

January 24, 1977

A meeting of the Local Government Committee was called to order by Chairman Robbins at 3:10 PM in Room 225. The secretary called roll; Representative Colburn was absent. All other members were present.

The committee went into executive action for the purpose of taking action on the following bills:

HOUSE BILL 195: A motion was made by Representative O'Connell that HB 195 DO PASS. During discussion there was a question as to whether the deputy sheriff and undersheriff will receive an increase also, and it was felt the fiscal note was in error. Representative Gunderson made a substitute motion that HB 195 be postponed until a new fiscal note is received. Roll call vote was taken; 10 voted YES and 5 voted NO. Motion carried. Those voting NO were Representatives Gould, Jensen, Pistoria, Stobie, and Robbins. Representative Colburn was absent and Representatives Halvorson and Roth were not present.

HOUSE BILL 187: Representative Pistoria said his witness hadn't arrived as he had told him the hearing would start at 3:30 PM. Chairman Robbins said we will pass on HB 187 until later in the session.

Chairman Robbins opened the meeting to hear the following bills:

HOUSE BILL 208: Representative Meyer, chief sponsor, said this bill is authorizing local government units to charge the state for services that are for the benefit of the state such as, fire protection.

Proponents were:

Dan Mizner, representing the Montana League of Cities and Towns, said this bill was presented at their convention and was given high priority. Mr. Mizner said there is a problem as there is another bill to study fire problems, and that is being held up in another committee until consideration of this bill by this committee. Local government would like to have the opportunity to sit down with the state agency and decide the amount of service they want.

Dean Zinnecker, representing the Montana Association of Counties, said it would be a way to relieve the taxpayer at the local level.

Al Sampson, representing the Montana State Firefighter's Association, said they support this bill.

Al Thelen, city of Helena, signed a witness sheet in support of HB 208.

Representative Meyer closed on HB 208.

It was asked what the cost would be and if there would be additional paper work. Mr. Mizner said at the present time

we have cities that have already negotiated for services, and the paper work is minimal. It was asked why did you leave police services out, and Mr. Mizner said police protection should be in there.

HOUSE BILL 187: Testimony was allowed on HB 187 as the witness was present.

Donald F. McKeever spoke in favor of HB 187 and left written testimony - exhibit 1.

Representative Pistoria closed on HB 187.

HOUSE BILL 122, CHAPTERS 3 & 5:

Representative Gerke, chief sponsor, said this gives local governments the authority to decide on how many boards, to describe their duties, and it will make the boards responsible to the people appointed. Copy of testimony is - exhibit 2.

The hearing was opened to testimony on Chapter 3.

Proponents were:

Dan Mizner, representing the Montana League of Cities and Towns, said that autonomous board has no responsibility to the electorate or the people. HB 122 does not do away with boards. There are 106 various boards and this would provide to combine or give administrative power or advisory capacity to boards.

Ludvig G. Browman, representing Missoula County Commissioners, said they approve chapter 3 of the local government code and prepared testimony is - exhibit 3.

JoAnn Woodgerd, Secretary of State, said this is an improvement over present laws, and they feel it will be a great assistance to clerks in elections. They have some amendments that they feel are needed and will work with the staff on them.

Robert M. McCarthy, city of Butte, said they have adopted a charter and they wish to support all 9 chapters particularly the sections that apply to them. If section 1 of chapter 3 is not enacted they will be in a position the charter cannot be amended.

Gregg L. McCurdy, representing the Montana Association of Counties, said they are in support of chapter 3. The provision for civil attorney provides a greater legal flexibility. Subordinate service districts would provide for much more coordinated system. All this would be done by same ordinance provisions.

Opponents to speak were:

Gene Phillips, Pacific Power and Light Company and Northwestern Telephone Systems Inc., said the only provision of the chapter they have any concern for is in that particular area of the

code where local government could provide a franchise for services. Further, in subsection (5), page 107, they feel this could very possibly affect the rate structure. He indicated on witness sheet to amend.

Bob Gannon, Montana Power Company, said their objections are along the same line and they will get together and prepare a written statement. On witness sheet indicated to amend 47A-3-312.

Walter L. Hammermeister, Sheriff, Conrad, spoke and said he would supply the written comments later.

James Hughes, representing Mountain Bell, said they were concerned with the section on franchises and would provide suggested amendments - exhibit 4.

Representative Gerke closed on Chapter 3 and commented on franchise. In line 21, subsection (5), refers to any problems --shall be resolved by the public service commission.

CHAPTER 5: Representative Gerke called on Representative South to make the opening remarks on Chapter 5.

Representative South said this chapter deals specifically with those powers local government will have. He said don't get this confused with home rule concept. We are talking about those who chose to stay under general powers, where only those powers are specified in this bill will they be able to enact ordinances. Counties already have legislative authority. Because they chose the alternative forms, counties did receive ordinance forming ability. This gives the areas specifically where they may enact ordinances. They already have that authority due to a bill passed 2 years ago.

Ludvig G. Browman, representing Missoula County Commissioners, said they badly need the legislative powers because they cannot meet the problems. This permits county commissioners to meet more adequately the wishes of the people. County commissioners can be recalled or elected out of office.

Gregg McCurdy, representing the Montana Association of Counties, said they support the ordinance making powers. Cities have already had ordinance making powers. The power section of chapter 5 most of these are existing powers except ordinance making power.

Dan Mizner, representing the Montana League of Cities and Towns, said the powers of general power local government almost all are already on the books. He spoke briefly on concurrent powers, page 191, and on liabilities, page 192.

Al Sampson, representing the Montana State Firefighters Association, said they are in support of Chapters 3 and 5.

Opponents to speak were:

John Krusul, Sheriff, Great Falls, said there should be safe-

guards in the event the commissioners are not capable of interested in improving law enforcement.

Walter L. Hammermeister, Sheriff, Conrad, spoke on the sections on page 190 of chapter 5 and said HB 122 should be killed at this time.

In closing, Representative South said that the power to make grants and loans counties can do that now. He asked the committee to turn to page 191 and said this has been completely blown out of proportion. A statement was made that anyone can enter private property for the purpose of enforcing ordinances to protect health and welfare that is true, but they also say you can to conduct a census that is not true. It has been taken out of context.

During questions by committee, it was asked if on a pound matter could they go in and take a dog and it was said, it would have to be done by ordinance and you specify under what grounds you can go in to take a dog. It was said we already have a nuisance laws and authorities have the authority to do this. Question was asked about going in and searching peoples property, it seems like they could go in without search warrant. It was said they are subject to the state constitution and federal constitution and this code can do nothing to change those provisions.

Signed witness sheets opposing HB 122 are from the following people:

John Krsul, Sheriff, Great Falls.

Cap Bryant, representing the Montana Sheriff and Peace Officer's Association.

Prepared testimony submitted by Donald R. Judge, field representative of AFSCME, AFL-CIO - exhibit 5.

HOUSE BILL 209: Representative South, chief sponsor, explained that up until 2 years ago counties collected vehicle license fees. Butte lobbied to change that to require the county commissioners to give 50% of the fees derived from motor vehicles whose owners reside within an incorporated city or town to that city or town. This would change that from 50% to 100%. This license fee would stay in say the city of Billings to be used for streets.

Proponents to speak were:

Ken Haag, city engineer of Billings, prepared testimony is - exhibit 6.

Rod Wilson, Billings Chamber of Commerce, said they have to get some kind of relief on funding and the funds provided on passage of this bill will help.

Dan Mizner, representing the Montana League of Cities and Towns, said you have heard this argument for several years. This bill is proposed by the city of Billings.

Al Thelen, city of Helena, said for the first time will give city resident a fair share of license fees. It is a difference of 2.3 mills for the city of Helena.

Opponents were:

Dean Zinnecker, representing the Montana Association of Counties, said this is sad situation. Counties do perform some services that they receive no reimbursement at all. Towns would not survive without county resident and the city resident does use roads. 37 counties are at maximum of road levy.

Representative Bertelsen, self, said he went through this ordeal last year and heard if you give us 50% we would do all right. Now they are back for 100% and he has to oppose.

Representative O'Connell, as citizen, said I have to bear out what Representative Bertelsen just said. I hesitated at that time. However, the other day many of these bills seem to be vying our local government against each other.

W. V. Thibodeau, Missoula County Commissioner, said you are taking money away from counties and that would increase our problem. We should look at the fact that the state does maintain more secondary systems in cities than in counties. What we are opposed to, you are taking money away from us and not providing us another source of money.

John St. Jermain, Cascade County Commissioner, said this would take away \$255,000 from the road department. They maintain 1,700 miles of road and don't know what it will do to school bus system. There is no place they can go for money.

Ralph J. Parker, self, Great Falls, said they are dependent upon the county road crews.

Representative Audrey Roth, for Choteau County, said she strongly opposes this bill. This is one area we would be definitely cheated.

Wayne F. Leisbak, superintendent of school in Cascade, spoke and written comments are - exhibit 7.

Wayne M. Christensen, Cascade County Schools Transportation Committee, said only public roads are built by counties and maintained by such. During the past 2 years crews haven't been able to maintain the roads because of lack of funds.

Representative Burt Hurwitz, as self, said over 80% of tax money comes from rural people.

Representative South closed on HB 209.

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HOUSE BILL 124: Chairman Robbins said if there was no objection it will be held for consideration till later as the sponsor was not present.

The committee went into executive action for the purpose of taking action on the following bills:

HOUSE BILL 187: Representative O'Connell made a motion that HB 187 DO PASS AS AMENDED. Representative Pistoria explained the amendment - exhibit 8, and it was noted the title also needs to be amended. Representative Pistoria moved to adopt the amendments. Question, motion carried unanimously. Representative Colburn was absent. Representative O'Connell moved that HB 187 DO PASS AS AMENDED. Discussion by the committee, Representative Hurwitz said this is taking power from local government. Representative Waldron said best to table. Representative Waldron made a substitute motion to table HB 187 to a later time.

Chairman Robbins explained that it would take 2/3 to get off the table. It was said would take 3/4 of our committee if we put on table. Representative Waldron said he made the motion to table so we could bring up at proper time and it would take only simple majority. Representative South said we are doing it an injustice. Representative Waldron withdrew the motion to table and made a substitute motion to hold for consideration. Roll call vote was taken: 15 voted YES and 2 voted NO. Representative Gerke and Jensen voted NO. Representative Colburn was absent. Motion carried.

The meeting adjourned at 5:35 PM.

Respectfully submitted,


HERSHEL M. ROBBINS, Chairman

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