

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN WILLIAM BOHARSKI**, on March 23, 1995,
at 3:45 PM.

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: None
Executive Action: HB 604 DO PASS AS AMENDED
SB 127 DO CONCUR AS AMENDED
SB 135 DO CONCUR AS AMENDED
SB 208 DO CONCUR
SB 222 DO CONCUR
SB 41 TABLED
SB 142 TABLED
SB 227 TABLED
SB 263 TABLED
SB 309 TABLED
SB 323 TABLED
SB 182 DO NOT CONCUR

EXECUTIVE ACTION ON SB 41

Motion: REP. NORM MILLS MOVED THAT SB 41 BE CONCURRED IN.

Discussion:

REP. SHIELL ANDERSON noted that it was discussed that the language "only a benefited property should be assessed under the county school district" should be put in the bill.

Bart Campbell referred to page 2, line 5 and explained the language and recapped the discussion regarding this.

Motion/Vote: REP. ANDERSON MOVED SB 41 BE TABLED. Voice vote was taken. Motion carried 17-1 with REP. LINDA MCCULLOCH voting no.

EXECUTIVE ACTION ON SB 127

Motion: REP. BOB KEENAN MOVED SB 127 BE CONCURRED IN.

Discussion: CHAIRMAN BILL BOHARSKI discussed the amendments that take care of the conflict with SB 83.

Motion/Vote: REP. KEENAN MOVED DO CONCUR ON THE AMENDMENTS. Voice vote was taken and carried 17-1 with REP. ELLEN BERGMAN voting no.

Motion/Vote: REP. NORM MILLS MOVED SB 127 BE CONCURRED IN AS AMENDED. Voice vote was taken. Motion carried unanimously.

Discussion: REP. ANDERSON will carry to the House Floor.

EXECUTIVE ACTION ON SB 135

Motion: REP. CHRIS AHNER MOVED SB 135 DO CONCUR. REP. BOB KEENAN MOVED DO CONCUR ON THE AMENDMENTS BY SEN. COLE.

Motion Withdrawn: REP. AHNER withdrew her motion so the amendments can be discussed when SEN. COLE is in attendance.

EXECUTIVE ACTION ON SB 142

Motion: REP. KEENAN MOVED THAT SB 142 BE CONCURRED IN.

Substitute Motion: REP. MILLS MADE A SUBSTITUTE MOTION THAT SB 142 BE TABLED.

Discussion: REP. MILLS noted that a bill was passed in the Business and Labor Committee that took away the program for junk cars funded by the state of Montana and there is no need for two bills the same.

Vote: Voice vote was taken. Motion to table carried 13-4 with REPS. ANDERSON, TROPILA, WYATT and BOHARSKI voting no.

EXECUTIVE ACTION ON SB 182

Motion: REP. JOHN BOHLINGER MOVED THAT SB 182 NOT BE CONCURRED IN.

Discussion: REP. BOHLINGER explained that his reason for opposing SB 182 was because with the provision in this bill an owner of a sign business could be put out of business. This runs counter to good business practice and public policy: He urged the committee to vote no.

Motion/Vote: REP. KEENAN MOVED THE AMENDMENT.

Discussion: REP. KEENAN explained the language in the amendment on fair market value for outdoor advertising referring to page 2, line 21-23.

Substitute Motion: REP. BOHLINGER MOVED THAT SB 182 BE TABLED.

Discussion: REP. BOHLINGER said this amendment makes a bad bill worse.

Vote: Motion to table failed 10-7 with REPS. ANDERSON, BERGMAN, BOHLINGER, BRAINARD, FORBES, MILLS AND BOHARSKI voting no.

Motion: DO CONCUR ON REP. KEENAN'S AMENDMENT TO STRIKE THE LANGUAGE "FAIR MARKET VALUE".

Discussion: REP. MILLS said he opposed this amendment because if something is going to be taken away from someone they should be paid the fair market value. He said people that have invested in the sign business and have invested in property should have it confiscated and their opportunity to get a return on their investment should not be denied.

REP. LINDA MCCULLOCH disagreed and said this is a good amendment and if this information is left in the bill it sets a dangerous precedent for the state of Montana as well as other states.

REP. ANDERSON questioned REP. MCCULLOCH on how this will set a precedent for other states that will be binding on them and what would she expect to pay individuals for the signs.

REP. MCCULLOCH explained that the fair market value will be set by the county and her reasons for this bill is local control.

REP. ANDERSON spoke against the amendment saying if individuals are going to have their signs taken from them they should be compensated in a fair fashion.

REP. BRAINARD said this amendment would set a dangerous precedent because no matter what size government is, whether federal, state or local, when a individual's property is taken they are due just compensation.

Vote: In favor of the amendment to strike the Senate language on "just compensation." Voice vote was taken. Motion failed 5-13.

Motion/Vote: **REP. KEENAN** MOVED THAT SB 182 BE TABLED. Roll call vote was taken and failed 9-9.

EXECUTIVE ACTION ON SB 135

Motion: **REP. CHRIS AHNER** MOVED SB 135 BE CONCURRED IN.

Motion: **REP. BOB KEENAN** MOVED THE AMENDMENTS BY **SEN. COLE** BE CONCURRED.

Discussion:

CHAIRMAN BOHARSKI asked **SEN. COLE** to explain the language in his amendment. He stated a bill cannot be drafted without a fiscal note and if there's not a bill drafted, how did he get a fiscal note. **SEN. COLE** explained when this bill was being discussed in a lot of detail it was determined there would have to be some changes made and he was not sure they would be calling it a fiscal note explaining what the cost would be to local government.

REP. KEENAN questioned the word "draft" in Section 4.

CHAIRMAN BOHARSKI suggested to strike the word "draft" in the title. He said the concern was the language in the title that stated "before introduction of the bill draft", and it is usually referred to as "introduction of the bill". **SEN. COLE** agreed to this.

CHAIRMAN BOHARSKI noted that **REP. KEENAN** has moved this as a "friendly amendment" to his amendment.

REP. DENNY stated his concern with the language in sub-section 2 where it states "the estimate must show in dollar amounts, the increase for expenditures required", versus sub-section 1 where it states "amounts that may be required". He suggested changing the language to say "expenditures that may be required by the bill drafter" so it is consistent. **SEN. COLE** agreed to this language.

REP. KEENAN agreed to this change in the amendment.

Vote: Voice vote was taken. Motion to adopt the amendment carried unanimously.

Motion/Vote: REP. KEENAN MOVED SB 135 BE CONCURRED IN AS AMENDED.
Motion carried unanimously.

Discussion: CHAIRMAN BOHARSKI will ask REP. CLARK if he will carry SB 135 to the House floor.

EXECUTIVE ACTION ON SB 208

Motion: REP. MILLS MOVED SB 208 BE CONCURRED IN.

Discussion:

REP. BOHLINGER noted this is an opportunity for counties to be reimbursed for the medical costs incurred while housing prisoners. The costs can greatly exceed the \$25 that is now allowed for counties to be reimbursed. He urged the committee do concur on SB 208.

REP. ANDERSON questioned the language in the bill because it does not provide for an inmate from paying his confinement costs if he is not found guilty of anything.

CHAIRMAN BOHARSKI stated his concern about pre-existing conditions of a person in confinement and also if the person confined is found not guilty.

REP. BERGMAN asked who is paying now. CHAIRMAN BOHARSKI said the county is currently paying and this bill would make the prisoner pay the medical costs.

REP. MILLS said if the person is confined and found not guilty, they should pay their own medical costs and this should be understood without being in the bill. If they were confined and required medical care it would not be any different if they were at home and required the same medical care. If the person is found guilty and had medical care, then it should be paid for by the arresting agency.

REP. ANDERSON noted they only pay the confinement costs once the court orders it. He asked the committee to pass the bill as it is.

Vote: Voice vote was taken. Motion carried unanimously.

EXECUTIVE ACTION ON SB 222

Motion/Vote: REP. KEENAN MOVED THAT SB 222 BE CONCURRED IN.
Motion carried 17-1 with REP. DENNY voting no.

EXECUTIVE ACTION ON SB 227

Motion: REP. MILLS MOVED THAT SB 227 BE CONCURRED IN.

Discussion:

REP. BOHLINGER spoke in opposition, saying that because it would reduce the city's jurisdiction to 1/8 mile beyond the city limits, he contends that in growing communities that would present a nightmare for governments. He said in Billings they find it very workable to have the opportunity to enforce building codes beyond a narrow scope.

Substitute Motion/Vote: REP. BOHLINGER MADE A SUBSTITUTE MOTION TO TABLE SB 227. Motion carried 13-5 with REPS. BOHARSKI, AHNER, ANDERSON, BRAINARD and MCCULLOCH voting no.

EXECUTIVE ACTION ON SB 263

Motion: REP. KEENAN MOVED THAT SB 263 BE CONCURRED IN.

Substitute Motion/Vote: REP. HAGENER MADE A SUBSTITUTE MOTION TO TABLED SB 263. Voice vote was taken. Motion to table carried 16-2 with REPS. DENNY and MILLS voting no.

EXECUTIVE ACTION ON SB 309

Motion: REP. KEENAN MOVED THAT SB 309 BE CONCURRED IN.

Discussion:

REP. HERRON spoke in favor of SB 309 and said it was a first step in the right direction and urged the committee to concur.

REP. ANDERSON spoke in opposition and said if the roads are to be county roads they should go through the petition process. The people should petition the county commissioners if they want it to be a county road rather than the county commissioners adopt the roads by resolution.

Substitute Motion/Vote: REP. ANDERSON MADE A SUBSTITUTE MOTION TO TABLE SB 309. Motion carried 14-4 with REPS. HERRON, EWER, BOHLINGER, and MILLS voting no.

EXECUTIVE ACTION ON SB 323

Motion: REP. KEENAN MOVED THAT SB 323 BE CONCURRED IN.

Discussion:

REP. ANDERSON spoke in opposition to SB 323 saying some counties are undergoing emergency zoning now under the present law and they are trying to get a grip on what's going on in their communities. This bill has an immediate effective date that will throw a "monkey wrench" into a lot of process. He urged to let the locals decide.

Substitute Motion/Vote: REP. ANDERSON MADE A SUBSTITUTE MOTION TO TABLE SB 323. Voice vote taken. Motion carried unanimously.

EXECUTIVE ACTION ON HB 604

Motion: REP. KEENAN MOVED THAT HB 604 DO PASS.

Discussion:

REP. ANDERSON noted that on page 37, line 37, where the language that was stricken from the bill that said "the majority of board members must be rural agriculture land owners" should be put back in and he would so move that it should be put back in.

Bart Campbell said he had an amendment for SB 377 that would also fit in this bill, following line 23, to insert in Sub-2, "a majority of the members must be rural agricultural land owners".

REP. HAGENER spoke and distributed copies of the suggestions made by MACO and suggested a comparison be made. EXHIBIT 1

CHAIRMAN BOHARSKI said he had discussed this with Mr. Morris, MACO and they want to work with SB 377 and in so doing this would end up without the impact fee language in HB 604. He said there will be further discussion regarding library boards.

REP. ANDERSON said the language he wants put back in is also found on page 37, line 27 so his amendment would be to put it in both places.

REP. WYATT spoke in opposition stating this is because of the impact on libraries.

Substitute Motion: REP. WYATT MADE A SUBSTITUTE MOTION THAT HB 604 BE TABLED.

Discussion:

REP. TROPILA questioned if HB 604 is an appropriations bill or a revenue bill. CHAIRMAN BOHARSKI answered that it is a revenue bill.

REP. MILLS commented that inasmuch as it changes salaries it looks like an expenditure bill because of the language in the amendment.

Vote: Roll call vote was taken. The motion to table failed 9-9.

Motion/Vote: CHAIRMAN BOHARSKI MOVED REP. ANDERSON'S AMENDMENT. Motion to adopt amendment carried 14-4 with REPS. EWER, BOHLINGER, MCCULLOCH and WYATT voting no.

{Tape: 1; Side: A; Approx. Counter: 52.9;}

Discussion:

REP. BOHLINGER said he agreed with the concerns expressed by librarians that libraries would be subjected to new control and through the actions of this bill it would remove some freedom of thought and speech. If this bill passes there should be an amendment to strike the provisions that deal with libraries.

Motion: REP. BRAINARD MOVED HB 604 BE AMENDED TO STRIKE THE LANGUAGE "REGARDING LIBRARIES".

Discussion:

Bart Campbell explained the sections of language that specifically amend library board statutes.

CHAIRMAN BOHARSKI stated his opposition to REP. BRAINARD's motion and stated the boards are all under the control of elected officials and all the money goes through the county or the city funds and all the boards should be left in.

CHAIRMAN BOHARSKI clarified that REP. BRAINARD's motion would remove library boards from the provision of oversight by the elected officials and under current law would be just as they are.

REP. MCCULLOCH spoke in favor of REP. BRAINARD's motion saying county commissioners could decide they don't need a library board and the county commissioners could then function as the library board and the county commissioners could appoint the library board and pick people that believe the way they do and therefore, control the library by how they appoint the board.

CHAIRMAN BOHARSKI asked how one gets on the library board. REP. MCCULLOCH said they are appointed.

REP. BOHLINGER said his wife is on the library board in Billings and was appointed by the mayor and the council.

CHAIRMAN BOHARSKI stated his concern that those members are appointed but the boards are not directly accountable to the people as are all of the other boards in this bill. The

commissioners appoint people to boards, the board make decisions and if the public disagrees with them, they cannot go back to that board and vote them out because state statute puts them in for a duration of time.

REP. MILLS referred to page 30, line 6, and said he did not see any reference in the Title. Mr. Campbell explained the language.

Vote: REP. BRAINARD'S MOTION TO REMOVE LIBRARY BOARDS FROM THE PROVISIONS OF THE COMMISSIONERS. Motion carried 11-6 with REPS. BOHARSKI, HERRON, AHNER, FORBES, KEENAN and MILLS voting no.

Discussion:

REP. ANDERSON noted the concern stated that the people on the mosquito board would not be members of the mosquito district. Mr. Campbell said he has an amendment drafted that would say members of the board must be residences of the district.

Motion/Vote: REP. ANDERSON MOVED TO ADOPT AN AMENDMENT REGARDING THE MOSQUITO BOARDS. Voice vote was taken Motion carried 17-1 with REP. DENNY voting no.

Discussion: REP. HAGENER expressed her distress that the committee was taking a 50-page bill and reviewing it in fifteen minutes. She stated that she did not feel the committee had a thorough hearing and discussion in connection with it. REP. HAGENER said the committee is doing something tremendous and under these circumstances it is a foolish maneuver. "No time has been taken, no effort, no involvement, no discussion, no opportunity and not considering what has been suggested by the constituents and going through amendments willy-nilly." She suggested that the bill and amendment be discussed at greater detail before voting on.

Motion: REP. HAGENER MOVED HB 604 AND THE AMENDMENT BE TABLED.

Discussion: CHAIRMAN BOHARSKI responded that HB 604 has been reviewed by MACO and County Commissioners, and a thorough hearing was heard by the committee last Tuesday. CHAIRMAN BOHARSKI noted that failure to review the bill between the hearing and executive session is not his problem and the remarks were not appropriate.

Vote: Voice vote was taken. Motion to table failed 6-12 with REPS EWER, HAGENER, MCCULLOCH, MILLS, SHEA, and WYATT voting yes.

{Tape: 1; Side: A; Approx. Counter: 62.3;}

Discussion:

REP. ANDERSON said he would like to move to strike section 4 and 5. He explained his rationale.

Motion: REP. ANDERSON MOVED TO STRIKE SECTIONS 4 AND 5.

Discussion:

REP. DENNY question the issues this would affect.

REP. ANDERSON made reference to a letter that stated this might threaten the equalization. REP. ANDERSON said this may or may not be so but the fees may be used for other things and not be used just for schools.

REP. EWER said he was lobbied hard to not strike that language and he felt it made sense. He said he failed to read the current language of the statute that was above on line 20. REP. EWER asked REP. ANDERSON to comment on how he reconciles the current law and the proposed law.

{Tape: 1; Side: B; Approx. Counter: ; Comments: Turned tape over..}

REP. ANDERSON responded that the difference on line 20 would seem to address taxes and line 22 addresses assessments and fees. The taxes would be more of a broad assessment.

REP. EWER commented "there is no question that counties collect monies other than taxes and there's no question that counties do so on behalf of themselves and other local governments; that is what county treasurers are for." REP. EWER questioned what the intention with the language is. Is it talking about the county or the county treasurer.

REP. ANDERSON explained that the language on line 20 deals with purposes under its exclusive jurisdiction and line 22-23 deals with the purposes not under its exclusive jurisdiction which may mean schools.

CHAIRMAN BOHARSKI said the question is what other fees and assessments might there be. He said the reason that this is in the bill is exactly the reason REP. ANDERSON wants it out because there seems to be confusion to whether or not they can charge impact fees for schools districts. Gallatin county say they can, other counties disagree. CHAIRMAN BOHARSKI explained he put this in the bill to try and clarify what he perceived to be an upcoming mess of legal problems that may end up in court.

REP. ANDERSON ask for support in taking these lines out because CHAIRMAN BOHARSKI will be following this bill if it passes and can explain that in the form of putting it back in better than he can explain taking it out. He said if this is supported it will get more broad discussion as it goes through the process.

Vote: Motion by REP. ANDERSON to Strike Sections 4 and 5. Motion passed 16-2 with REPS. BOHARSKI and DENNY voting no.

Motion: REP. BRAINARD MOVED TO AMEND HB 604.

Discussion: REP. BRAINARD distributed a handout of a map on existing city limits and annexation in Missoula and explained this along with his amendment. EXHIBITS 2 and 3

REP. EWER questioned REP. BRAINARD if the city had ever actually used this method to surround and bring property into the city.

REP. BRAINARD responded, "they are about to and this is what it's about."

REP. EWER said he echoed REP. HAGENER'S previous comments on the dept of the bill along with the amendments. He said he could support the amendment but not the bill.

REP. MILLS said he believes this does not fit and is the wrong way to go about annexation and should not be allowed to be used and placed in this bill. "It needs to be attached to a bill on annexation, not on this bill."

Vote: DO CONCUR ON REP. BRAINARD'S AMENDMENT. Vote carried 12-6 with REPS. EWER, BERGMAN, BOHLINGER, HAGENER, MCKEE and MILLS voting no.

Discussion:

CHAIRMAN BOHARSKI said for clarification, Mr. Campbell will make sure the title reflects the discussed language.

Gordon Morris, MACO, stated he has followed all of the actions on this bill and would agree that all the necessary amendments are in and technically, all the things have been done by the committee and he will continue to support it. He said regarding the amendment in reference to the mosquito board, the language has been taken care of dealing with the weed districts' concern and they need to look at the language on page 3, line 23, section 14 of HB 604. He suggested that the language be changed to read "a person must be a resident of the county or district".

Motion: REP. HAGENER MOVED THAT AMENDMENT.

Discussion:

Mr. Campbell referred to line page 3, line 23 to strike "freeholder" and insert "a resident of the county board district".

REP. DENNY questioned if it would just be within the jurisdiction of the governing body and strike "freeholder".

Mr. Campbell explained that it would not work because there are specific places that come into law that say they have to be a resident of the district.

REP. DENNY questioned what is the rationale to having to be a freeholder.

CHAIRMAN BOHARSKI responded boards that are appointed should live in the area where they are representing people.

CHAIRMAN BOHARSKI requested input regarding this matter from **Mr. Morris, MACO** with consent from the committee members.

Mr. Morris explained that if they are creating a weed district within the county they would then have to be a resident of the district. A county-wide board would have to be a resident of the county. **Mr. Morris** said the reference to "freeholder" is a property tax owner and would deny board appointments to people who are renters. He said from his prospective this would not be desirable.

REP. MILLS expressed concern that if there is a district that crosses county lines should the language say "district and county".

Mr. Morris said this is correct for the potential for multi-county board districts but the membership in those cases would fall "toe nail side of this bill" and would be governed under the inter-local governmental agreement act. That act gives the combined county commissioners the authority to establish the governing board in any fashion they want to and do it within the framework of inter-local agreement.

Vote: **REP. AHNER** MOVED HB 604 DO PASS AS AMENDED. Roll call vote was taken. Motion carried 12-6 with **REPS. BOHLINGER, HAGENER, MILLS, SHEA, TROPILA AND WYATT** voting no.

HOUSE LOCAL GOVERNMENT COMMITTEE

March 23, 1995

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ADJOURNMENT

Adjournment: 5:15 PM.

Wm S Boharski
WILLIAM BOHARSKI, Chairman

P. Borman
for EVY BURRIS, Secretary

WB/eb

HOUSE OF REPRESENTATIVES

Local Government

ROLL CALL

DATE 3-23-95

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	✓		



HOUSE STANDING COMMITTEE REPORT

March 24, 1995

Page 1 of 2

Mr. Speaker: We, the committee on Local Government report that Senate Bill 127 (third reading copy -- blue) be concurred in as amended.

William E. Boharski

Signed: _____

Bill Boharski, Chair

Carried by: Rep. Anderson

And, that such amendments read:

1. Page 2, line 19.
Insert: "

NEW SECTION. Section 2. Coordination instruction. If both [this act] and Senate Bill No. 83 are passed and approved and if both include a section that amends 3-5-901, then 3-5-901 must read as follows:

"3-5-901. State assumption of certain district court expenses -- designation as district court criminal reimbursement program. (1) ~~The state shall, to~~ To the extent that revenue is available under 61-3-509, the state shall fund:

(a) the following district court expenses in criminal cases only:

- ~~(a)(i)~~ (i) salaries of court reporters;
- ~~(b)(ii)~~ (ii) fees for transcripts of proceedings;
- ~~(c)(iii)~~ (iii) witness fees and necessary expenses;
- ~~(d)(iv)~~ (iv) juror fees;
- ~~(e)(v)~~ (v) expenses for indigent defense; and
- ~~(f)~~ (vi) expenses of the appellate defender commission and the office of appellate defender; and
- ~~(g)~~ (vi) expenses for psychiatric examinations;

(1) (a), in all postconviction proceedings held pursuant to Title

Committee Vote:
Yes 11, No 1.

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46, chapter 21, and in all habeas corpus proceedings held pursuant to Title 46, chapter 22, and appeals from those proceedings; and

(c) the following expenses incurred by the state in federal habeas corpus cases that challenge the validity of a conviction or of a sentence:

(i) transcript fees;

(ii) witness fees; and

(iii) expenses for psychiatric examinations.

(2) The revenue received under 61-3-509 is statutorily appropriated, as provided in 17-7-502, to the supreme court for funding the expenses listed in subsection (1) and the costs of administering this section. If revenue received under 61-3-509 exceeds the amount appropriated by the legislature to fund the expenses of the appellate defender program, the excess amount is statutorily appropriated, as provided in 17-7-502, to the supreme court to fund the expenses described in subsections (1)(a) through (1)(c).

(3) If money appropriated for the expenses listed in subsection (1):

(a) exceeds the amount necessary to fully fund those expenses, the excess amount up to \$500,000 of the excess amount must be used for youth court and probation foster care placements if the department of family services certifies to the supreme court that appropriations for youth court and probation foster care placements will be inadequate to fund those costs and remaining excess amounts must be used for district court grants as provided in 7-6-2352; or

(b) is insufficient to fully fund those expenses, ~~the appellate defender commission and the office of appellate defender must be funded first and the county is responsible for payment of the balance.~~

(4) Money deposited in the state general fund in fiscal year 1992, as provided in 61-3-509, that is in excess of the legislative appropriation is statutorily appropriated, as provided in 17-7-502, to the supreme court for district court and courts of limited jurisdiction automation purposes during the 1995 biennium. (Subsection (4) terminates July 1, 1995--sec. 7, Ch. 330, L. 1993.)"

Renumber: subsequent section

-END-



HOUSE STANDING COMMITTEE REPORT

March 24, 1995

Page 1 of 3

Mr. Speaker: We, the committee on Local Government report that Senate Bill 135 (third reading copy -- blue) be concurred in as amended.

Wm E Boharski

Signed: _____

Bill Boharski, Chair

Carried by: Rep. Clark

And, that such amendments read:

1. Title, line 9.

Following: "MCA;"

Insert: "REQUIRING AN ESTIMATE OF THE FISCAL IMPACT OF A BILL BEFORE INTRODUCTION OF THE BILL;"

2. Title, line 10.

Strike: "AND PAYMENT OF COSTS AND ATTORNEY FEES"

3. Page 2, line 27.

Following: "RESTRICTION."

Insert: "(1)"

4. Page 2, line 29.

Following: "SERVICE"

Insert: "or facility"

5. Page 3.

Following: line 1

Insert: "(2) The estimate of fiscal impact provided in accordance with [section 4] must be considered in determination of whether a bill is introduced in violation of subsection (1).

NEW SECTION. Section 4. Estimate of fiscal impact on local

Committee Vote:
Yes 18, No 0.

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government required. (1) A bill that, if enacted, may require a local government unit to perform an activity or provide a service or facility that requires a direct expenditure of additional funds without a specific means to finance the activity, service, or facility in violation of 1-2-112 or 1-2-113 must be accompanied, at the time that the bill is presented for introduction to the chief clerk of the house of representatives or the secretary of the senate, by an estimate of all direct and indirect fiscal impacts on a local government unit. The estimate of fiscal impacts must be prepared by the budget director in cooperation with a local government unit affected by the bill. The budget director has 10 days to prepare the estimate.

(2) The estimate must show in dollar amounts the increase in expenditures that may be required by the bill. Comment or opinion relative to the merits of the bill may not be included in the estimate. However, technical or mechanical defects may be noted. Upon completion of the estimate, the budget director shall submit the estimate to the requestor of the bill."

Renumber: subsequent sections

6. Page 5, line 3.

Strike: "-- COSTS AND FEES"

Following: "the third"."

Insert: "(1) A local government unit may use a remedy provided in subsection (2), (3), or (4) to prevent the application of a law enacted in violation of 1-2-112 or 1-2-113.

(2) A local government may, with the consent of a state agency charged with the implementation of the law, arbitrate the application of the law pursuant to the Uniform Arbitration Act.

(3) A local government unit may request a hearing before an administrative agency charged with the administration of the law. A hearing held pursuant to this section is a contested case proceeding pursuant to the Montana Administrative Procedure Act. The decision of the agency may be appealed in accordance with Title 2, chapter 4, part 7.

(4) "

7. Page 3, lines 7 through 10.

Strike: "A LOCAL" on line 7 through "FUND." on line 10

8. Page 3, line 12.

Following: "INSTRUCTION."

Insert: "(1) "

Strike: "4"

Insert: "5"

9. Page 3, line 14.

Strike: "4"

Insert: "5"

10. Page 3.

Following: line 14

Insert: "(2) [Section 4] is intended to be codified as an
integral part of Title 5, chapter 4, part 2, and the
provisions of Title 5, chapter 4, part 2, apply to [section
4]."

-END-



HOUSE STANDING COMMITTEE REPORT

March 24, 1995

Page 1 of 3

Mr. Speaker: We, the committee on Local Government report that House Bill 604 (first reading copy -- white) do pass as amended.

Wm E Boharski

Signed: _____

Bill Boharski, Chair

And, that such amendments read:

1. Title, line 7.

Strike: "LIBRARY BOARDS,"

Following: "HEALTH"

Strike: ", "

2. Title, lines 11 and 12.

Strike: "CLARIFYING" on line 11 through "LEVY" on line 12

Insert: "REVISING RESTRICTIONS ON ANNEXING WHOLLY SURROUNDED
LAND; REVISING THE DEFINITION OF CONTIGUOUS FOR THE PURPOSES
OF ANNEXATION WITH THE PROVISION OF SERVICES"

3. Title, line 15.

Strike: "7-1-2103, 7-1-4123,"

Following: "7-2-4405,"

Insert: "7-2-4503, 7-2-4704,"

4. Title, line 24.

Strike: "22-1-308, 22-1-309, 22-1-317,"

5. Page 3, line 23.

Strike: "freeholder"

Insert: "of the county or district"

6. Page 4, line 29.

Strike: ", library boards,"

Committee Vote:

Yes 11, No 7.

681130SC.Hbk

7. Page 5, line 12 through page 6, line 9.
Strike: sections 4 and 5 in their entirety

8. Page 9.

Following: line 18

Insert: " Section 12. Section 7-2-4503, "MCA, is amended to read:

"7-2-4503. Restrictions on annexation power. (1) Land ~~shall~~ may not be annexed under this part whenever the land is used:

(1)(a) for agricultural, mining, smelting, refining, transportation, or any industrial or manufacturing purpose; or
(2)(b) for the purpose of maintaining or operating a golf or country club, an athletic field or aircraft landing field, a cemetery, or a place for public or private outdoor entertainment or any purpose incident thereto.

(2) Land may not be annexed under this part whenever a city street or roadway forms a boundary of a wholly surrounded area unless the street or roadway is completely contiguous to the city on one side of the street's or roadway's right-of-way for the entire length of the street or roadway that forms the boundary of the wholly surrounded area."

Section 13. Section 7-2-4704, MCA, is amended to read:

"7-2-4704. Definitions. The following terms, ~~where~~ when used in this part, ~~have~~ the following meanings, ~~except where~~ when the context clearly indicates a different meaning:

(1) "Contiguous" means any area which, at the time annexation procedures are initiated, either abuts directly on the municipal boundary or is separated from the municipal boundary by a street or street right-of-way, a creek or river, the right-of-way of a railroad or other public service corporation, lands owned by the city or some other political subdivision, or lands owned by the state as long as the street, street right-of-way, creek or river, railroad right-of-way, or city, political subdivision, or state-owned land separating the area from the municipal boundary is contiguous to the city for its entire length between the area and the municipal boundary.

(2) "Municipality" means any city or town under Montana law.

(3) "Resident freeholder" means a person who maintains ~~his~~ the person's residence on real property in which ~~he~~ the person holds an estate of life or inheritance or of which ~~he~~ the person is the purchaser of such an estate under a contract for deed, some memorandum of which has been filed in the office of the county clerk and recorder." "

Renumber: subsequent sections

9. Page 37.

Following: line 30

Insert: "(2) A majority of the board members must be rural
agricultural land owners."

Renumber: subsequent subsection

10. Page 40, line 12.

Following: "~~1~~"

Insert: "(1)"

11. Page 40.

Following: line 13

Insert: "(2) Members of the board must be residents of the
district."

12. Page 42, line 26 through page 45, line 9.

Strike: sections 84, 85, and 86 in their entirety

Renumber: subsequent sections

13. Page 50, line 1.

Strike: "94"

Insert: "91"

-END-

3/23/25

Rep Tropicita -

He has any property to
out we on all instructions.

James

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Local Government

T. Bohler

DATE _____ BILL NO. SB-41 NUMBER _____

MOTION: Mills - Pro Pass

Robert Latta -

NAME	AYE	NO	
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			

17 1

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Local Government

Amendment

S-121

DATE _____ BILL NO. 121 NUMBER _____

MOTION: Keenan - Do Pass

11 David Boharski

NAME	AYE	NO
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		

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Local Government

Dubois

DATE _____

BILL NO *SB 127* NUMBER _____

Anderson
will carry
J

MOTION: _____

NAME	AYE	NO
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		

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Local Government

W
DATE _____ BILL NO. *SB 135* NUMBER *135*
MOTION: *Amend - Do Pass - Withdraw*
Keenan - Amend Amendments

NAME	AYE	NO
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		

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Local Government

SB 142

Tabled

DATE _____ BILL NO. _____ NUMBER _____

MOTION: *Keenan - to pass - Green*

Roll substitute Motion - to Tabled

NAME	AYE	NO
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		✓

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Local Government

Outdoor bill

SB-182

DATE _____ BILL NO. _____ NUMBER _____

MOTION: *Bohlinger - Do Not Carry*
Keenan - Must Amend
Bohlinger - Must to Table

Page 10.4
11.1

NAME	AYE	NO
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		✓

Pring vote by

J

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Local Government

Amendment

DATE _____

BILL NO. SB 182 NUMBER _____

Hands
40
13
4

17.1

MOTION: *Keenan & Amendment - Do pass*

NAME	AYE	NO
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		

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Local Government

Tables

DATE _____ BILL NO. *B 182* NUMBER _____

MOTION: *Keenan - Tables*

NAME	AYE	NO
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		✓

9 9

Amendments to Senate Bill No. 182
Third Reading Copy

Requested by Sen. Weldon
For the Committee on Local Government

Prepared by Bart Campbell
March 14, 1995

1. Page 2, lines 21 through 23.
Strike: subsection (c) in its entirety

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Local Government

DATE _____ BILL NO 5B-182 NUMBER _____

MOTION: Bohlinger
Hand to Table

NAME	AYE	NO
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		✓

Present vote by Rep. Tropila

not here

7 10

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Passed
 DATE _____ *Amendment* BILL NO. *SB-135* NUMBER _____ *Copy to floor*
 MOTION: *Rep. Ahner - Do Pass*
Keenan - " Amend

NAME	AYE	NO
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		

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Local Government

DATE _____

BILL NO _____

NUMBER _____

MOTION: _____

79.9 Panel
4/11

SB. 208

Pay medical costs

(25.1)

Mills De Concurs

NAME	AYE	NO
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		

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Local Government

Presul

Bergman will concur

58-222

DATE _____ BILL NO. _____ NUMBER _____

30.3

MOTION: *Keenan - Do concur*

NAME	AYE	NO	
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			

1

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Local Government

Tabled

DATE 1-4- BILL NO. 227 NUMBER _____

MOTION: Rep. Mills RD Cymon
32.9 - Rep. Bohlinger Mand Table

NAME	AYE	NO
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	✓	

13-5

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Local Government

Marked

SB-203

DATE _____ BILL NO. _____ NUMBER _____

MOTION: *Keenan - Do Concur*
Hogner - table

NAME	AYE	NO
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	✓	

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Local Government

Tabled

SB 309

DATE 3-23-95 BILL NO. 309 NUMBER _____

MOTION: *Rep Anderson Moved Tabled*

NAME	AYE	NO
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		✓

11 7

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Local Government

35.7
Thurs

DATE _____ BILL NO. SB-309 NUMBER _____

MOTION: By Keenan - Do Pass
Amendment - New to table

NAME	AYE	NO
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	✓	

14 4

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Local Government

Table

SB 293

DATE _____ BILL NO. _____ NUMBER _____

H. 2 MOTION: *Keenan - Do Consent*
Anderson - Move to Table

NAME	AYE	NO
Rep. Bill Boharski, Chairman	<i>S</i>	
Rep. Jack Herron, Vice Chairman, Majority		
Rep. David Ewer, Vice Chairman, Minority		
Rep. Chris Ahner		
Rep. Shiel 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		

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Local Government

11-8-11
Pass
Amendment

DATE _____ BILL NO. *HB 604* NUMBER _____

MOTION: *Keenan - amend. Do Pass*
Keenan - amend. Government

NAME	AYE	NO
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	✓	

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Local Government

[Handwritten signature]

Boharski with Quay

DATE _____ BILL NO. *1364* NUMBER _____

MOTION: *Ahner - Do pass as Amended*

NAME	AYE	NO
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		✓

11 7

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Local Government

Yates
DATE _____

HB 604
BILL NO. *604* NUMBER _____

MOTION: _____

Agree - Amend table

NAME	AYE	NO
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	✓	

6 12

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Local Government

DATE _____ BILL NO. 604 NUMBER _____

MOTION: Keenan - Do Pass
Anderson - Refer to Panel B 37
Wyatt - Refer

NAME	AYE	NO
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	✓	

9 9

42.7
48.0

7/10
Refer to Panel B 37
Refer

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Local Government

DATE _____ BILL NO. HB 104 NUMBER _____

MOTION: _____

31.9

Amendment to start library
Brainard - must
 Pg 4
 42

NAME	AYE	NO
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		✓

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Local Government

38.9
Cont =

DATE _____ BILL NO. HB604 NUMBER _____

MOTION: Anderson - Manual to annual request RL -
Hegener - 11 to table

NAME	AYE	NO	
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			

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Local Government

DATE _____ BILL NO. HB 604 NUMBER _____

MOTION: Parial - munde Amendment & - remove

*Motion Carried
to Amend*

52.9

*remove
- replace
R. J. ...*

NAME	AYE	NO
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		

11 *Herron*

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Local Government

DATE _____ BILL NO. SB 604 NUMBER _____

MOTION: Adopted and also passed
to Jan. -

62.3-
63.9-

NAME	AYE	NO
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		

2

**MONTANA
ASSOCIATION OF
COUNTIES**

EXHIBIT 1
DATE 3-23-95
HB 604 & SB 377

2711 Airport Road
Helena, Montana 59601
(406) 442-5209
FAX (406) 442-5238

MEMORANDUM

*Rep. Haggen -
Distributed*

TO: House Local Government Committee
FROM: Gordon Morris
RE: SB 377 and HB 604
DATE: March 22, 1995

Based on considerations of the bills, the Association recommends that the committee consider working from SB 337. In doing so, the Committee would be able to consider bringing in from HB 604 the following options:

--*Option 1:* Bringing in sections for library boards, boards of health, and planning boards [library boards--Section 2(2), Sections 84, 85 and 86, health boards--Section 2(2), Sections 88 through 92, planning boards--Section 2(2), Section 93];

--*Option 2:* Bringing in sections dealing with allowing governing bodies to dissolve certain boards, districts and commissions [Section 1(18)(a), (b) and (c);

--*Option 3:* Bringing in sections dealing with allowing governing bodies to repeal or amend certain findings of certain boards, districts and commissions [Section 1(17)];

--*Option 4:* Bringing in sections dealing with revising certain notice procedures [Sections 6 through 26, Sections 28 through 44, sections 49 through 62, and Sections 67, 72, 77, 80 and 83.

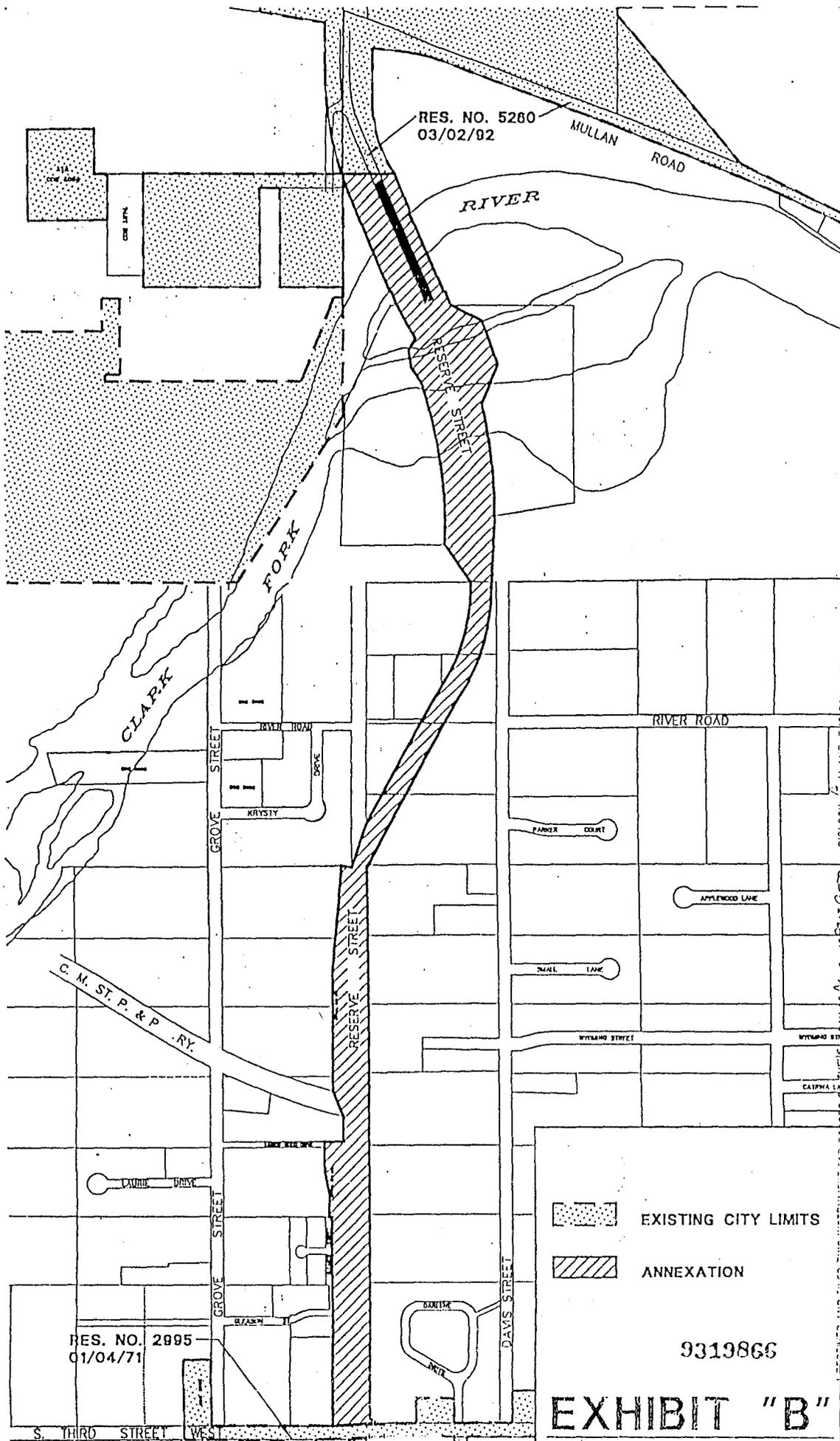
--*Option 5:* Bringing in sections allowing the cost-of-living increment for salaries of chief probation officers to be set as a percentage of the consumer price index [Section 87];

--*Option 6:* As testified to by Alec Hansen of the League and in MACo's testimony, please note that the Associations cannot recommend bringing Sections 4 and 5 of the bill dealing "with clarifying fees and assessments that a governing body may levy."

--*Option 7:* In SB 377, the Association also recommends on page 3, line 10 of the third reading copy after "county" inserting the words "or district," and on page 9, line 22, reinsert "(2) A majority of the board members must be rural agricultural land owners."

With these changes, I would technically continue to support the product.

MACo



05 6 1114 07 000

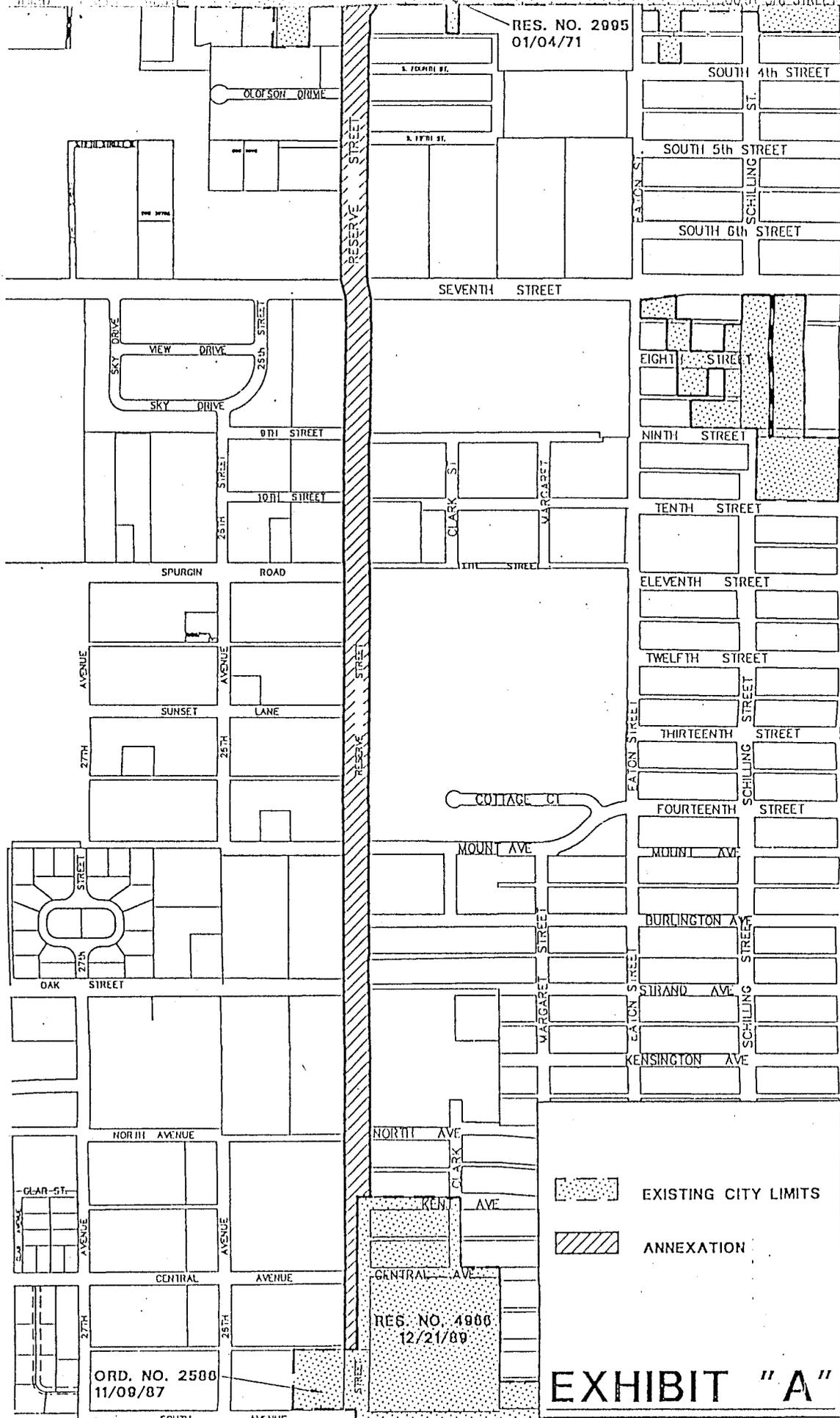
IN FULL PAY OF THE CITY OF MONTANA CH PAGE 2067
 RETURN TO City Clerk C. H. Hall
 ADDRESS

THIS MAP IS RECORDED IN VOLUME 389 PAGE 2067
 IN FULL PAY OF THE CITY OF MONTANA CH PAGE 2067
 WITNESS MY HAND, VICTOR M. LEVER, COUNTY CLERK

EXISTING CITY LIMITS
 ANNEXATION

9319866

EXHIBIT "B"



RES. NO. 2995
01/04/71

RES. NO. 4900
12/21/89

ORD. NO. 2580
11/09/87

-  EXISTING CITY LIMITS
-  ANNEXATION

EXHIBIT "A"

EXHIBIT 2
DATE 3-22-95
HB 604 *S. A. ...*

WHEREAS, the Montana Supreme Court pursuant to its decision in Kunesh v. City of Great Falls, 317 P.2d 297, 299, 301, (1957) indicated that intention to establish a residence must control and there must be an intention to establish a permanent residence on property annexed is necessary in order to be considered a resident freeholder for annexation protest proposes as a resident freeholder; and

WHEREAS, there were no resident freeholders of the area proposed for annexation according to the assessor's records at the time of notification as duly and diligently verified by City Officials; and

WHEREAS, either no valid protests or less than the statutorily prescribed percentage of protests to the extension of said corporate limits of the City of Missoula were filed with the Clerk within the time allowed by laws.

NOW THEREFORE, BE IT RESOLVED by the City Council to annex the lands described herein so the tract(s) or parcel(s) be included in the City limits of the City of Missoula; and

BE IT FURTHER RESOLVED that, if the city annexation of any lot(s), parcel(s), block(s) or tract(s) of land annexed into the city pursuant to this city annexation resolution or any provision of this resolution is ever held to be invalid or unconstitutional, the City Council hereby declares that any such decision shall not affect the validity of the annexation of the remaining lot(s), parcel(s), block(s) or tract(s) of land annexed into the city or the remaining provisions of this resolution. The City Council hereby declares that it would have passed this resolution and annexed each lot(s), parcel(s), block(s) or tract(s) of land into the city as well as each provision of this resolution irrespective of the fact that the annexation of any one or more lot(s), parcel(s), block(s) or tract(s) of land annexed into the city or provision of this resolution may have been declared invalid or unconstitutional, and if for any reason the annexation of any lot(s), parcel(s), block(s), tract(s) of land or any provision of this resolution should be declared invalid or unconstitutional, then the annexation of the remaining lot(s), parcel(s), block(s) or tract(s) of land and resolution provisions are intended to be and shall be in full force and effect as enacted by the City Council.

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to file this resolution with the Clerk and Recorder of Missoula County. This annexation shall become effective from and after the date of the filing of said document with the Missoula County Clerk and Recorder.

PASSED AND ADOPTED this 23rd day of August, 1993.

ATTEST:

APPROVED:



Charles C. Stearns
City Clerk



Daniel Remmls
Mayor

(SEAL)

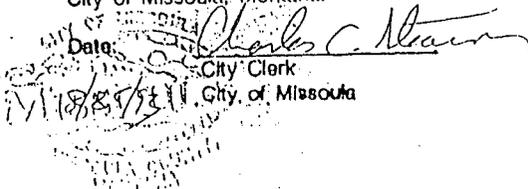
STATE OF MONTANA)
COUNTY OF MISSOULA)SS
CITY OF MISSOULA)

I hereby certify that the above and foregoing statement is a true and correct copy of Resolution #5477 as the same appears upon the records of my office as City Clerk for the City of Missoula, Montana.

Date

City Clerk

City of Missoula



RESOLUTION NUMBER 5477

A RESOLUTION EXTENDING THE CORPORATE LIMITS OF THE CITY OF MISSOULA, MONTANA, TO INCORPORATE WITHIN THE BOUNDARIES OF THE CITY OF MISSOULA CERTAIN TRACTS OF LAND WHICH ARE CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF MISSOULA. (RESERVE STREET, SOUTH AVENUE TO MULLAN ROAD)

DESCRIPTION - RESERVE STREET (South Avenue to S. 3rd St. W.)

All that portion of Reserve Street right-of-way as shown in the Highway Map Book of the Missoula County Clerk and Recorder's Office, Missoula, Montana labeled "RIGHT OF WAY PLAN OF FEDERAL AID PROJECT NO. M 8103(3) R/W, RESERVE STREET, U.S. 93 TO 3RD STREET - MISSOULA" situated in the SE1/4 of Section 19, the SW1/4 of Section 20, the W1/2 of Section 29 and the E1/2 of Section 30, all in Township 13 North, Range 19 West, Principal Meridian Montana, Missoula County, Montana, lying north and west of the existing city limits as described in Resolution No. 4966 (12/21/89) and Ordinance No. 2586 (11/09/87) AND south of the existing city limits as described in Resolution No. 2995 (01/04/71) and as shown on Exhibit "A" attached hereto.

DESCRIPTION - RESERVE STREET (S. 3rd St. W. to Mullan Road)

All that portion of Reserve Street right-of-way as shown in the Highway Map Book of the Missoula County Clerk and Recorder's Office, Missoula, Montana labeled "RIGHT OF WAY PLAN OF FEDERAL AID PROJECT NO. S 224(2) R/W, RESERVE STREET MISSOULA" situated in the SW1/4 of Section 17, the SE1/4 of Section 18, the E1/2 of Section 19 and the W1/2 of Section 20, all in Township 13 North, Range 19 West, Principal Meridian Montana, Missoula County, Montana, lying north of the existing city limits as described in Resolution No. 2995 (01/04/71) AND South of the existing city limits as described in Resolution No. 5260 (03/02/92) and as shown on Exhibit "B" attached hereto.

WHEREAS, it is the carefully considered and reasoned judgment of the City Council of the City of Missoula that the City of Missoula is able and willing to provide municipal services to the area being annexed. Further, it is hereby determined by the Missoula City Council to be in the best interest of the City of Missoula and the inhabitants thereof as well as the current and future inhabitants and users of the lands being annexed, which lands are contiguous to the corporate limits of the City of Missoula, that these lands be annexed into the City of Missoula.

WHEREAS, it is the decision of the Missoula City Council that the contiguous method of annexation set forth in Title 7, Chapter 2, Part 43, Montana Code Annotated be the method of annexation pursuant to which these parcels or tracts of land be annexed; and

WHEREAS, this area is considered part of the natural growth of the City of Missoula, is a main motor vehicle arterial for the community and the City Council deems it to be in the best interest of the City of Missoula, the inhabitants thereof and the future inhabitants thereof that the boundaries of the City of Missoula shall be extended to include the same within the corporate limits thereof; and

WHEREAS, there was duly and regularly passed and adopted by the Council of the City of Missoula and approved by the Mayor on July 19, 1993, Resolution of Intention Number 5467 proposing the extension of the City limits to include the above described property and describing the boundaries thereof; and

WHEREAS, the City Clerk did mail by first class mail on July 20, 1993, individual written notice to all property owners and purchasers under recorded contract for deed of the property in the area to be annexed as provided by Sections 7-2-4312 and 7-2-4313, Montana Code Annotated; and

WHEREAS, the City Clerk did published notice of such proposed extension of the city limits on July 25, 1993 and August 1, 1993 as provided by Sections 7-2-4312 and 7-2-4313, M.C.A.; and

WHEREAS, the Montana Supreme Court pursuant to its decision in Burritt v. City of Butte, 508 P.2d 563 (1973) has held that a corporation is not a "resident freeholder" within this contiguous annexation method and as best as can be determined by City Officials there are no resident freeholders residing on any land to be annexed pursuant to this resolution; and

Amendments to House Bill No. 604
First Reading Copy

Requested by Rep. Brainard
For the Committee on Local Government

Prepared by Bart Campbell
March 23, 1995

1. Title, line 15.
Following: "7-2-4405,"
Insert: "7-2-4503, 7-2-4704,"

2. Page 9.
Following: line 18
Insert: " **Section 14.** Section 7-2-4503, "MCA, is amended to
read:

"7-2-4503. **Restrictions on annexation power.** (1) Land
~~shall~~ may not be annexed under this part whenever the land is
used:

~~(1)~~ (a) for agricultural, mining, smelting, refining,
transportation, or any industrial or manufacturing purpose; or
~~(2)~~ (b) for the purpose of maintaining or operating a golf
or country club, an athletic field or aircraft landing field, a
cemetery, or a place for public or private outdoor entertainment
or any purpose incident thereto.

(2) Land may not be annexed under this part whenever a city
street or roadway forms a boundary of a wholly surrounded area
unless the street or roadway is completely contiguous to the city
on one side of the street's or roadway's right-of-way for the
entire length of the street or roadway that forms the boundary of
the wholly surrounded area."

Section 15. Section 7-2-4704, MCA, is amended to read:

"7-2-4704. **Definitions.** The following terms where used in
this part have the following meanings except where the context
clearly indicates a different meaning:

(1) "Contiguous" means any area which, at the time
annexation procedures are initiated, either abuts directly on the
municipal boundary or is separated from the municipal boundary by
a street or street right-of-way, a creek or river, the
right-of-way of a railroad or other public service corporation,
lands owned by the city or some other political subdivision, or
lands owned by the state, so long as the street, street right-of-
way, creek or river, railroad right-of-way, or city, political
subdivision, or state owned land, separating the area from the
municipal boundary is contiguous to the city for its entire
length between the area and the municipal boundary.

(2) "Municipality" means any city or town under Montana
law.

(3) "Resident freeholder" means a person who maintains ~~his~~
the person's residence on real property in which ~~he~~ the person
holds an estate of life or inheritance or of which ~~he~~ the person
is the purchaser of such an estate under a contract for deed,

some memorandum of which has been filed in the office of the
county clerk and recorder."
Renumber: subsequent sections

3. Page 50, line 1.
Strike: "94"
Insert: "96"