

January 28, 1977

A meeting of the Local Government Committee was called to order by Chairman Robbins at 3:35 PM in Room 225. The secretary called roll; Representatives Colburn and Pistoria were absent. All other members were present.

HOUSE BILL 287: Chairman Robbins asked if there was anyone present to testify on HB 287, and there were none.

HOUSE BILL 294: The sponsor was not present and there was no testimony taken.

The following left signed witness sheets in support of HB 294:
E. Richard Isern, representing Dr. Paul Gans, District Health Officer, Lewistown.

Will Selser, Environmental Health Division, Helena
Ed Shepherd, City-County Health Department, Butte

Chairman Robbins said the committee won't do anything today on HB 287 and HB 294.

HOUSE BILL 122, CHAPTER 6:

Representative Gerke, chief sponsor, was not present and Chairman Robbins called on Dale Harris, director of the State Commission on Local Government, to make opening statement. Mr. Harris said Representative Gerke made the opening remarks on Chapter 6 on Wednesday, January 26, 1977, and that would apply for today.

Proponents to speak were:

David W. Armstrong III, representing the Montana Department of Agriculture and liaison to the Governor's Noxious Weed Management Advisory Council, read from prepared testimony and copy is - exhibit 1.

Al Sampson, representing the Montana State Firefighter's Association, said they are working on amendments and will submit them later. Written comments are - exhibit 2.

James R. Hughes, representing Mountain Bell, spoke and prepared testimony is - exhibit 3.

Representative Gunderson was excused and Chairman Robbins left. Representative O'Connell assumed the chair.

Ludvig G. Browman, representing Missoula County Commissioners, said this is permissive not mandatory and written testimony is - exhibit 4.

Dan Obermeyer, representing the Montana Association of Planners, offered amendments and written testimony is - exhibit 5.

Polly Prchal, representing the City Council of Billings, said she would like to point out in Chapter 6, that because of the simplification of language, it has worried many people. It is not that duties have changed, but the language is much simpler.

They also urge passage of HB 122, even though mistakes will be found, but it will be those officials working with it that can come back and tell you what should be changed. She would make one other statement on autonomous boards, also because of the budget and inasmuch as the local officials are blamed for high property taxes, then they ask for control over municipal services. Additional comments are - exhibit 6.

Wilfred V. Thibodeau, chairman of the Missoula County Commissioners, said we support this bill as presented to the committee. It is noted there are numerous amendments being offered, and when the committee looks at these amendments it is hoped the committee won't let this bill go down the drain because of over-amending.

Elmer L. Cyr, County Commissioner of Mineral County, said he would like to point out the permissiveness of the bill, as it permits the local governments to perform services that have only been permitted by the laws of Montana. He feels the taxation suggested in this covers a broader spectrum of the people. You have a bill that has been under study, and he feels the time has come to implement that bill. He realizes inequities will show up, but they can be taken care of by future legislation.

Chairman Robbins returned.

Larry Anderson, representing Liberty County Commissioners, said they support HB 122 in its entirety, and they like Chapter 6 very much. They have worked with the present codes and find it a very frustrating process. They like the idea of permissive boards and maybe combining some board. He said another problem is vacating roads and this bill will help. This would give us much more flexibility.

Richard H. Ostergren, Missoula County Commissioner, said he is in favor of HB 122; and it is necessary that counties can provide the services they have been asked for.

Norbert Donahue, city attorney for Kalispell, said he has to work with the old codes and at times it has been difficult to advise the city council of what the law says. It says one thing in one section and something else in another section, particularly on elections. This code will have a more traumatic effect on counties than on cities; and it is much more simpler.

Ken Haag, city engineer of the city of Billings, said he rises in support of this code. There are some detailed items he doesn't necessarily agree with, but in total, it is much better.

C. R. Hansen, director of public works of the city of Helena, said because of the complexity in current code, it makes it difficult to provide the service that we are expected to give, particularly in the public works area and traffic-ways area. The new code is going to be extremely helpful.

Tom Crowley, city engineer of the city of Missoula, said the most important thing this does, aside from straightening out the laws in general, is to help the county commissioners and the people in the county. He has people calling who are on the border of the city limits and can't get their problems solved. There are 2 sets of laws, one for county, and one for city. The commissioners cannot act on their problem, and the city cannot accomplish anything because one side of the street is city and the other county. Insofar as services are concerned, the annexation laws make it difficult to provide services.

Joe Egan, works for and represents the Montana Department of Fish and Game, offered comments and suggested amendments - exhibit 7.

Tom Harrison, representing the Montana Police Protective Association, said rather than go through the parts of the bill they agree in, he will point out some things they are concerned about. He asks that the committee consider some amendments. Regarding police retirement benefits, the bill does away with wage and statutory health care benefits for police. Those benefits should remain as state benefits. There are other benefits that should be negotiated, such as, working conditions, etc. It seems to them the basic benefit package should not be re-negotiated at the local level.

Barbara Evans, representing the Missoula Police Commission, spoke and written testimony is - exhibit 8.

Gregg McCurdy, representing the Montana Association of Counties, spoke and written testimony is - exhibit 9.

Opponents to speak were:

Wesley W. Stearns, representing Sanders County, spoke and written testimony is - exhibit 10.

Chairman Robbins left, and Representative O'Connell assumed the chair.

Gordon Herrin, rancher from Helena area, spoke and prepared statement is - exhibit 11.

Alma S. Jacobs, representing the Montana State Library Commission, read a letter from William Conklin, chairman, endorsing an amendment to HB 122 - exhibit 12.

Henry Oldenburg, representing self and family, Bigfork, spoke and comments are - exhibit 13.

Dale E. Dye, Sheriff, representing the Montana Sheriff's and Peace Officer's Association, continued his testimony and comments on suggested amendments from the January 26, 1977, hearing on House Bill 122, Chapter 6. A copy of written testimony is - exhibit 14.

Glenn Frame, Lake County Under Sheriff, representing the Montana Sheriff's and Peace Officer's Association, said he has a few short comments: the name "sheriff" should remain, the sheriff should continue to be elected, the section on law enforcement board he would like to be amended to allow it to be optional, the present police officer's standards and training manual should be adopted, asks this committee not to endorse legislation to create any more bureaucratic boards that would impose greater hardships, and it has never been their intention to insult or embarrass any member of the committee or the drafting committee of HB 122. They have only the best interest of law enforcement at heart. Prepared comments and suggested amendments are - exhibit 15.

Walter L. Hammermeister, Sheriff, Conrad, said he will be brief as he has things well documented and has a copy for each member of the committee. He wished to point out that the board for law enforcement is not new, but it is a hindrance. There has been comments we are taking things out of context. It is pointed out that we could not have studied for this from the September draft and could not have been prepared. The next thing is a letter which makes it clear to him where some employees over construed the word "may". It was said we had taken things out of context regarding law on entering private property for general welfare and safety and inventory of property. They said case law would solve this, and I have some documents on this and also with regard to enforcing ordinances. Comments and documents are - exhibit 16.

Those leaving signed witness sheets on HB 122 were:

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

James S. Freeman, Cascade County Pesticide Program, to support and amend.

Douglas L. Johnson, Cascade County Pesticide Program, to support and amend.

There being no other opponents, Representative O'Connell closed the hearing on HB 122, Chapter 6.

The meeting adjourned at 5:15 PM.

Respectfully submitted,


HERSHEL M. ROBBINS, Chairman