

February 2, 1977

A meeting of the Local Government Committee was called to order by Chairman Robbins at 3:40 P.M. in Room 225. The secretary called roll. All members were present.

HOUSE BILL 323: Representative Harrington, chief sponsor, said the purpose of this bill is to preserve existing garbage and solid waste services in the event of annexation and prohibit competitive or similar service from being provided by municipality for 3 years following annexation except upon a proper showing that existing service is not adequate.

William E. O'Leary, representing the Montana Solid Waste Contractors, Inc., said they requested this and explained when a carrier purchases equipment on projected revenue and should that area be annexed it would be a hardship for the carrier if his services were discontinued.

Other proponents leaving signed witness sheets are as follows:
Max G. Bauer, Montana Solid Waste Association, Missoula
Lester Folvag, Montana Solid Waste Association, Billings
Henry A. Hoyer, Montana Solid Waste Association, Columbia Falls
Charles Kelly, Montana Solid Waste Association, Kalispell
Marvin E. Mintyala, Montana Solid Waste Association, Lewistown
F. E. Suhr, Suhr Hauling, Bozeman

There were no opponents to HB 323

Representative Harrington closed on HB 323.

SENATE BILL 64: Senator Murphy, chief sponsor, pointed out this bill will not be needed if House Bill 122 becomes law. If it doesn't, there is at least one community that will need this which allows for an increase from 2 mills to 4 mills the county commissioners can levy on behalf of cemetery districts that are unincorporated areas. Willow Creek is the only community that would want to use this, if passed.

Proponents were:

John G. Buttelman, Willow Creek, said in order to maintain the cemetery like it should be they need more money. As was said this is not mandatory but a permissive levy.

Mary Ellen Jensen, Willow Creek, presented figures showing the amount of money received from the mill levy and explained the need for the additional mills.

HOUSE BILL 314: Representative Gould, chief sponsor, introduced Pat Melby, director of the Department of Social and Rehabilitation Services, who said the bill merely clarifies provisions relating to grants-in-aid to counties for general relief. It requires a county which receives grant-in-aid to return monies remaining in its general relief accounts at the close of the fiscal year. They have had a problem with one county and they pointed out the law does not state they have to return the excess money. Mr. Melby presented an amendment to amend page 4, lines 5, 6, and 7 to delete: ", including but not limited to

the maximum emergency appropriation provided for in 16-1907".

John St. Jermain, Cascade County, left signed witness sheet to amend subsection (b).

There were no opponents to HB 314.

Representative Gould closed on HB 314.

HOUSE BILL 122, CHAPTERS 1 & 4:

Chairman Robbins announced that before we get into Chapters 1 and 4 of House Bill 122 he will call on Lester H. Loble II, representing the Montana Dakota Utility Company and General Telephone of the Northwest, Inc., to give comments on amendments he has submitted - exhibit 1.

Chairman Robbins said he has authorized a gentleman from Minneapolis to talk about bonds.

Stanton Aby, representing Dain, Kalman and Quail, said any remarks are purely about your debt situation. He has given Steve Turkiewicz a copy of a letter from Dorsey, Maiquart, Windhurst, West, and Halladay of Minneapolis and they have probably issued more of the legal papers in Montana than any one else. You have to be careful in amending bond laws as people start a so-called nuisance suit, and the first thing you know you can't issue bonds until the next legislature. There is nothing in the bill about tax increments. He said the section about airports should be amended one way or another. There is nothing in this law which will permit you or any city to do parking revenue financing. You have a definition of a general obligation bond, but you should have a definition of a general obligation revenue bond. Bonds incurred without the vote of the people is one of the worst things you can do. Counties should have one figure for debt limit. The Department of Community Affairs can make technical assistance basically that has been done by the assistant attorney general, and he thinks that is what should be done. School bonds can be voted by a simple majority of three people. There is another issue where it authorizes bonds to be sold without a vote of the people. Another thing the interest collected on your bonds is materially less when you have the vote of the people.

Chairman Robbins asked for questions from the committee. Representative Gerke asked, regarding revenue bonds, would you have an election under the old law? Aby replied, under the old original law was yes, but 2 or 4 years ago that was amended and no election is required at the present time. Hurwitz - you said that bonds could be sold with just 3 men voting? Aby - a majority vote means just exactly that. Hurwitz said, he didn't know you could pass a school bond without an election, and Aby said, you can - all the people just don't come out to vote. Representative Gerke asked to make a statement in regards to what was said, and said he

does regard Mr. Aby as an authority on bonds and also the legal firm he mentions. Mr. Gerke just wanted to point out we did work with you, your firm and your attorneys and others in the bonding market, and it was Mr. Turkiewicz's job to try and work this into law on the same basis as the law is now. Maybe that didn't happen, and if it didn't we would like amendments to make this law just like it is now. If we have some errors submit amendments to correct any errors. South - you referred to general obligation revenue bonds, should we have this? Aby - that has not been in your law. Chairman Robbins said since the bill is not intended to change the laws, he suggests that amendments be submitted to change or correct.

HOUSE BILL 122, CHAPTERS 1 & 4:

Representative Gerke, chief sponsor, said general provisions come from the language of the 1972 Constitution, and copy of testimony is - exhibit 2.

Proponents to speak were:

Gregg L. McCurdy, representing the Montana Association of Counties, spoke on Chapter 1 and prepared testimony is - exhibit 3.

Art Woods, representing Lewis & Clark County Commissioners, said after studying Chapter 4, he finds it gives county government better control of their employees. It also sets out penalties. It gives power by ordinances. The board does hear grievances and spells out collective bargaining. It has provisions to control law enforcement officers so that they can be included in the sheriff's retirement system and has provision for fire fighters retirement system. Chapter 4 spells out in detail and layman's language so that you do not have to have an attorney to interpret it. He did not find any parts he would not agree with.

Richard H. Ostregren, representing Missoula County Commissioners, spoke and written testimony is - exhibit 4.

H. S. Hanson, representing the Montana Technical Council, said he would like to offer an amendment - exhibit 5.

Dan Mizner, representing the Montana League of Cities and Towns, said they support Chapters 1 and 4.

Opponents were:

Don Judge, representing the AFSCME, AFL-CIO, said he wishes to add a few amendments on page 4, line 22, to delete "unless otherwise provided in this title" which allows for possibility; on page 170, line 7, to delete "and subject to the restrictions of" probably would be no objections to this if "in accordance with provisions of"; and on page 170, lines 12 through 14,

to delete entire paragraph "(2) A local government as a public employer..... ..established by Title 59, chapter 16." It appears to be contradictory. He will turn in copy of proposed amendments.

Walter L. Hammermeister, Sheriff, Conrad, said we are opposed to this bill, parts are dangerous, and he is going to keep comments brief as he has a copy of comments for each member - exhibit 6.

Representative Gerke in closing said he had a few statements to make on Chapter 4. Under the provisions of Chapter 4, collective bargaining rights are guaranteed the same as now. We do have an optional civil service board to examine applications for employment and serves as board of appeals in cases of discharge or reprimand of an employee. Salaries of elected officials must be set 90 days before an election. Salaries cannot be reduced but can be increased.

Representative O'Connell presented a letter from Douglas L. Johnson, administrator of Cascade County Consolidated Pesticide Program - exhibit 7; and a statement from Phyllis Hemstad, Great Falls City-County Planning Board - exhibit 8, to be entered into the record.

There was signed witness sheet by Bob Gannon, representing Montana Power Company, to amend.

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

HOUSE BILL 123: It was moved by Representative O'Connell that HB 123 DO PASS. Question, motion carried unanimously.

HOUSE BILL 124: Amendments were offered and they are - exhibit 9. It was moved by Representative O'Connell to adopt the amendments to HB 124. Question, motion carried unanimously. Representative O'Connell made a motion that HB 124 DO PASS AS AMENDED. Question, motion carried unanimously.

HOUSE BILL 314: Representative O'Connell moved to amend HB 314 as follows: amend page 4, section 1, lines 5 through 7, following: "exhausted", strike: "including but not limited to the maximum emergency appropriation provided for in 16-1907". Question, motion carried. Representative Palmer moved that HB 314 DO PASS AS AMENDED. Question, motion carried. Representative Stobie voted No.

SENATE BILL 64: Senator Murphy, chief sponsor, asked that this bill be held for outcome on HB 122.

Chairman Robbins discussed with the committee additional meetings for the purpose of having executive sessions.

The meeting adjourned at 5:05 PM.

Respectfully submitted,

Herschel M. Robbins