELL ANDERSON asked **Mr. Nugent** if the amendment is adopted would there be a constitutional problem with the in-state property owners. **Mr. Nugent** said he would have to refer this question to the committee staff attorney. **REP. ANDERSON** then referred this question to **Mr. Williams**. He responded that he did not know the constitutionality of it. He suggested that the way the law is presently written there is the same problem. Different classes of property are not allowed to protest under the present statute. Their concern is the large retailers should not have a voice in Montana affairs, particularly local affairs. **Mr. Williams** said another concern is of giving the Mom and Pop people the opportunity to protest. He spoke of rewording the phrase so that large eastern corporations don't have a say of what happens at the local level and that would achieve what his city is concerned about. **Mr. Williams** attested that now the freeholders can stop any annexation attempt that takes place.

{Tape: 1; Side: 2; Approx. Counter: 35.4; Comments: .}

REP. DAVID EWER said the specifics of what this bill does, it doesn't address what has gone on with Kalispell and Evergreen. He asked **Mr. Nugent** if that is his sense. He responded that as he understands it, more than 50% of the properties may have signed a consent annexation in order to get sewer. The law allows resident freeholders to protest to annexation and there were only three resident freeholders in the area and they

protested the annexation. He explained what the annexation law allows.

REP. EWER said he is not sure the bill addresses the problem. There is the dispute between Evergreen and Kalispell. He asked what the law is today and what this bill does and he asked him to define what a resident freeholder is. **Mr. Nugent** explained as he understands it, this bill is trying to change the term freeholder in all methods of annexation. He explained the method of annexation. Pursuant to current law, this is not an annexation law it would basically only allow one resident being where they intend to reside. Pursuant to the current law, they know with stability who a resident freeholder is because they can only have one resident and one vote. This bill does not identify how many times a person gets to vote. If they own more than one parcel, a construction site or if their house is on three lots, etc.

REP. EWER asked if a resident freeholder means that someone is a resident that can vote and owns property. **Mr. Nugent** explained they own the property and also a resident of the area. **REP. EWER** said what this bill proposes is to go away from that definition and substitute that for real property owner. The point as far as real property owner is how many votes and corporations are not residents. **Mr. Nugent** said pursuant to current Montana law they are not allowed to vote.

{Tape: 1; Side: 2; Approx. Counter: 40.7;}

CHAIRMAN BOHARSKI referred to the current language in 72-47-10 and said it takes a majority of freeholders and property owners, under current law, to protest the annexation. **SENATOR HARP** said that is correct. If the city of Kalispell only had three, that is not a majority. Why did that hold up the annexation. **SEN. HARP** said what occurred was when the annexation was taking place east of Kalispell, the manager and the council were very open to gerrymandering the district making sure they were very careful to exclude all resident freeholders and exclude their ability to protest the annexation itself.

CHAIRMAN BOHARSKI said the law says freeholders it does not say resident freeholders. **SEN. HARP** that is a different section and explained that after they made the annexation move they found out after the fact there were three people who reside as resident freeholders which made the annexation not valid. The purpose behind this bill is to allow anybody who owns property, regardless if they live on the property, rent or business owner they have the ability to have the right to say yes or no if they want to be a part of the city. This only affects first class cities in Montana.

CHAIRMAN BOHARSKI referred to the reduction in property value in the Gateway West Mall, and what the development, the increase in the property tax was, due to the addition of the Kalispell Center Mall complex, didn't that offset any reduction. There is a

reduction over time due to depreciation. During this process when Gateway was reducing in property valuation was what did the addition of the Kalispell Center Mall do to the valuation in the city of Kalispell. **Mr. Gallagher** said from 1992-1994 the Kalispell Center Mall and Tidymans did go down in value, however, the Kalispell Center Mall going from railroad class 12 property in 1986 to its current use as privately owned class 4 property. It increased the valuation to \$17 million for Kalispell Mall and Cavanas Motor Inn. The taxes generated for the city of Kalispell went from \$68,000 to \$396,000. This took place in 1986 prior to the expansion of the Evergreen commercial strip and the other areas adjacent to the city. It was a direct result of the city's tax increment, urban renewal project and aggressive incentives to cause that development.

CHAIRMAN BOHARSKI asked if there was any data to indicate what happened to the Gateway West Mall as a result of creating the Kalispell Center Mall. **Mr. Gallagher** said he did not have a comparison of 1986 to 1992 values. The only information he gathered was 1992-1994 values. All the 36 percent reduction in the Gateway West Mall occurred well after full lease up and after the Kalispell Center Mall had been in operation for five to six years.

CHAIRMAN BOHARSKI asked **Mr. Williams** if it was his opinion that this bill would not affect any process that is now underway in the Flathead Valley. **Mr. Williams** said in his opinion, speaking in terms of the dispute they are having with Evergreen he thought if the council determines they want to annex that territory it would be easier because they have consensus from over 50 percent of the people that are going to be involved in the annexation. They don't have to gerrymander out the resident freeholders because those three votes up against the other fifty doesn't represent a majority. If this statute is passed, they could have a large retailer move in on their boundary and build a 400,000 square foot mall, take all the businesses from the two malls inside the community and the result would be a significantly reduced tax base.

REP. JOHN BOHLINGER noted that the central business district in Kalispell has diminished because of the new shopping opportunities. **Mr. Williams** said that observation is true for every Montana city. The easier it is made for regional facilities to build, the more it will erode the tax base of the municipalities in Montana who are providing a lot of public services and they can't control the consumption. The taxpayer in that community has to pay the price.

{Tape: 1; Side: 2; Approx. Counter: 53.1;}

REP. BOHLINGER asked **SEN. HARP** what the function of the cities is in terms of where an economy is developed, providing essential services. If this bill is acted on, will this further diminish to ability for the city of Kalispell to provide services for

people. **SEN. HARP** responded that in this particular example east of Kalispell, water, sewer and fire, police, and schools are all being funded and administered by the city. When a city's property is moved with zoning and changes to expand their business base, normally there is some exchange. He then reviewed the example of the effort in Kalispell to annex the entire Evergreen area. He reiterated what this bill would accomplish.

REP. BOHLINGER reiterated the fairness issue testified about and asked **SEN. HARP** if the fairness issued should be settled in courts rather than in the legislature. **SEN. HARP** said no, they should be settled here and that is why he brought it here. He said the legislature is a representative form of government. People bring these issues to the legislature and this is the proper body.

REP. JACK HERRON asked **Mr. Gallagher** if they already have 51 percent consent of the real property owners and this bill was going to make it easier to annex the area they are after. He asked if they felt they could have it done in one year? **Mr. Gallagher** said 51 percent of the commercial property owners waived their right to protest annexation, basically agreed to annexation and withdrawal from the rural fire district. Additional residential freeholders signed waivers of protest on annexation. Under the contiguous method the city of Kalispell is using, business owners, commercial property owners and those who do not reside in the area cannot protest. That is the method Kalispell used to proceed with annexation of the Evergreen commercial strip. The city erred in its adjustment in boundaries and mistakenly included three residential freeholders that slept there and voted there. Those three stopped the annexation. If this had not occurred, Evergreen would already be annexed a year ago. This bill will give the business owners the ability to protest annexation despite the fact 51 percent have signed waivers.

REP. MATT BRAINARD asked **Mr. Williams** how far away from a municipality or business area would the square foot retail "monster" have to be to not pose a threat to the economy. **Mr. Williams** said their fear is the business would locate on the boundary. They have an urban developed boundary and he said that would be the area of concern. **REP. BRAINARD** asked how the matter of distance differs. **Mr. Williams** said he shops in both the Evergreen community and Kalispell. He said a screwdriver in the Evergreen store is more expensive than for example at a True Value hardware outlet and the tax is disproportionately charged between the two examples stated.

REP. DAVID EWER asked if **Mr. Williams** and someone from Evergreen would comment on what the allegations and rebuttal between "cherry picking" and reneging on a deal. **Mr. Williams** responded the amount of reserve capacity of their sewage treatment plan, they require the residents of the Evergreen water and sewer districts to pay the debt associated so they are paying their

share of the cost of building a large plant. **REP. EWER** said Kalispell says that the capacity was increased so this put an additional cost on the city. **Mr. Williams** said that is right, the city of Kalispell has spent \$12 million to build the new treatment plant.

{Tape: 2; Side: A; Approx. Comments: Conversation not associated with meeting at beginning of this tape. Counter: 0.8; Mr. Williams was responding to REP. EWER.}

Mr. Williams reviewed the events that happened on the annexation turmoil. The city council wanted to take the entire area, the residents and commercial. They, in turn, came to the city council.

{Tape: 2; Side: A; Approx. Counter: 2.0;}

REP. EWER asked **Mr. Jack Fallon** from Evergreen to give his version of what the dispute is. **Mr. Fallon** responded there is a facility planning done to identify sewage treatment for the Kalispell treatment plant and Evergreen. There were EPA funds tied to the Kalispell treatment plant and Evergreen. The size of the Kalispell treatment plant is contingent upon Evergreen. Kalispell receipt of EPA funds depended upon whether Evergreen was going to come in. The EPA grant they got was contingent upon hooking up to Kalispell. The EPA and the Water Quality Bureau decided the best mechanism for treating sewage, which was to have one treatment plant instead of separate ones and it was less expensive. They had EPA funds that sized it to allow for Evergreen and a E.K. grant that said they could do it. They entered into an inner local agreement which is what two consigning legal bodies can do and the agreement spoke about the wholesale treatment of sewage.

There was a separate resolution that the city said before they recognize the validity of the inner-local agreement, they required consent to annex from 51 percent of the people within the area. There was the discussion that it was for the whole area, there was more than 51 percent that did not sign because they did not want to become part of Kalispell and then they had to narrow it down to an area that they felt to come up with that. The state statute for consent to annex which is 7-13-4314 states that the consent to annexation is limited to that tract or parcel or portion of track that is clearly and immediately and not potentially being serviced by the water or sewer service from a municipality. The people in Evergreen are not customers of the city of Kalispell. They are customers of the Evergreen water/sewer district. The only way to prove the appropriateness of the consent of annex is to go into a court of law and show the judge that they were misapplied and abused power.

{Tape: 2; Side: A; Approx. Counter: 3.6;}

REP. MILLS reviewed previous testimony regarding the city of Kalispell sizing their sewer treatment plant based upon service of all of Evergreen including the housing area. **Mr. Gallagher** said that is correct. **REP. MILLS** asked about the signed suitors of waiver from the business that they decided on their own to oversize their plant for that which they had a commitment for. **Mr. Gallagher** responded that was correct. **REP. MILLS** asked who is paying the taxes for the surplus now. **Mr. Gallagher** responded the Evergreen sewer district is contributing to the oversize and the debt service now. They avoided three years of the debt service on that plant but are now contributing 22 percent of the capacity of the city treatment facility. **REP. MILLS** inquired if they are getting taxed for services they are not receiving because the residents are not connected to the sewer. **Mr. Gallagher** said they are connecting residents very rapidly. **REP. MILLS** asked if this is without annexation. **Mr. Gallagher** said yes.

REP. MATT DENNY asked for **REP. CAROLYN SQUIRES'** input regarding the just completed annexation filing the beginning of December. More than 51 percent of the people chose not to be annexed into the city. She reviewed the Reserve Street episode. She said the reason they were not in favor of this was the area has both city and county in it. The individuals on the county side, businesses on South Avenue and out, don't want to be annexed into the city unless they have representation. At this point they do not have representation under the title of resident freeholder. Anything that would occur to the individuals would happen as a result of resident owned so businesses would not have an opportunity to put a voice into this particular process.

CHAIRMAN BOHARSKI referred to part 43 to 47 and asked **Alec Hanson** if the city knew which of the two or both provisions the city could have used to annex. **Mr. Hanson** said the city had the continuous option to which they pursue or the waiver approach. He talked about the situation that will happen if this bill passes. **Mr. Hanson** said he would bring in the documents to the committee that follow this whole procedure. The city has the certified minutes, all the representations that were made to the people in Evergreen, what was officially acted on, the number of people that waived the right to protest, etc.

CHAIRMAN BOHARSKI asked to clarify what is being said. **SEN. HARP** said he had this bill in here to stop this annexation. The opponents to the bill state this is going to make it easier for the city of Kalispell to annex Evergreen. **Mr. Hanson** said he believed no matter what happens if this bill passes, the cities of Kalispell and Evergreen will have to have someone decide whether or not the waivers, and the right to protest are valid. If the court says the waivers are valid, that they have essentially waived their right to protest, then those properties can be annexed.

REP. MILLS asked **Mr. Hanson** if it was his opinion that this issue should be settled in court. **Mr. Hanson** replied certainly, he thinks it is. This is a local dispute between Evergreen and Kalispell. **REP. MILLS** asked if this bill could affect anything that happens in the future in Montana and be an avenue they can use. Is this bill worth passing for anyone other than Evergreen and Kalispell, would he still be opposed to the bill. **Mr. Hanson** replied yes. There are people in the organization and city managers who think that allowing property owners to protest annexation will make it easier for the city. Up to this point they have had good cooperation with some of the businesses beginning to locate in Montana. He agreed with **Mr. Williams** that they could develop one large commercial area under single ownership, sit on the boundary of town. This is being done all over the country and is a trend Montana should not incur. The big issue is if they remove resident freeholder cooperation.

REP. MILLS asked **Mr. Hanson** if he believed the legislature should be involved in the central city protection and let the taxpayers and the people who want to do business develop the way they should within zoning regulations. **Mr. Hanson** said his only concern is that the downtown businesses get a fair deal. As it stands, tax rates downtown are higher than out of the city limits.

REP. ANDERSON quoted the current law and unless this bill is passed the court cannot decide the question on whether it's fair, if they don't have a vote now. **Mr. Hanson** stated he wants to read the sections of annexation laws side by side.

REP. JOE TROPILA asked **Mayor Kemmis** if the amendment advanced by Kalispell substituting Montana electors owning real property solve his situation. **Mayor Kemmis** responded no, that has the affect of providing a constitutional challenge and creates a distinction among business owners. If business owners feel that the present law discriminates against them, they have a perfect avenue to challenge that without passing this law.

Closing by Sponsor: The sponsor closed saying this is not a local issue, but affects many cities in Montana.

HEARING ON HB 260

Opening Statement by Sponsor:

REP. CARLEY TUSS, HD 46, Great Falls and Black Eagle, said HB 260 attempts to work with some of the annexation laws and this bill is an act eliminating the prohibition against incorporating a municipality within three miles of an existing incorporated city or town and amending section 7-2-4103, MCA. **REP. TUSS** said this bill is necessary. This is not a local issue, the disputes that have been heard from Kalispell to Missoula, Black Eagle and to Billings. The laws these disputes respond to is state statute.

REP. TUSS told the committee about the Black Eagle annexation plan that was very soundly and vigorously rejected. Even though Black Eagle and Great Falls have a positive relationship she is competent that Great Falls is not going to attempt to annex Black Eagle but this does not solve the problem. This bill provides for a search for an alternative.

REP. TUSS gave some background history on Black Eagle, establishing they will never be successfully incorporated into Great Falls. This community would like to have the ability to go out for its own grants. By eliminating the three mile rule, if they should decide to incorporate, they could get their own grants and solve some of their own problems.

Proponents' Testimony:

Jack Fallon, Evergreen, said this is a unique bill because it's a community identity bill. He gave a history of Evergreen and said they want to have charge and direction and be able to govern their future. He urged the committee to support HB 260.

Jay Sage, Missoula, said this bill is totally about fairness and is their constitutional right.

Daniel Witzel, Montana Fire District Association, attested their support of HB 260.

Larry Akey, Committee for Equitable Annexation, said HB 260 is about community and reiterated prior testimony. There is a piece of statute on the books that says because a person lives within three miles of an already incorporated area they don't have a right to that sense of community. They feel this is wrong and want it off the books and give the people the right to do what **Mayor Kemmis** said the good democratic thing to do, to form communities where they naturally exist.

John Smith, resident of **Evergreen** forty-eight years also voiced his support of HB 260.

Opponents' Testimony:

Alec Hanson, submitted a letter from **John W. Lawton, City Manager, Great Falls**. **EXHIBIT 9** **Mr. Hanson** said the city does not want to annex and unless there was a vote requiring 51 percent of the people voting in favor, it could not happen. The problem with this bill goes far beyond Black Eagle. **Mr. Hanson** said every time 300 people got together, they could create a city within three miles of another city. There are only three states that have more units of government per 10,000 population than the state of Montana. This bill provides more government, less efficiency, more complications, and more cost. The reason for the three mile limit is to allow cities to expand orderly. **Mr. Hanson** submitted a letter from **Jim Nugent, City Attorney, Missoula (EXHIBIT 10)** and concluded his testimony stating this

bill could create enormous complications for the state of Montana.

Larry Fasbender, City of Great Falls, reiterated previous testimony and said if this legislation were to pass it could create a situation where cities could be incorporating very close to each other.

Jim Kembel, City of Billings, said they too oppose the bill on the grounds that it's not in the best interest of long term planning for growth.

Bruce Williams, City Manager, Kalispell, said he had been asked to remind the committee of the commitment of less government opposed to more. He reiterated previous testimony. In Flathead County they have 1 1/3 new cities moving to the Flathead area every other month. If they have allowed them all the opportunity to vote on corporation they would end up with more cities and towns than school districts and they are opposed to HB 260.

Informational Testimony: None

Questions From Committee Members and Responses:

REP. ELLEN BERGMAN asked **Alec Hanson** if Black Eagle wants to be annexed and Great Falls doesn't want to annex. **Mr. Hanson** said Black Eagle does not want to be annexed and the city does not want to annex. **REP. BERGMAN** asked what is the problem. **Mr. Hanson** responded Black Eagle wants more protection. They would like to be able to incorporate. They live within three miles of the city and under current law, cannot incorporate giving them the third level of protection and could never be annexed because an incorporated city unless the city agrees. To protect the sense of community in Black Eagle he doesn't believe a law should be created to lead to all the mischief inherited in this piece of legislation.

{Tape: 2; Side: A; Approx. Counter: 47.6;}

REP. MATT BRAINARD asked **Mr. Williams** if the county and city of Kalispell talked about city/county government consolidation. **Mr. Williams** said there are study commissions that are presently determining what forms of government they are going to need and will present to the voters two years from now. **REP. BRAINARD** asked how many municipalities should exist in a county. **Mr. Williams** said he could not answer that. He said he believes that cooperative effort and consolidation is possible and practical.

REP. NORM MILLS stated the three mile bunker zone by law around an incorporated city where no one else can incorporate. If a one mile area is annexed, that pushes the three mile radius out again, so there is a means of gradually eating away at this if they want to employ this. **Mr. Williams** said that is correct.

REP. MILLS asked **Mr. Hanson** to respond to the same question. He said the three mile limit is not intended as a deterrent on annexation. The city can annex within the three mile limit. The three mile limit prevents another city from being incorporated in the backyard of an existing city. **REP. MILLS** asked if it's not true if they annex the first mile, then the three mile reaches out and gobbles up one more toward the rural area. **Mr. Hanson** responded if the limit goes out another mile but as it stands at Black Eagle now they are adjacent. **REP. MILLS** said he is trying to determine the affect for the rest of the state if this bill is passed. If there are two cities that are fifteen miles apart and they both start growing up there will be the same problem that California has. **Mr. Hanson** said that is possible. If this law were to pass, there could be five cities and towns between Billings and Laurel. **Mr. Hanson** said they used to be pro-active on this issue and try to sell annexation. He told about the annexation bill that came out of Missoula.

{Tape: 2; Side: A; Approx. Counter: 53.4;}

REP. LINDA MCCULLOCH asked **Mr. Hanson** about the Great Falls/Black Eagle annexation why should Black Eagle be allowed to incorporate on their own. **Mr. Hanson** responded regarding the affect of the law going beyond Black Eagle and the municipalities and how the incorporation would work.

REP. BERGMAN asked **Mr. Akey** what the advantage was of being a municipality on their own. **Mr. Akey** said the point is there are some communities that are currently on the fringes of existing cities that would like to be cities of their own. He then cited the example of people living in the Target Range area of Missoula--that is where they live, they don't live in Missoula.

REP. BERGMAN asked what the advantage would be, can't people say they are from Black Eagle without being a municipality. **Mr. Akey** responded they certainly can and reiterated the testimony given on Great Falls/Black Eagle annexation concerns and cited current statutes. **REP. BERGMAN** asked who is provided services now for Black Eagle. **Mr. Akey** responded some services through a series of taxing districts, like the people in Evergreen, supply the service that's traditionally viewed as a city service, eg., sewer service. This is provided by forming a rural improvement district. Evergreen would agree to tax themselves for that one type of service and contract with the city of Kalispell and pay them to take the sewage. There are only so many authorized services that can be provided under a rural special improvement district.

Closing by Sponsor:

The sponsored closed and said a municipality may want to do better for itself and this is a bill on self determination not on being mischievous. She referred to the bill stating prerequisites to organization of municipality, a municipal corporation may not be formed unless: (2) the community was a

townsite owned and built by the U.S. government prior to April 3, 1981 so it doesn't matter how many people move in. If it wasn't a townsite in 1981 it's not going to be a town site in 2001. Montana has the fourth largest number of government agencies per 10,000 population.

EXECUTIVE ACTION ON HB 103

Motion: REP. TONI HAGENER moved to reconsider action on HB 103 because there is additional information.

Discussion: The committee wanted to discuss this at a later meeting and not at this time. CHAIRMAN BOHARSKI said this issue can be taken up at a later time.

REP. BERGMAN moved to adjourn.

HOUSE LOCAL GOVERNMENT COMMITTEE

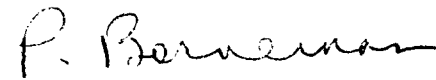
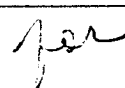
January 31, 1995

Page 23 of 23

ADJOURNMENT

Adjournment: 6:25 P.M.


WILLIAM E. BOHARSKI, Chairman


 EVY BURRIS, Secretary

WEB/eb

HOUSE OF REPRESENTATIVES

Local Government

ROLL CALL

DATE 1/31/95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bill Boharski, Chairman	✓		
Rep. Jack Herron, Vice Chairman, Majority	✓		
Rep. David Ewer, Vice Chairman, Minority	✓		
Rep. Chris Ahner	✓		
Rep. Shiell Anderson	✓		
Rep. Ellen Bergman	✓		
Rep. John Bohlinger	✓		
Rep. Matt Brainard	✓		
Rep. Matt Denny	✓		
Rep. Rose Forbes	✓		
Rep. Toni Hagener	✓		
Rep. Bob Keenan	✓		
Rep. Linda McCulloch	✓		
Rep. Jeanette McKee	✓		
Rep. Norm Mills	✓		
Rep. Debbie Shea	✓		
Rep. Joe Tropila	✓		
Rep. Diana Wyatt	✓		

NANCY SWEENEY
CLERK OF DISTRICT COURT
Lewis and Clark County Courthouse
P. O. Box 158
Helena, MT 59624-0158
447-8216

EXHIBIT 1
DATE 1-31-95
HB 231

January 31, 1995

Bill Boharski, Chairman
Local Government Committee
Capitol Station
Helena, MT 59620

Dear Chairman Boharski and Committee Members,

House Bill 231 is quite simply a housekeeping bill. This legislation would amend 27-9-103, MCA to set the fee for a confession of judgment at \$45.00. Although this amendment would increase fees, the fiscal impact of this proposed legislation is negligible, as reflected in the fiscal note. Lewis and Clark County would have received an additional \$80.00 during the entire calendar year 1994. The Montana Association of Clerks of District Court did not request Representative Pavolvich to submit this bill to significantly increase a revenue source. This legislation will make the collection of a fee for entry of judgment uniform by correcting an oversight of the 1993 legislative session.

In an effort to standardize the fees collected on judgments, the 1993 legislature increased the fee for transcripts of judgment from \$25.00 to \$45.00 but overlooked the fee for confessions of judgment. This omission is easily explained since the statute regarding the fee for confession of judgment, 27-9-103, MCA, is not contained in the general fee statute, 25-1-201, MCA.

In 1989 the fee for entry of all judgments was a standard amount of \$25.00. A search the legislative history indicates that there were varying amounts charged for entry of judgment after 1989. In their attempt to standardize the fee collected for entry of judgment, the 1993 legislature modified the fee for a transcript of judgment, contained in 25-1-205(1)(h). The fee for a transcript of judgment was amended from a fee of \$25.00 to specifically refer to "the fee for entry of judgment provided for in subsection (1)(c)". This provision made the fee for entry of judgment consistent in the general fee statute (Ch. 570, L. 1993) but it did not include a reference to 25-9-103, MCA, regarding confessions of judgment. Although it appears only to be an oversight that the fee for confession of judgment was not increased to \$45.00, the fees for entry of judgment were once again inconsistent.

Past legislation recognized that the procedures for filing, recording and post-judgment action are identical for any judgment, regardless of its origination. The 1993 amendment attempted to set identical fees for entry of judgment but overlooked the statute for confession of judgment which was not contained in the general fee statute. I would ask this committee to correct this oversight and give a Do Pass recommendation to House Bill 231.

Sincerely,



Nancy Sweeney
Clerk of District Court

EXHIBIT 2
DATE 1-31-95
HB 289

HB 289

Testimony by: Nancy McCaffree, Chair
Public Service Commission

Mr. Chairman and Members of the Committee:

The Public Service Commission supports Representative Soft's bill as amended.

The present statute requires a minimal amount of our staff time, probably about 1500 hours a year. We would like to be in or out of regulating municipal water. As it now stands, the statute gives only an illusion of regulation.

We have one grave concern, and that is to be sure that local governments set rates to cover water and/or sewer costs only. They should be very conscientious that these costs do not become a source of revenue for the general fund.

Mr. Ron Woods from our Utility Division is here to answer any technical questions you may have. Thank you.

EXHIBIT

3

DATE

1-31-95

PROPOSED AMENDMENT TO HB 289 (Introduced)

HB

289

DAVE ASHLEY.

13.2

1. Title, line 6
Following: "MUNICIPAL UTILITIES" on line 6
Insert: "AND REMOVING THE REQUIREMENT FOR AN ANNUAL REPORT TO
THE PUBLIC SERVICE COMMISSION;"
2. Title, line 7
Following: "REPEALING SECTION 69-7-102" on line 7
Insert: "AND 69-7-121,"
3. Section 2. Repealer, line 22
Following: "Section 69-7-102" on line 22
Strike: "MCA, is repealed."
Insert: "and 69-7-121, MCA, are repealed."

My name is Jack Fallon - an Evergreen community leader.
Evergreen is a middle class-blue collar community.

Our concerns before you here today result from the planning and construction of a \$14 million sanitary sewer system to mitigate pollution of an aquifer feeding Flathead Lake.

The sewer system is part of Flathead County Water and Sewer District #1- Evergreen, which was created in 1967. The Evergreen Water Department currently serves 2000 customers.

The sewer system financing consists of an EPA grant and a \$8.5 million RSID. Created in 1991 the RSID was a community effort involving 1400 properties over 3 1/2 square miles. The first RSID assessment occurred in November 1992, increasing real property taxes by at least 24%.

The successful blue-collar middle class community effort - over 1000 easements on private property without cost - required extensive and intensive coordination with EPA, WQB, DNRC, Flathead County, Bond Counsel, Engineers, attorneys, and 3 contractors has so far lasted 6 years - since 1988.

Construction began in January 1993 - two years ago. Annexation proceedings by the City of Kalispell began in January 1994 - one year ago. First hookups to the new sewer system began in July 1994 - six months ago.

If annexation had occurred (before sewage even began flowing), the city would begin netting \$300,000 per year, through mill levy, street maintenance, and storm drainage assessments, and gaming revenues.

The area to be annexed already has street maintenance and storm drainage provided by the State Highway Department on U.S. Highway 2E. The community already has water, sewer, law enforcement, fire protection, and garbage disposal.

Under annexation real property taxes increase by 30%, personal property taxes increase by 16 1/2%. All this, on top of the 24%

increase experienced from the sewer RSID assessment. It may not be double taxation, but it is a whale of an increase in taxation with what increase in services? Where is the fairness? We're not against annexation, we're for getting something for our dollar and fairness.

I believe SB 52 will allow the property owner an appropriate say toward taxation without representation. It will bring some fairness to a system that is currently very unfair.

Thank you,

I would like to introduce Bob LeDuc - a small business owner from Evergreen.

The City of Kalispell

Incorporated 1892

EXHIBIT 5
DATE 1-31-95
HB SB 52

Telephone (406) 758-7700
FAX (406) 758-7758
Post Office Box 1997
Zip 59903-1997

Douglas Rauthe
Mayor

Bruce Williams
City Manager

City Council
Members:

Gary W. Nystul
Ward I

Cliff Collins
Ward I

Barbara Moses
Ward II

Dale Haarr
Ward II

Jim Atkinson
Ward III

Lauren Granmo
Ward III

Pamela B. Kennedy
Ward IV

M. Duane Larson
Ward IV

January 30, 1995

Representative Bill Boharski, Chairman
Members of the House Local Government Committee
State Capitol
Post Office Box 201701
Helena, MT 59620-1701

Dear Representative Boharski and Members
of the House Local Government Committee:

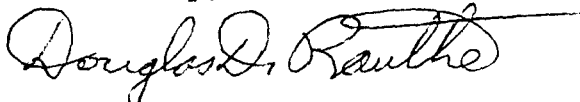
We, the undersigned Kalispell City Council Members, want to go on record as being opposed to Senate Bill 52. It has come to our attention that many of our local legislative representatives are under the impression that our city staff has not represented the majority opinion of our City Council in previous hearings considering S.B. 52.

Please accept this letter as the Kalispell City Council's formal objection to S.B. 52. The oral testimony from our City Manager and Development Director during your hearing will provide the specifics of our objections.

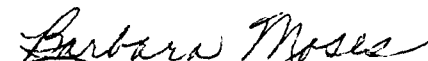
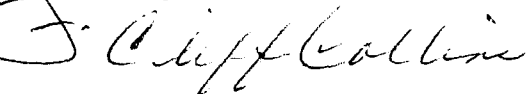
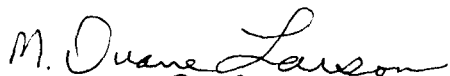
In the event your committee strongly supports the provisions of S.B. 52, we would ask that you consider one minor amendment which would change the phrase "real property owners" to read "Montana electors owning real property". This amendment will eliminate our concern about giving large out-of-state corporations opportunity to protest annexation.

We hope that the committee acts responsibly regarding S.B. 52 and remind you that 56 percent of your state constituents live inside Montana cities and towns.

Sincerely,



Douglas D. Rauthe, Mayor
City of Kalispell
and City Council Members



DATE: January, 1995
TO: Senate Local Government Committee
RE: Testimony in Opposition to SB-52

6
1-31-95
SB 52

My name is Bruce Williams, Kalispell City Manager, and I am here to express the City of Kalispell's opposition to Senate Bill 52. This special interest amendment to Montana's annexation laws is being sponsored primarily because of Kalispell's attempt to annex approximately 280 acres of commercial property which is adjacent to the City's eastern city limits.

The history surrounding this annexation issue is recent, and involves the area's need to be served by an E.P.A. approved sewage treatment facility. Because it was significantly less expensive for the area property owners to contract with the City of Kalispell to treat its sewage rather than build their own facility, the city agreed to extend and reserve 30% of the capacity of our new treatment facility for Evergreen's exclusive use in exchange for their commitment to pay the debt associated with the reserve capacity and agreement that they would annex when the city decided to initiate the process. The agreement to annex consisted of consent waivers from over 55% of the property owners in the area to be annexed. The area is now fully sewered, with its collection system being built and funded by a rural special improvement district bond. The city is now receiving and treating the area's sewage.

About one year ago the city attempted to annex the area utilizing the very statutes you are now considering changing.

The annexation attempt failed because of sufficient resident free holder protest. Three of the 109 property owners were resident freeholders, and all three protested, which was more than enough protests to halt the annexation. This certainly should point out that the present annexation laws provide sufficient protection to halt even annexations that have been previously agreed to by consent.

It is our opinion that a local agreement between consenting parties should not be settled by state legislative policy. However, if you're inclined to amend the annexation laws as represented in SB-52, we would only request that it's application only apply to Kalispell, because all other Montana city's should not be punished for an agreement they were not a party to.

Secondly, if the amendments are favored by the committee, you should further amend them by indicating that those property owners signing consent waivers have no protest standing.

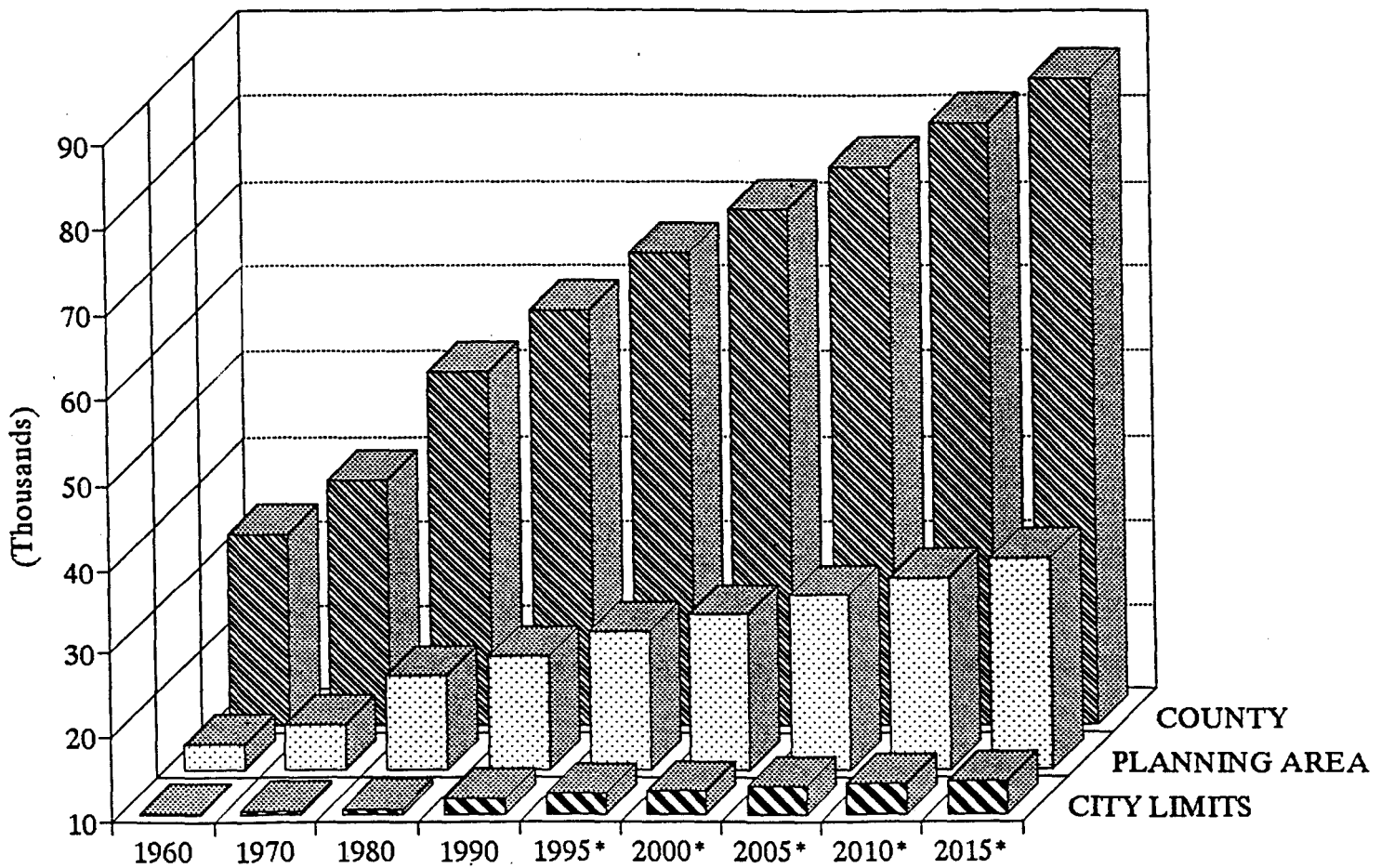
Third, I would offer that giving all property owners the opportunity to protest annexation would give large retailers with no Montana corporate presence such as WalMart, K-Mart, Ernst, ShopKo, and so on operating in the fringes of our communities a distinct advantage over their smaller counterparts located within our cities.

And finally if you are truly determined to change the only means by which Montana cities grow and prosper, you should consider eliminating County property taxes from City property owners tax bills as a recognition that we City residents are paying for government services we receive little or no benefit from.

Thank you.

FLATHEAD COUNTY/KALISPELL

1960 - 2015 POPULATION



23-Jan-95

POPULATION: 1960 - 2015 **FLATHEAD COUNTY - CITY OF KALISPELL & CITY PLANNING JURISDICTION**

LOCATION	1960	1970	1980	1990	1995*	2000*	2005*	2010*	2015*
FLATHEAD COUNTY	32,965	39,460	51,966	59,218	65,862	71,004	76,147	81,289	86,432
PLANNING JURISDICTION	13,151	15,426	21,147	23,697	26,471	28,680	30,888	33,096	35,304
CITY OF KALISPELL	10,151	10,526	10,648	11,917	12,355	12,767	13,179	13,591	14,003
*KalisPELL Area Transportation Plan: FRDO & CRSS Civil Engineers, Inc., Oct. 1993									
	%CHG 1960-70		%CHG 1970-80		%CHG 1980-90		%CHG 1990-95		
FLATHEAD COUNTY	19.70%		31.69%		13.96%		11.22%		
PLANNING JURISDICTION	17.30%		37.09%		12.06%		11.71%		
CITY OF KALISPELL	3.69%		1.16%		11.92%		3.68%		

30-Jan-95

GATEWAY WEST MALL: Kalispell, Montana
Assessed Valuation comparison:

	1992	1993	1993*	1994
IMPROVEMENTS	\$4,492,256	\$5,582,800	\$3,308,700	\$2,926,400
LAND	\$2,722,062	\$2,722,062	\$2,722,062	\$1,688,386
TOTAL	\$7,214,318	\$8,304,862	\$6,030,762	\$4,614,786
PERCENT CHANGE VALUE 1992-1994		15.12	-16.41	-36.03

City of Kalispell Opposes SB 52

Senator Beck, members of the Local Government Committee, Senator Harp, I am Larry Gallagher, Director of Planning, Economic and Community Development, City of Kalispell. I am here today to speak against passage of Senate Bill 52.

In 1960, only 35 years ago, Flathead County had a population of 32,965.

No one assumed that during that period ---1960-1995... the population of Flathead County would almost double ...a **99.79 percent increase** to 65,862 people in 1995.

Also, in 1960, only 35 years ago, the City of Kalispell had a population of 10,150.

No one assumed then that during the period of 1960-1995...the City of Kalispell population would practically stagnate and increase by only 21.71 percent or 2,204 persons. A paltry .56 annual average increase to only 12,355 people today.

During the same period--35 years--the City of Kalispell's Planning jurisdiction area...that portion of Flathead County just outside the city limits generally, within a two mile radius of the city, thus, ...outside of the city's tax base, experienced a 101 percent increase in population from 13,151 to 26,471.

Table 3-1
1990-2015 Population Projections

	1960	1995 ¹	2015*
Flathead County	32,965	65,862	86,432
Planning Area	13,151	26,471	35,304
City Limits	10,151	12,355	14,003

There can be no question, almost all of the 26,471 persons living within the city's planning jurisdictional area use and enjoy the benefits of the municipal services provided by the City of Kalispell. They play in the city parks, drive the city streets, drink the city water, call

¹ Kalispell Bypass Feasibility Study, Flathead Regional Development Office/Carter & Burgess, Inc., October 1993 - page 35 & 36 Table 3-1 1990-2015 Population Projections

on the Fire and Police and ambulance when needed, and ---flush their waste into the city's waste water treatment plant or continue contributing to the ground water degradation of the Flathead Valley which eventually has an impact on Flathead Lake.

It would also be safe to assume that a majority of Flathead County residents who are employed, work in the Greater Kalispell area. In 1990, approximately 31,000 persons were employed in the Greater Kalispell area. Employment is expected to go to 39,000 in the year 2000 and 50,000 by 2015. "The majority of county wide job growth is predicted to occur in the greater ...Kalispell area."² Fully 2/3 of county-wide jobs have an impact on the City of Kalispell!

The City's 1993 Transportation Plan has recommended and suggested the city needs to invest over \$31 million in alternative traffic upgrades and improvements to transport or move the 86,432 souls expected to reside in Flathead County in the ten short years ahead. I might add that we are also the crossroads for the 2 million plus annual visitors to Glacier National Park, a blessing to our economy but still an impact on local (City) services.

Now, why does the city want to annex Evergreen?

1. Kalispell needs the money...
2. Kalispell needs the tax base...
3. Kalispell needs to grow to accommodate new business and residential demand. To manage and encourage growth by providing adequate municipal services without an adverse impact on existing taxpayers. Particularly, ...residential property owners.

1. Kalispell needs the money:

Kalispell currently provides adequate municipal services for its 12,355 residents and business community. Not only is Kalispell the County seat, it provides the cultural, governmental, financial and medical service center for the majority of the 31,000 + people who work and derive their income in the Greater Kalispell area and the 26,471 persons who reside in the Greater Kalispell area. ...Kalispell has historically provided the business and economic environment, including incentives where necessary, to encourage the expansion of business opportunity. It costs money to provide municipal services, to move traffic, to build and repair streets and other infrastructure which benefit a population far greater than the city population. Right now, only Kalispell taxpayers contribute, ...too many residential taxpayers are paying an ever increasing share of the tax burden.

² Ibid, page 36

I'll mention again, ...the 2.1 million visitors to Glacier Park, each year... many, after a long delay at the intersection of Idaho and Main Intersection where U.S. Highway's 2 and 93 intersect in the heart of our business district. An intersection that should have been improved over a decade ago. The City and State of Montana did not have the money to rebuild this intersection. Tourists, do not contribute directly to the city tax base.

2. Kalispell Needs the Tax Base:

During the 1994 tax year, commercial property in Evergreen, i.e., Shopko, Superl Food, Kmart and Ernst, representing the largest commercial property held in School District #50, enjoyed lower assessed valuations because appraisals do not yet reflect the dramatic increase in land values over the past 12 months; and thus, paid ad valorem taxes based on a mill levy 17.38% lower than City of Kalispell residents and business property owners. Evergreen commercial property in Rural School District #5, such as the new 125,000 sf Walmart property is assessed at a mill rate 20.22 % lower than a similar commercial property located in the city.

I must add here ...that all of the new growth of giant national box store retailers now located in Evergreen, is possible only because of the City of Kalispell's agreement to treat Evergreen sewage. An agreement executed and offered by the Evergreen commercial property owners and their paid negotiators, in exchange for their signatures on a **CONSENT TO ANNEX AGREEMENT AND NOTICE OF WITHDRAWAL FROM RURAL FIRE DISTRICT**. The Consent Agreements are recorded documents and represent the Evergreen property owner's written agreement to waive their protest to annexation. The Agreements were signed by a majority of all commercial property owners on the Evergreen Strip.

Yes, SB 52 is a money bill... and it is a tax base bill. Its passage will allow giant retailers and satellite businesses to absorb the retail sales dollars and other disposable income of Kalispell and Flathead County residents while devastating Kalispell's commercial/retail property tax base... enjoying Kalispell's municipal services... specifically waste water treatment and police protection ...while being assessed at rates 17.38 - 20.22 percent lower than a City tax payer.

I want to again emphasize my concern that the 400,000 sf of new retail box stores emerging on the Evergreen Commercial Strip and north on LaSalle, plus a new bank, a branch bank and a savings bank will have an adverse impact on the commercial/retail property tax base with-in the existing city limits.

An Example:

Gateway West Mall, located on the city's western edge, has been 50% vacant for the past 13 months. In 1992 this 1960's vintage enclosed mall shopping center was valued at \$7.214 million for tax purposes. Today after its 2nd annual tax appeal, it is valued at \$4.615 million, a 36%

drop in value since 1992. A copy of the valuation comparison is available and will be left with the committee secretary. The new (in 1986) Mountain Mall in Whitefish, has been offered unsuccessfully for sale for the last three years at less than 1/2 of what it would cost to replace it. Successful tax appeals will become a way of life next year for owners of older commercial properties in Kalispell, Whitefish and Columbia Falls. Property that will become more functionally and economically obsolete each year, with the emerging trend to big box discount retail. The income approach to valuation will be the method used to appeal taxes in the future.

The Urban Land Institute, in a ULI Research Working Paper Series dated May 1993, entitled "**THE EFFECT OF THE COLLAPSE OF COMMERCIAL PROPERTY VALUES ON LOCAL GOVERNMENT REVENUES AND TAX BURDENS**" documented the national trend and impacts on local taxing jurisdictions and residential property owners when commercial property is over developed. ULI concluded its study with this statement:

"We emphasize again that these impacts will vary from area to area. Still the situation involves a massive shift in the burden of paying for local government services from the commercial sector to the residential sector. The big winners, of course, are businesses who benefit by virtue of the oversupply of commercial real estate and can significantly reduce their space costs by taking advantage of cheaper rents. Thus, businesses receive a windfall gain and households receive a windfall loss."³

Let me emphasize, as the valuation of Gateway West Mall goes down and is not replaced in the City of Kalispell's taxing jurisdiction, other property owners, principally residential property owners will have to pay an ever increasing share of the local tax burden. That is what is happening in Montana and in Kalispell. Without the additional revenue to be derived from the commercial strip in Evergreen, and with an eroding commercial tax base in Kalispell, the city will be forced to choose between reduced services or an increase in the mill levy it has struggled so hard to reduce. Either choice, and/or a little of both, will impact and burden Kalispell's 12,355 resident owners.

Since the early 1970's I have been before the Montana Legislature lobbying and testifying on behalf of municipalities and local development corporations seeking the tools necessary to rebuild ailing cities, stimulate the economy of the state, and in general and foremost to encourage the formation of public/private partnerships to assure and manage the sound growth of municipalities and local economics. Annexation was one of those tools. The sound growth of our municipalities is important to all of us. SB52 is a monkey wrench not a tool we want.

³ ULI Research Working Paper: **Local Fiscal Effects of Commercial Property Deflation**, May 1993, Research and Information Services, ULI the Urban Land Institute, 625 Indiana Avenue, N.W., Washington, D.C. 20004.

For past generations, Montana's future and its economics were decided in corporate board rooms in New York or Chicago or Butte. Today's Montana's retail economy and market share is being decided in board rooms in Bentonville, AK, Green Bay, WS, Redmond, WA, the headquarters for Walmart, Shopko, and Costco. We can't and should not interfere with the process; but we ought to be able to at least assess them for flushing their toilets into the same treatment plant as city residents while they profit from being located and adjacent to our city.

I want to compliment the Evergreen business community for finally agreeing to invest in their own sanitary sewer system. It was a good investment in their future when building permits were denied because they did not have one. They are already realizing a handsome return on their investment in the future of Evergreen, ...land values along the commercial strip have increased by well over 100% and in some instances tripled ...only after the City agreed to allow treatment of the sewage they generate there.

I agree with Senator Harp, ...SB 52 is a fairness issue. Yes we agree, property owners should be treated equally. We just disagree with his legislation to enable Evergreen business owners to enjoy all of the benefits available to Kalispell's business community and residents without paying a reasonable share of the cost.

Thank you for the opportunity to express my views. I will be available for any questions you may have.



OFFICE OF THE CITY ATTORNEY

435 RYMAN • MISSOULA, MT 59802-4297 • (406) 523-4614 • FAX: (406) 728-6690

EXHIBIT 8

DATE 1-31-95

HB SB-52

Jim Nugent

January 31, 1995

95-043

Re: Opposition to SB-52 substituting phrase "real property owners" for "resident freeholders"

House Local Government Committee Members:

The purpose of this letter is to oppose SB-52 substituting the phrase "real property owners" for "resident freeholders." There are several significant reasons for concern about SB-52.

SB-52 will provide corporations and partnerships, including out-of-state commercial retail corporations and business that locate adjacent to or near a municipal city limits, with an unfair competitive advantage with respect o businesses located inside the city limits. The only reason these corporations locate where they do near municipal city limits is in anticipation of drawing heavily from the municipal population inside the city limits. If a Rosauers grocery store locates a short distance from the city limits, it provides Rosauers with a competitive advantage over Buttreys, Albertsons, Safeway stores located inside the city, because Rosauers would not pay the city taxes that other stores do. The competitive field would not be a level business competition field. The same is true if a Shopko or Walmart locates just beyond the city limits and obtains a competitive advantage over local hardware, bicycle and sporting goods businesses located inside the city limits. Likewise, this would hold true with respect to any fast food business, such as McDonald's, Wendy's or Burger King that locates outside the city limits.

Pursuant to the current resident freeholder term, it is obvious that the term applies to individual persons who must be both a resident and a property owner of a specific real property and who, by nature of the resident freeholder definition would only be entitled to one vote, because they can only have one residence pursuant to law.

Nowhere in the proposed legislation is a real property owner limited to a single vote of protest like a resident freeholder is. Pursuant to the proposed phrase, "real property owners" it is not stated in SB-52 how many times a real property owner would be allowed to vote a protest to municipal annexation. Would it be one vote per lot or parcel owned by the real property owner? If a Walmart or Shopko purchased a platted block of land with three hundred feet of frontage with six (6) fifty-foot lots on each side of an alley, would Walmart or Shopko have twelve (12) votes? In reality, a Walmart or Shopko uses a land mass the equivalent of two or three platted blocks if the area is already platted. If a residence is located on two or three platted lots, which is quite common with respect to older platted areas, does that property owner get two or three votes while the next door residence located on a single lot only gets one vote?

Further, if a corporation or partnership owned several non-contiguous parcels of land within the general area of a proposed annexation, should a U.S. West, Montana Power, Walmart, Shopko, K-Mart, etc. receive a vote for every lot or parcel of land?



EXHIBIT 9
DATE 1-31-95
HB 260

P.O. Box 5021, 59403-5021

JAN 31 1995

January 27, 1995

Mr. Alec Hanson
Montana League of Cities & Towns
PO Box 1704
Helena MT 59624

Fax (406) 442-9231

Dear Alec,

You have asked me to give you my thoughts concerning House Bill 260, which would eliminate the "three mile rule" for incorporating new municipalities. This law prohibits the incorporation of a new municipality within three miles of the borders of an existing municipality.

Apparently there is some feeling that the proposed legislation results from an annexation discussion between Black Eagle and Great Falls last year. This discussion came about because several members of the board of the Black Eagle Civic Club came to the City and asked it to prepare a proposal for annexation and to address some specific problem areas such as a deteriorating street system. We prepared a proposal and gave it to the Civic Club, who arranged a public meeting where it could be discussed. We provided a cost benefit analysis to the residents of Black Eagle where we compared the services they would receive with the extra costs they would pay. Our position was that we were making an honest offer in response to a request from the community and that we had no desire or intention of annexing any area against the will of the majority of the people. We were offering our proposal as good neighbors and nothing more.

The citizens of Black Eagle don't want to be annexed, we accept that, and we still consider ourselves good neighbors who can go across the river and have dinner at Borrie's and 3-D. Under existing annexation laws, there is no way a municipality can annex an area where a majority of the residents do not want to be annexed. The only areas that can be forcibly annexed are wholly surrounded areas of residential or commercial property.

House Bill 260 is a poor piece of legislation in the first place but even poorer if its aim is to keep Great Falls from annexing Black Eagle. We have no intention of annexing Black Eagle, no motive for annexing Black Eagle, and no ability to do so even if we wanted to.

The three mile rule in Montana has prevented the urban mishmash that we see in so many areas where one municipality abuts another and citizens may not even know the jurisdiction in which they live. Urban sprawl increases the cost of government, makes it difficult to provide emergency and other services, and guarantees overlap and duplication. It would be a

shame if Montana were to allow the same kind of urban nightmare to spring up here when we are on the verge of sustained growth.

Ironically, it would be counter to nationwide trends to reduce costs and duplication in government. Unincorporated areas that want to receive services without annexing can do so now through service districts and through contracts with neighboring municipalities. The way municipalities are structured presently fits with the character and history of the state. Let's not recreate southern California in Montana. We are supposed to be reinventing government, not de inventing it.

If the Legislature wants to prohibit Great Falls from annexing Black Eagle under any conceivable circumstance then it should be up front and pass legislation doing so. It should not pass ruinous legislation penalizing the rest of the state.

Sincerely,

A handwritten signature in black ink, appearing to read 'JWL' with a stylized flourish.

John W. Lawton
City Manager

JWL/dr

cc: Mayor and City Commission



OFFICE OF THE CITY ATTORNEY

435 RYMAN • MISSOULA, MT 59802-4297 • (406) 523-4614 • FAX: (406) 728-6690

EXHIBIT 10
DATE 1-31-95
HB 260 *Also House*

January 31, 1995

95-041

Re: Opposition to HB-260

House Local Government Committee Members:

The purpose of this letter is to oppose HB-260 eliminating the prohibition against incorporating a municipality within three miles of an existing incorporated city or town by amending Section 7-2-4103, M.C.A. by repealing Subsection 7-2-4103(2), M.C.A.

The current public trend and discussion in Montana appears to be in favor of consolidation of public entities for efficiency and cost saving purposes. For example, consolidation of units of the Montana State University system, consolidation of local school districts and study of consolidation of city and county governments, or at least, consolidation of services provided by city and county government pursuant to local government agreements.

A purpose of municipalities is to provide municipal governmental services essential for sound urban development, as well as for the protection of health, safety and welfare in areas either already being intensively used for residential, commercial, industrial, institutional and governmental purposes or undergoing such development and growth. HB-260 could be used to obstruct a community from actually being a single community

HB-260 definitely appears to be contrary to the current public trend toward consolidation of public entities for efficiency and cost saving purposes to authorize the creation of incorporated cities and towns within three miles of an already existing city or town.

Therefore, you are respectfully urged to vote against HB-260.

Sincerely,


Jim Nugent
City Attorney

JN:mbs

cc: Missoula County State Representatives
Legislative File

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Sen. Government

DATE 1-31-95

BILL NO. SB 52 SPONSOR(S) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
W James Kembel	City of Billings		✓
Bruce Williams	City of Kalispell		✓
Richard Seddon	mont. STATE Fireman's Assoc		✓
Pam Holmgvist	Self	✓	
Tru Lee	Self	✓	
Lance Clark	MT ASSN REALTORS	✓	
LARRY AKET	COMMITTEE FOR EQUITABLE ANNEXATION	✓	
Daniel Kemmis	City of Missoula		✓
Gordon Morris	MHCo	✓	
Bill Verwoelt	City of Helena		✓
Carolyn Spurr	H.O.# 68	✓	
Greg Van Horssen	MHP	✓	
JEAN ERICKSON	MSFA		✓

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

Kim Milburn

Public Works, Helena

GEORGE BONINI

COMMITTEE FOR
EQUITABLE ANNEXATION

✓

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Paula Buehner

DATE 1/31/95

BILL NO. 259 SPONSOR(S) Tusa

PLEASE PRINT

PLEASE PRINT

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
<i>Larry Fashender</i>	<i>Cascade City</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Pen Government

DATE 1/31/95

BILL NO. 289 SPONSOR(S) Soft

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
<u>Nancy McPaffin</u>	<u>PSC</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Bob Woods</u>	<u>PSC</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>William Kembel</u>	<u>City of ^{Billings} Butte</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>May Wright</u>	<u>Mt. Consumer Council</u>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Dave Ashby</u>	<u>Dept of Admin</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Kim McBurn</u>	<u>City of Helena</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Laurie Ekanger</u>	<u>Governors Office</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Larry Fashende</u>	<u>City of St. John</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Greg Van Housen</u>	<u>MHP</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>aka</u>			

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

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Local Government

DATE 1/31/95

BILL NO. 231 SPONSOR(S) Paulovich

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
Nancy Sweeney	Lewis & Clark County Clerk of District Court	✓	

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

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Leg. Government

DATE 1-31-95

BILL NO. HB 260 SPONSOR(S) TUSS

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
JAMES A. LOFFTUS	MT FIRE DIST ASSN	✓	
Geraldine Lingle	Evergreen	✓	
Jack Lingle	Evergreen Vol Fire Dep	✓	
Charles Sullivan	"	✓	
Helena Sullivan	Evergreen	✓	
Howard Gipe	Flathead Commissioner	✓	
John L. Smithlin			
DANIEL E. WITZEL	EVERGREEN	✓	
Paul F. Banta	Evergreen Fire	✓	
Phyllis Witzel	Evergreen	✓	
Larry Gallagher	City of Kalispell		✓
W. James Kembel	City of Billings		✓
Bruce Williams	City of Kalispell		✓

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

Jack Fallon
Richard Seddon
Jim Nugent

Evergreen
Mont State
Firemen's Assoc
City of Missoula

✓

✓

✓

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Local Document

DATE 1-31-95

BILL NO. SB 52 SPONSOR(S) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
JOHN L. SMITHLIN	Evergreen	✓	
Dennis N. Alexander	Evergreen	✓	
JAMES N. LOFFTUS	MT FIRE DIST ASSN	✓	
James Balke	Belgrade Rural F Dist	✓	
Sub Bandy	Belgrade Rural F Dist	✓	
Geraldine Lingle	Evergreen	✓	
JACK Lingle	Evergreen Vol Fire Dept	✓	
Charles Sullins	"	✓	
Helena Sullins	Evergreen	✓	
HOWARD GIPF	Flathead Commission	✓	
R DANIEL E. WITZEL	MT FIRE DIST ASSO	✓	
Phyllis Witzel	Evergreen	✓	
Larry Gallagher	City of Kalispell		X

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

Jack Fallon

Evergreen

✓

Jim Nugent

City of Missoula

X

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Legislative Government

DATE 1-31-95

BILL NO. HB260 SPONSOR(S) TUSS

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
James Baile	Belgrade Rural Dist	✓	
LARRY AILEY	COMMITTEE FOR EQUITABLE ANNEXATION	✓	
Larry Jasbender	City of St. Alb		✓
Kim Milburn	City of Helena		✓
Bill Verwolf	City of Helena		✓

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