

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

March 23, 1985

The twenty-sixth meeting of the Local Government Committee was called to order at 12:30 p.m. on March 23, 1985 by Chairman Dave Fuller in Room 405 of the Capitol Building.

ROLL CALL: Senators Crippen and Pinsoneault were excused. All other members were present.

CONSIDERATION OF HOUSE BILL 457: Representative Dennis Nathe, District #19, is the sponsor of this bill. The bill was introduced to provide that an undersheriff who was previously a deputy must return to other duties in the sheriff's department upon his replacement by another as undersheriff and providing for the salary of such returning deputy.

PROPOSERS

John Scully, representing the Montana Sheriffs and Peace Officers Association, spoke in favor of the bill. He said deputies have a reluctance to become undersheriffs because they know they may be out of a job after the next election. The newly elected sheriff may appoint a new undersheriff. This bill would guarantee the previous undersheriff a job if they choose to go back to other duties.

Carl Smith, Gallatin County Undersheriff, spoke in favor of the bill. He said the bill would give undersheriffs some security. The bill would enhance dedicated officers to compete for the position rather than shy away from it.

OPPOSERS

There were no opposers to HB 457.

Chairman Fuller opened the hearing for Committee questions.

Senator Fuller asked about the language "must" in the bill. He asked what would happen if an undersheriff did not want to go back to other job duties. Mr. Scully said the person could merely resign in that case.

The hearing was closed on HB 457.

ACTION TAKEN ON HOUSE BILL 457: Senator Story moved that HB 457 BE CONCURRED IN. The motion passed unanimously. Senator Fuller will carry the bill.

March 23, 1985

CONSIDERATION OF HOUSE BILL 654: Representative Bob Pavlovich, District #70, is the sponsor of this bill. The bill was introduced to provide that certain motor vehicle operation fines be allocated to the county general fund.

PROPONENTS

John Scully, representing the Montana Sheriffs and Peace Officers Association, spoke in favor of the bill. He said counties pick up medical costs of prisoners, which is an obligation of the sheriff's budget. The money comes out of the sheriff's budget but they do not get reimbursed from the county.

OPPONENTS

There were no opponents to HB 654.

Chairman Fuller opened the hearing for Committee questions. There were no questions from the Committee regarding HB 654.

The hearing was closed on HB 654.

ACTION TAKEN ON HOUSE BILL 654. Senator McCallum moved that HB 654 BE CONCURRED IN. The motion passed unanimously. Senator Lynch will carry the bill.

CONSIDERATION OF HOUSE BILL 900: Representative Marjorie Hart, District #23, is the sponsor of this bill. The bill was introduced to provide that a peace officer with a lapse in employment as a peace officer exceeding three but less than five years may fulfill his basic peace officer training requirements by passing an equivalency test. Representative Hart submitted a letter of support from a Dawson county commissioner and the Glendive Mayor. It is attached as Exhibit A to these minutes.

PROPONENTS

Gordon Morris, representing the Montana Association of Counties, stated his support of the bill.

OPPONENTS

There were no opponents to HB 900.

Chairman Fuller opened the hearing for Committee questions.

Senator McCallum expressed concern as to what would happen if an officer quit during their probationary period before attending training.

March 23, 1985

Representative Hart said the Board of Crime Control had questioned whether the term "out of state" needed to be specifically included in the bill. Karen Renne will check into this.

The hearing was closed on HB 900.

ACTION TAKEN ON HOUSE BILL 890: Senator McCallum moved that HB 890 BE NOT CONCURRED IN. The motion passed unanimously. Senator McCallum will carry the Adverse Committee Report.

ACTION TAKEN ON HOUSE BILL 516: Senator Story moved that HB 516 BE CONCURRED IN. The motion passed unanimously. Senator Story will carry the bill.

ACTION TAKEN ON HOUSE BILL 519: Senator Regan moved that HB 519 BE CONCURRED IN. The motion passed with Senator Crippen voting no. Senator Regan will carry the bill.

FURTHER CONSIDERATION OF HOUSE BILL 673: Karen Renne explained the proposed amendments to the bill. They are attached as Exhibit B to these minutes. Amendments one and two were previously adopted by the Committee.

Senator McCallum moved that HB 673 BE NOT CONCURRED IN. The motion failed with Senators McCallum, Hirsch, and Story voting yes and Senators Fuller, Harding, Eck, Mohar, and Regan voting no.

Senator Mohar moved that the proposed amendments to the bill (three through six) be adopted. The motion passed unanimously.

Senator Eck moved that "ten working days" be changed to read "fourteen days". The motion passed unanimously.

Chairman Fuller said the bill would be held until the full Committee was present for the vote.

FURTHER CONSIDERATION OF HOUSE BILL 791: Karen Renne explained the proposed amendments to the bill. They are attached as Exhibit C to these minutes.

Senator Mohar expressed concern that if the intended use was for vehicle access, the local government would still be able to make a determination as to what kind of road they want put in, i.e., gravel or paved.

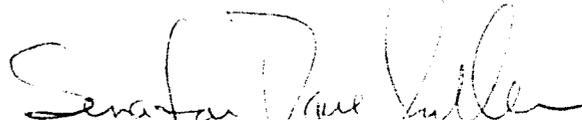
Senator Story said he feels if land is never intended for vehicular use, the local government should not be required to provide any services to that land.

Local Government Committee
Page Four

March 23, 1985

Chairman Fuller suggested the people who want changes in the bill draft proposed amendments and bring them to the next meeting.

The meeting adjourned at 2:05 p.m.


Senator Dave Fuller, Chairman

ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

49th
~~XXXX~~ LEGISLATIVE SESSION -- 1985

Date 3-23-85

SENATE
SEAT

#

NAME	PRESENT	ABSENT	EXCUSED
13 Senator Crippen, Bruce			✓
18 Senator Eck, Dorothy	✓		
11 Senator Harding, Ethel	✓		
47 Senator Hirsch, Les	✓		
4 Senator McCallum, George	✓		
28 Senator Mohar, John (V.Chair)	✓		
14 Senator Pinsoneault, Dick			✓
19 Senator Regan, Pat	✓		
21 Senator Story, Pete	✓		
43 Senator Fuller, Dave (Chair)	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

MARCH 25

19 85

MR. PRESIDENT

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **HOUSE BILL** No. **890**

THIRD reading copy (**BLUE**)

(McCALLUM WILL CARRY)

color

MUNICIPAL REGULATION OF CABLE TELEVISION SYSTEMS

Respectfully report as follows: That **HOUSE BILL** No. **890**

BE NOT CONCURRED IN

RECONCILIATION

XXXXXX

DO PASS

XXXXXXXXXX

DO NOT PASS

..... **Senator Dave Fuller**

Chairman.

STANDING COMMITTEE REPORT

MARCH 25

85

19.....

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on.....

HOUSE BILL

516

having had under consideration..... No.....

THIRD

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reading copy ()

color

(STORY WILL CARRY)

PROHIBIT APPLYING MODIFIED SUBDIVISION RULES ONCE APPLICATION MADE

HOUSE BILL

516

Respectfully report as follows: That..... No.....

BE CONCURRED IN

~~XXXXX~~
DO PASS

~~XXXXXX~~
DO NOT PASS

.....
Senator Dave Fuller

Chairman.

STANDING COMMITTEE REPORT

MARCH 25

85

19.....

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on.....

HOUSE BILL

519

having had under consideration..... No.....

THIRD

reading copy (

BLUE

color)

(REGAN WILL CARRY)

PAYMENT OF PROPERTY TAXES REQUIRED BEFORE LAND MAY BE DIVIDED

HOUSE BILL

519

Respectfully report as follows: That..... No.....

BE CONCURRED IN

~~XXXXX~~
~~DO PASS~~

~~XXXXXX~~
~~DO NOT PASS~~

Senator Dave Fuller

Chairman.

STANDING COMMITTEE REPORT

MARCH 25

85

19.....

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on.....

HOUSE BILL

654

having had under consideration..... No.....

THIRD reading copy (**BLUE**)

color

(LYNCH WILL CARRY)

ALLOCATE CERTAIN MOTOR VEHICLE OPERATION FINES TO SHERIFF

Respectfully report as follows: That..... **HOUSE BILL**..... No..... **654**

BE CONCURRED IN

~~**DO NOT PASS**~~

~~**DO NOT PASS**~~

.....
Senator Dave Fuller

Chairman.

STANDING COMMITTEE REPORT

MARCH 25

19 05

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on.....

HOUSE BILL

457

having had under consideration..... No.....

THIRD

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reading copy ()

(FULLER WILL CARRY)

color

**UNDERSHERIFF, FORMER DEPUTY, RETURN TO OTHER DUTIES WHEN
SUCCESSOR NAMED**

HOUSE BILL

457

Respectfully report as follows: That..... No.....

BE CONCURRED IN

~~DO PASS~~

~~DO NOT PASS~~

.....
Senator Dave Fuller

Chairman.

LOCAL GOVERNMENT COMMITTEE
MARCH 23, 1985
EXHIBIT A

HB 900
HART

March 11, 1985

Representative Marge Hart
Capital Station
Helena, Montana
59620

Dear Representative Hart

Your sponsorship of House Bill 900 is a positive step toward financial help in the towns and counties in our area, and in Montana. The sending of an individual to the basic academy is quite costly for many small depts. since the person's wages must be paid for eight weeks.

This bill would also work a little towards not making smaller departments training depts. for larger departments.

We the undersigned urge the passage of House Bill 900.

Robert Ziegler
Richard E. Walsh

County Commissioner Dawson Co.
Mayor - City of Shendee.

#1 ✓ #2 passed 3/21

PROPOSED AMENDMENT TO HOUSE BILL 673

Title
4
amended-

adopted

1. Page 1, line 18.
Following: "electors"
Strike: "within"
Insert: "The governing body may direct that a suit be brought in district court by the local government to determine whether the proposed action would be valid and constitutional, but such a suit must be initiated within"
2. Page 1, lines 20 through 24.
Following: "7-5-134" in line 20
Strike: remainder of line 20 through "constitutional" in line 24

3. Page 2, line 6.
Following: "defendant the"
Strike: remainder of line 6
4. Page 2, lines 8 and 9.
Following: "7-5-134" in line 8
Strike: remainder of line 8 through "APPLICATION" in line 9
5. Page 2, line 15.
Following: "AS TO WHETHER"
Strike: remainder of line 15
6. Page 2, line 17.
Following: line 16
Insert: "(4) If the defendant prevails, he is entitled to be reimbursed by the local government for costs and reasonable attorney's fees incurred."
Renummer: subsequent section

Notes:

Amendments 3 and 4 restore the original language, making the people who submitted the petition the defendants in a suit brought by the local government.

Amendment 5 removes regularity of form from the scope of court decisions; this is consistent with the effect of Amendment 2. Note that the election administrator is responsible for regularity of form, under 7-5-134.

Amendment 6 was suggested by Legislative Council attorneys. The purpose is to discourage local governments from undue opposition to citizens' initiatives. The language is from 5-7-305, which deals with citizens' actions against the state.

LOCAL GOVERNMENT COMMITTEE
MARCH 23, 1985
EXHIBIT C

PROPOSED AMENDMENTS TO HOUSE BILL 791
(suggested by the Montana Association of Planners and
revised by researcher)

1. Page 5, line 12.
Following: "determination"
Strike: "of whether appropriate access and"
Insert: "that utility"
Following: "easements"
Insert: "and access appropriate for the intended use"
2. Page 5, line 13.
Following: "are"
Strike: "properly"
3. Page 6, line 16.
Following: "that"
Strike: "appropriate access and"
Insert: "utility"
Following: "easements"
Insert: "and access appropriate for the intended use"
4. Page 6, line 17.
Following: line 16
Strike: "properly"

Pinsonault

LOCAL GOVERNMENT COMMITTEE
Saturday, March 23, 1985
AGENDA

BILLS TO BE HEARD:

HB 457 (Nathe) - Undersheriff, Former Deputy, Return to Other Duties When Successor Named

HB 654 (Pavlovich) - Allocate Certain Motor Vehicle Operation Fines to Sheriff

HB 900 (Hart) - 5 Year Gap in Employment as Peace Officer Before Retaking Basic Training

BILLS HEARD BUT NOT ACTED UPON:

HB 516 (Keyser) - Prohibit Applying Modified Subdivision Rules Once Application Made *Y*

HB 519 (Sales) - Payment of Property Taxes Required Before Land May be Divided *Y*

(Needs amendments)

HB 673 (Kadas) - Advancing Time for Testing Local Petition Validity in Court (amendments 1 and 2 adopted - further clarification) *#*

Filed

HB 791 (Brandewie) - Revising Definition of Subdivision *→*

W/ amendments ?

HB 890 (Menahan) - Municipal Regulation of Cable Television Systems *N*

TABLED BILLS:

SB 293 (Van Valkenburg) - Local Option Tax (motion to be concurred in failed - bill tabled)

HB 248 (Schye) - Local Government Deposit Security Net Worth to Total Assets Ratio (tabled pending SB 416 outcome)

HB 328 (Hannah) - Single Local Bank to Bid on Interest Paid on Deposits of Public Funds (tabled pending SB 416 outcome)

NEXT LOCAL GOVERNMENT COMMITTEE MEETING:

Tuesday, March 26, 1985, 12:30 P.M., Room 405
Bills Scheduled to be Heard:

- HB 496 (Darko) - Authorizing Formation of County Park Districts
- HB 612 (Addy) - Increased Assessment Options for Special Improvement Districts
- HB 736 (Lory) - Security for Revolving Funds for Improvement Districts
- HB 885 (Sales) - General Revision of Rural Special and Special Improvement Districts
- HB 894 (Sands) - Water District Expansion Based on Excess Water Facilities

Crippen

LOCAL GOVERNMENT COMMITTEE
Saturday, March 23, 1985
AGENDA

BILLS TO BE HEARD:

- OK* HB 457 (Nathe) - Undersheriff, Former Deputy, Return to Other Duties When Successor Named
- OK* HB 654 (Pavlovich) - Allocate Certain Motor Vehicle Operation Fines to Sheriff
- OK* HB 900 (Hart) - 5 Year Gap in Employment as Peace Officer Before Retaking Basic Training

BILLS HEARD BUT NOT ACTED UPON:

- OK* HB 516 (Keyser) - Prohibit Applying Modified Subdivision Rules Once Application Made
- Pass* HB 519 (Sales) - Payment of Property Taxes Required Before Land May be Divided
- Need amendment* HB 673 (Kadas) - Advancing Time for Testing Local Petition Validity in Court (amendments 1 and 2 adopted - further clarification)
- amend* HB 791 (Brandewie) - Revising Definition of Subdivision
- No* HB 890 (Menahan) - Municipal Regulation of Cable Television Systems

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