

January 26, 1977

A meeting of the Local Government Committee was called to order by Chairman Robbins at 3:35 P.M. in Room 225. The secretary called roll; Representative Colburn was excused. All other members were present.

HOUSE BILL 270: Representative Moore, chief sponsor, asked to speak on both House Bill 270 and House Bill 271. After studying both bills thoroughly he believed there is another method which they can take and asked to withdraw both bills. Chairman Robbins asked if there were any objections. There being no objections action will be taken at a later time.

Don Judge, field representative of the AFSCME, AFL-CIO, signed a witness as opposing H.B. 270 and prepared statement is - exhibit 1.

HOUSE BILL 122, CHAPTER 6, PARTS 1 & 2:

Representative Gerke, chief sponsor, made the opening remarks on Chapter 6, parts 1 and 2, and prepared statement is - exhibit 2.

Proponents to speak were:

Dan Mizner, representing the Montana League of Cities and Towns, said some people have pulled out of context some of the language used in H.B. 122 that is law now. There are some 106 services that local government performs, and everyone has a law. If local government is authorized to perform a service you must have a way and money to do them. On page 193 are methods of providing services--nonprofit corporations--we have been doing that for years, such as, day care. We are not creating anything new. Additional comments are - exhibit 3.

George Lackman, Department of Agriculture, said he has a prepared statement and proposed amendments - exhibit 4.

John Crowley, Missoula Planning Board, said they are in support of chapter 6 and prepared testimony is - exhibit 5.

William G. Monroe, planning director, Great Falls, said the planning staff generally supports the zoning section. They felt there was a lack in subsection (3), administrative officer should be defined as well as zoning, element of a plan; and the zoning board should be made optional. The creation of a planning board of adjustments should be made optional as well as a map board.

Tom Crowley, city engineer, Missoula, said he does support H.B. 122 and has worked with it. These particular laws he has gone through here are the same as existing law. On page 406, line 10, strike: "all contract for work..... or other applicable laws". We may contract jointly or independently, and we have to let the highway department

let the contract. I would recommend striking that amendment; this is existing law.

Ludvig G. Browman, representing the Missoula County Commissioners, said Chapter 6 is a condensation and integration of present local government codes, and it does provide services badly needed by a county. Additional comments are - exhibit 6.

Gregg McCurdy, representing the Montana Association of Counties, spoke and prepared testimony is - exhibit 7.

Noel Rosetta, representing the Audubon Society, Sierra Club, Wildlife Federation, Montana Association of Nurserymen, read from prepared statement which is - exhibit 8.

Barbara Evans, representing the Missoula Police Commission, spoke on the law enforcement section and on suggested amendments - exhibit 9.

Opponents to speak were:

Senator Margaret S. Warden said she will have some amendments to propose regarding libraries, and as representing the Montana State Library Association, Senator Warden, read from an article - exhibit 10.

Tom Dowling, representing Sheriff's Association, said there are areas of concern for his clients.

John Krsul, Sheriff, Great Falls, spoke on the accomplishments of the sheriff's offices in the past year, and said they are concerned about H.B. 122.

Dale E. Dye, Sheriff, representing the Montana Sheriff and Peace Officer's Association, said they oppose chapter 6 of H.S. 122. He is concerned with section 47A-6-6301, policy and purpose, and section 47A-6-6319, law enforcement board. He felt section 47A-6-6320 prohibits the sheriff from employing his own employees and without controlled hiring of his own people how is his office going to work effectively. Presently the basic standards of qualifications are set forth and are liveable. In 47A-6-6321, line 22, states an applicant can file his application with sheriff or chief administrative officer. This gives the county commissioners the authority to accept applications for personnel in his department. Again, subsection 4 is allowing the commissioners to maintain applications and appoint as a vacancy occurs. He can see no safeguards. A prepared statement is - exhibit 11.

Chairman Robbins asked to close the hearing today and to continue the hearing on Chapter 6 on Friday, January 28, 1977, as the committee has other bills to act on.

Representative Gerke deferred to Dale Harris to make the closing remarks. Mr. Harris said the commission tried very hard to work with the sheriffs. They had several meetings with officers of the sheriff's association. There is still disagreement which comes from lack of understanding of the law.

The testimony with regard to the law enforcement board is what you know as a police commission. The last legislature made the police commission and H.B. 122 makes the police commission applicable to the county. They examine according to standard qualifications, people who apply to become police officers and determine whether the people meet legal qualifications and then provide a list of the qualified applicants. The sheriff selects who he wishes to hire from this list, and he does not have to hire.

During questions by committee members, the definition of chief law enforcement administrator was asked and it was stated that is the sheriff. Reference was made to page 360, lines 22 through 24. Mrs. Evans was asked if she thought it appropriate for police commission to set up qualifications for peace officers, and she said yes as all requirements are perfectly fair.

People signing witness sheet are as follows:

In support:

Kenneth L. Quickenden, representing Montana Mosquito and Victor Control Association, submitted prepared statement and proposed amendments - exhibit 12.

David W. Armstrong III, Montana Department of Agriculture, comments are - exhibit 13.

Jim Richard, Department of Community Affairs, Planning Board.
Dorothy Eck, State-Local Coordinator, Office of the Governor.

To amend:

Joe Egan, Department of Fish and Game, comments and amendments - exhibit 14.

W. A. Burley, Lake County, County Commissioner, comments are - exhibit 15.

James R. Hughes, representing Mountain Bell, prepared testimony and amendments is - exhibit 16.

Opposed:

Virge Holliday, myself, comments are - exhibit 17.

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

Walter L. Hammermeister, Sheriff, Conrad.

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

HOUSE BILL 209: Representative O'Connell made a motion that H.B. 209 DO NOT PASS. A substitute motion was made by Representative South that H.B. 209 DO PASS. Representative Bertelsen made a substitute motion to all motions pending to amend H.B. 209 from 100% to 25%. After discussion by

the committee, Representative Bertelsen withdrew the substitute motion to all motions pending to amend H.B. 209. Question on Representative South's substitute motion that H.B. 209 DO PASS. Roll call vote was taken: 11 voted NO and 5 voted YES. Representatives Hurwitz and Colburn were excused. Motion failed. A roll call vote was taken on the motion by Representative O'Connell that H.B. 209 DO NOT PASS. 11 voted YES and 5 voted NO. Those voting NO were: Representatives Gerke, Palmer, Ramirez, South and Waldron. Representatives Hurwitz and Colburn were excused. Motion carried.

HOUSE BILL 187: Representative O'Connell made a motion that H.B. 187 DO PASS AS AMENDED. There was discussion by committee. Representative Pistoria said he came up with what he felt was acceptable amendments - exhibit 18. He had a CPA figure out the cost - exhibit 19. Representative Pistoria moved to adopt the amendments to H.B. 187. Roll call vote was taken: 13 voted YES and 3 voted NO. Motion carried. Those voting NO were: Representatives Gerke, South and Robbins. Representatives Hurwitz and Colburn were excused. Representative O'Connell moved that H.B. 187 DO PASS AS AMENDED. Roll call vote was taken: 9 voted NO and 7 voted YES. Those voting yes were: Representative Gould, Jensen, Palmer, Pistoria, Stobie, Waldron, and O'Connell. Representative Hurwitz and Colburn were excused. Motion failed.

The committee went out of executive session to hear the following bill:

HOUSE BILL 186: Representative Pistoria, chief sponsor, said this bill is not entirely his and he sponsored it at the request of the county clerk and recorder. The bill is to change the requirement for petitioners for a county bond election from 20% to 25%, to place time limits on the holding of such a bond election, and to require the county clerk to deliver the petition to the county commissioners. Information on what had happened is - exhibit 20. Due to the amount of money involved in a bond issue, he raised the percentage to 25%. The Lewis and Clark County clerk and recorder concurs in the change to 25%. The clerk and recorders prefer to have the day to turn in the petition changed to 60 days and he would propose to amend H.B. 186, on page 2, section 1, line 4, following: "than", strike: "45", insert: "60"; and on page 2, line 6, following: "following the", strike: "45", insert: "60". A copy of a letter from the clerk and recorder of Yellowstone County is - exhibit 21.

There were no other proponents.

John Bell, representing Clerk and Recorders, left, signed witness sheet to amend to 60 day.

Dean Zinnecker, representing the Montana Association of Counties, said his opposition is to the 25%.

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The hearing was closed on H.B. 186.

The meeting adjourned at 6:15 P.M.

Respectfully submitted,


HERSHEL M. ROBBINS, Chairman

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