

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By CHAIRMAN TOM BECK, on April 6, 1995, at 8:00
a.m.

ROLL CALL

Members Present:

Sen. Thomas A. "Tom" Beck, Chairman (R)
Sen. Ethel M. Harding, Vice Chairman (R)
Sen. Sharon Estrada (R)
Sen. Delwyn Gage (R)
Sen. Don Hargrove (R)
Sen. Dorothy Eck (D)
Sen. John "J.D." Lynch (D)
Sen. Jeff Weldon (D)

Members Excused: Sen. Eck and Sen. Estrada

Members Absent: none

Staff Present: Susan Fox, Legislative Council
Elaine Johnston, Committee Secretary

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

Committee Business Summary:

Hearing:
Executive Action: HB 604

{Tape: 1; Side: A; Approx. Counter: ; Comments: .}

EXECUTIVE ACTION ON HB 604

Discussion:

CHAIRMAN TOM BECK said that he hoped there would be some
discussion on the bill as he was not able to attend the whole
hearing.

SEN. ETHEL HARDING said she would like some information on the
Brainard amendment.

CHAIRMAN BECK said that the Brainard amendment appealed to zoning
if it was contiguously surrounded.

SEN. JEFF WELDON said what the Brainard amendment did was take away from local governments the ability to use the wholly surround annexation method.

SEN. J.D. LYNCH said the Brainard amendment and the bill itself was too drastic a change. He felt it would change fundamental law that had been on the books for years in terms of the wholly surrounded. He said that he had trouble with people who receive services but do not want to pay for them. In his community, there are not many problems because they are a consolidated government. Yet, there are some different taxes but if people do not use the water or garbage then they do not pay for them. He said that the calls or mail he had received in favor of the Brainard amendment all came from the Missoula area where Reserve Street was fixed. The street was fixed and the people all of a sudden said they do not like the law and that was wrong.

CHAIRMAN BECK said that there are some other things in the bill dealing with boards and commissions and he asked the committee if that was discussed.

SEN. DON HARGROVE said that the discussion at the hearing was mostly on the Brainard amendment. He had some notes from the hearing and he noted that **REP. BOHARSKI** said that elected officials had lost power and that was the main part of the bill that the elected officials should have more control over the appointed boards. **SEN. HARGROVE** said that the Brainard amendments are very different from the bill and there probably should be two bills. **SEN. HARGROVE** refreshed the committee on who the opponents and proponents were. He continued that most of the discussion was on the Brainard amendment and that he would support the bill without the Brainard amendment.

SEN. HARDING said that she had been receiving information from the counties that differ, like having the board of health exempted while others would like them in the bill.

SEN. WELDON said that during the first half of the session he had SB 377 which was on behalf of the Governor's Task Force to renew state government. The heart of SB 377 was taking about six or eight different boards and made it a little more flexible for the counties to work. SB 377 made it through the Senate with little to no opposition and in the House committee, **REP. BOHARSKI** presented HB 604 which is identical to SB 377 with some significant changes. **REP. BOHARSKI'S** bill added the health board and the planning board. He also gave additional power to the county commissioners to dissolve either of those boards or more significantly, negate any specific act or order within those boards. In committee, **REP. BRAINARD** added into HB 604 the provisions concerning annexation.

CHAIRMAN BECK asked **SEN. WELDON** to go back to ground zero. He said it was his assumption that county commissioners have the opportunity to appoint all the boards and where was the problem

in the first place of separation of powers and how far are they going to go to give people veto power?

SEN. WELDON said that the original form of the bill did not have as strong of provisions. His original bill came as close to that point by allowing the county commissioners to assume the authority of the boards in certain circumstances. Those circumstances would be if they could not find people to actually serve on the boards. **REP. BOHARSKI'S** bill added the argument that appointed boards had no real check back to who really was accountable. The task force did not go that far because there was concern of significant opposition. They wanted to achieve the first step of flexibility.

SEN. LYNCH said he was opposed to the bill before the hearing because of the Brainard amendments which he did not hear much about. He heard more about the Health Departments saying they did not have a problem and the people serving on the boards are dedicated people but they do not want to serve if all they are doing is going to a meeting in place of the commissioners. If they do not do what the commissioners want they would be off the board.

CHAIRMAN BECK asked **Dave ?** to give his perspective of what they were trying to do? **Mr. ?** said that the purpose of the initial bill was to outline ten different county appointed boards. They would take the state statutes that govern those boards and give them the status of local ordinances for one year after which the county commissioners could determine within parameters spelled out in the bill the way to govern those boards. The purpose was to recognize that one size does not fit all. In developing the bill, they worked with **Jane Jelinski, Gordon Morris**, and people on the task force who represented counties. Planning, health, and library boards were purposely left out. They tried to limit it to boards that did not have elected officials on them and did not have taxing authority. They were simply trying to streamline it from a county commission point of view. One of the concerns the task force heard was that a lot of these boards are not significant enough to attract people to serve on them and in those situations, the bill allowed the county commissioners to assume the duties of those boards. HB 604 went substantially further and picked up considerable opposition.

SEN. LYNCH said that HB 604 would cause chaos in boards.

CHAIRMAN BECK said a problem he had was that there would be an awful lot of amendments to go into the bill.

SEN. HARDING asked what had happened to **SEN. WELDON'S** bill?

SEN. WELDON said that his bill had been sitting in House Local Government and had not been acted upon.

Motion/Vote: SEN. LYNCH MOVED TO TABLE HB 604. THE MOTION
CARRIED (ROLL CALL VOTE NUMBER 1).

A letter from the Missoula City Council was requested to be put
into the record (EXHIBIT 1).

ADJOURNMENT

Adjournment: 8:20 a.m.



SEN. TOM BECK, Chairman



ELAINE JOHNSTON, Secretary

TB/ej

MONTANA SENATE
1995 LEGISLATURE
LOCAL GOVERNMENT COMMITTEE

ROLL CALL

DATE

4-6-95

NAME	PRESENT	ABSENT	EXCUSED
DOROTHY ECK			✓
SHARON ESTRADA			✓
DELWYN GAGE			✓
DON HARGROVE	✓		
J. D. LYNCH	✓		
JEFF WELDON	✓		
ETHEL HARDING, VICE CHAIRMAN	✓		
TOM BECK, CHAIRMAN	✓		

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MONTANA SENATE
1995 LEGISLATURE
LOCAL GOVERNMENT COMMITTEE
ROLL CALL VOTE

DATE 4-6-95 BILL NO. HB 604 NUMBER 1

MOTION: TABLE

NAME	AYE	NO
DOROTHY ECK	✓	
SHARON ESTRADA	✓	
DELWYN GAGE	✓	
DON HARGROVE		✓
J. D. LYNCH	✓	
JEFF WELDON		✓
ETHEL HARDING, VICE CHAIRMAN	✓	
TOM BECK, CHAIRMAN	✓	



CITY COUNCIL

435 RYMAN ST. • MISSOULA, MT 59802-4297 • (406) 523-4654

SENATE LOCAL GOVT. COMM.

EXHIBIT NO. 1

DATE 4-6-95

BILL NO. HB 604

April 5, 1995

Honorable Senator Tom Beck
Executive Committee
Local Government Committee
Capital Station
Helena, MT 59620

RE: House Bill 604--Generally Revising Local Government Law

Dear Senator Beck:

The Missoula City Council would like to express opposition to House Bill 604. We oppose the amendments pertaining to revision of restrictions on annexing wholly surrounded land and revision of the definition of "contiguous" which was added to the bill after the public hearing in the House. The amendments have nothing to do with the original intent of the bill. Because of that, there was inadequate opportunity for public input which is a major ingredient in responsible, responsive legislation. The annexation provisions are both unreasonable and unfair to municipalities.

Any issue affecting local government is of concern to us as we strive to represent the citizens of Missoula. We appreciate having the opportunity to testify to the legislature about bills affecting local government and our citizens. However, amendments made to House Bill 604 were not subject to any public testimony in the House and there was little notice given before the public hearing in the Senate.

We object to the legislation on these grounds and urge the committee to either strike the amendments concerning revisions in the annexation law or table the bill.

Sincerely,

Doug Harrison
Council President

pc: Alec Hansen, MT League of Cities & Towns
City Council
Mayor Daniel Kemmis
Jim Nugent



DATE 4-6-95

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY: EXEC. ACT. HB 1004

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Bruce Bender	City of Missoula	604		<input checked="" type="checkbox"/>
Carla Krause	City of Missoula	604		<input checked="" type="checkbox"/>

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY