

January 17, 1977

A meeting of the Local Government Committee was called to order by Chairman Robbins at 4:35 PM in Room 225. The secretary called roll; Representative Gerke was excused, and Representatives Bertelsen, Halvorson, and Palmer were absent. All other members were present.

Chairman Robbins announced that the meeting wouldn't be much more than an hour. O'Connell - said a letter had been received from the Butte delegation concerning people coming to hearings with no information. Chairman Robbins said we will begin hearings on January 22, 1977, with other hearings through January 28, 1977. People not here for the joint hearing will get a chance to be heard at the hearings by chapter.

Gould - on the Saturday hearing, the 22nd, would it be appropriate to propose amendments at that time? Robbins - don't see why they can't. Senator McCallum will be conducting the hearing, and you can ask him. Amendments will be accepted at hearings by chapter.

Dale Harris began the presentation on House Bill 122 and said there are groups that have asked legislature to wait a year. You may want to extend an invitation to them to allow them to explain. Basically, we will be talking about Chapter 6, and Chapter 6 is the most important section. Chapter 5 is general powers of local government. Chapter 6 goes into what powers local government has and what authority. Legislative powers, municipalities have had this power. This gives legislative powers to counties and gives both the administrative powers and judicial powers. It does not make any change in judicial powers. Chapter 6 that establishes the types of powers. Powers to adopt ordinances and to administrate are in this chapter.

What are legislative powers? They are very much the same as municipalities. Any important action will be taken through ordinances. Roth - these powers are they now taken care of by boards? Dale - now some are given to local governments and some to boards. The power to levy taxes, detail on taxes is in Chapter 9, part 4, page 573. Chapter 9, part 2, page 489, is budgeting procedures. Special assessments, they are in Chapter 9, part 4, page 513, and can be done two ways by subordinate district and by an improvement district. The power to enact ordinances is in Chapter 3, part 3. Powers of city and county attorneys are in Chapter 3. How to pay debts and expenses is in Chapter 9, part 3.

Pistoria - how do you go about find this? Dale - by taking time to study the bill and using the table of contents. All legislative powers is as general as we could make it. As we went through the laws, these appeared to be distinct powers that local government utilized in performing services. Waldron - part of the problem is that part of the powers are here and procedures are in another part. Dale - this is not so different from existing laws. O'Connell - on levying taxes what input do people have. Dale - with single mill levy the current system is that legislature sets the priorities. The local government will be able to levy its own tax, but legislature sets the ceiling. Then the county commissioners will set their priorities. In other words, the local government unless set by the

legislative body cannot levy a particular tax, such as for a zoo. Under the code they can do this by resolution without going to the people. Ramirez - you are not setting priority by just limiting. They can spend all 55 mills on one thing. If the legislature has broken down the mill levy it is less likely to eliminate a service. Dale - a lot of times you have to levy and once they get one mill they don't cut. In overall budgeting, they look at total mill levies and if they want to keep total down they can cut anyway. There is no protection from cutting out any service. Roth - counties have such a variation of needs, that this gives authority to each county to set priorities. Dale - is it a useful thing for legislature to decide if 1 mill or 2 mills is needed. Waldron - on mill is one dollar in one county and different in another county. A problem is setting a mill levy for a service is that the amount of money needed? Dale - all larger cities have been at the 65 mills and cities could choose an all-purpose mill levy since 1965.

Hurwitz - this doesn't mandate the use of the mill levy. Dale - you can within your county by ordinance say this is our intention not to use more than this number of mill levies and these would be only guidelines. Vinger - if you want to delete a service you go to the people. Dale - there is nothing now requiring these services; the firemen service is the only one required.

Representative Pistoria excused.

Dale - turn to page 112. This provides administrative structure with legislature setting the guidelines. On page 113, there are two lists that are functions created within this code. These are functions that have to be assigned somewhere in your government.

Law enforcement is written that if you have an elective sheriff, you cannot assign any of his duties to anyone else. The civil functions can be reassigned. Waldron - would it be the commission's decision to assign to someone already there or new function. Dale - it is a decision of the county commissioners, but the duties cannot be reassigned without the elective county officer's consent. This is an option. Waldron - can they create a new job? Dale - yes, they can do that now, but they cannot change their structure now.

Ramirez - what is the mechanics of making amendments? Dale - when the committee meets in hearings. Ramirez - where do amendments go? Dale - if elective officials don't like county commissioners setting salaries or changing duties, we have worked up language for that.

Section 404 is setting up guidelines for boards. Boards are an invisible government and several provisions do strengthen the role of boards. On page 126, section 416, is how do we go from a current system to having them organized under local ordinance. On page 125 is reorganization of existing districts. Districts you already have should be made a subordinate district. You don't have to go out and reorganize your districts. On page 128, this is on subordinate service districts. This is procedure for creating a subordinate service district. A governing body can initiate or

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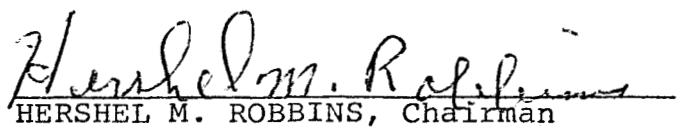
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it can be petition of 50% of electors or property owners to stop and 10% to get commission to consider. Cities can create sewer districts even if there is a protest. On page 136 is procedure for local improvement districts. This is a change for counties and is based on city law.

On Wednesday, the meeting will be on finance and taxes.

The meeting adjourned at 5:40 PM.

Respectfully submitted,


Herchel M. Robbins
HERSHEL M. ROBBINS, Chairman

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