

February 4, 1977

MONTANA LEGISLATIVE COUNCIL
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A meeting of the Local Government Committee was called to order by Chairman Robbins at 3:45 PM in the Governor's Reception Room. The secretary called roll; Representative Ramirez was absent. All other members were present.

HOUSE BILL 361: Representative Day, chief sponsor, said this is a resolution to submit referendum to the voters to indicate whether or not they want a study commission to be optional. The voters don't feel they should be forced to have a study commission unless they need one. If they want to change the constitution, it will take 40% of the electorate in a general election and the ballot will read for and against. He would ask the committee to change on page 2, line 2, strike "the general" and insert "the regularly scheduled". This would allow that after the electorate had mandated this, there could be an election on primary or other. Don't think they should be restricted to general election.

Dave Wanzenried, deputy director of the State Commission on Local Government, was asked to address the language. The constitution reads the Legislature shall require a review procedure and there has been disagreement. This just clarifies an interpretation of the constitution.

There were no opponents. Hearing closed on HB 361.

HOUSE BILL 428: Representative O'Connell, chief sponsor, said this will only affect retired policemen who retired before July 1, 1975. Those who will retire after that date will receive more than this bill provides; therefore, the cutoff date. Funding would come from a law that has been amended 9 times since that date. The fund is for use of both firemen and policemen. It has been recommended we do not ask for a premium tax increase. If new funds must be generated then we ask for an increase in premium of 1%. There are approximately 250 retired persons. It should be said this will not cost the city or taxpayers any money. This money was earmarked from the premium tax collected on insurance.

Robert McPherson, representing Montana Retired Police Officer's Association, said this bill is a regressive type of bill; as people pass away some day, there will not be anyone receiving money from it. Some people are close to welfare existence. 4 million dollars is received in this fund and what is not used is given back to general fund. This is the money we are looking at to fund this increase, and it will take in the area of \$250,000.

Mike Morris, representing Retired Police Officers Association, said police officers are not covered by social security.

Mrs. Mary Carroll, wife of former police captain of Great Falls, said others have explained the plan for funding and she doesn't think the average person realizes how hard police officers' work is. She hopes that the committee will think about these men and women when considering this bill.

HOUSE BILL 428: continued

Terrence J. Meagher, State Auditor's Office, said he is attending the hearing at the request of Representative O'Connell. His office supervises the disbursement of funds.

Representative O'Connell asked those present to stand and give their names and where they are from.

Those leaving signed witness statements in support of this bill are to be found in exhibit 1.

Tom Harrison, representing Montana Policemen's Association, said this bill does not affect our current membership but would go on record to support this bill.

Dan Mizner, representing the Montana League of Cities and Towns, called attention to funding - exhibit 2.

Al Sampson, representing Montana State Firemen's Association, supports this bill.

Dave Fisher, representing Volunteer Firemen's Association, supports this bill.

There were no opponents. Hearing closed on HB 428.

HOUSE BILL 122, PART 2, CHAPTER 2:

Representative Gerke, chief sponsor, made the opening remarks to Chapter 2, part 2, annexation and detachment - exhibit A.

Proponents to speak were:

Gregg McCurdy, director of governmental affairs for the Montana Association of Counties, spoke and left a copy of his written testimony - exhibit 3.

Dale Skaalure, county commissioner from Chouteau County, was introduced by Mr. McCurdy.

Art Korn, Volunteer Firemen's Association, would support an amendment to 47A-2-215 - exhibit 4.

Dave Fisher, representing Montana Volunteer Firemen's Association, would like to amend on page 45, lines 8 and 9, strike: on line 8 "Resident" and on line 9 "his residence".

Neal M. Rahm, representing Southside Anti-annexation Association, Missoula, spoke and left written testimony - exhibit 5.

Dan Mizner, representing the Montana League of Cities and Towns, spoke and left written comments - exhibit 6.

Wilfred V. Thibodeau, representing Missoula County, said the main reason he is backing annexation is because it is the only way a good many of the citizens can obtain services they need

and want. Under present law, there is a problem for cities because of the cost. 47A-2-216, annexation without protest, should be amended. In any annexation the affected property owners should be allowed to protest and stop the action - exhibit 7.

Al Sampson, representing the Montana State Firefighter's Association, said they support the annexation section and will have some proposed amendments on other parts of the bill.

Sheila C. Austin, representing the City of Harlowton, is in support of Chapters 2 and 8.

Walter Sales, chairman of Gallatin County Study Commission, said they are in favor of this section.

Those leaving signed witness statements to amend are: Henry E. Lohr, Montana State Volunteer Firemen's Association, and R.A. Ellis, Montana State Volunteer Firemen's Association.

There were no opponents.

Representative Gerke closed on chapter 2, part 2, of HB 122.

Representative Ramirez came in.

HOUSE BILL 122, CHAPTER 8:

Representative Gerke, chief sponsor, spoke on chapter 8, duties of local governments as agents of the state - exhibit B.

Proponents to speak were:

Gregg McCurdy, representing the Montana Association of Counties, spoke on chapter 8 and prepared testimony is exhibit 8.

Ed Shepherd, representing Health Officer's Association, spoke on section 3 of chapter 8 and said it is the best legislation that has come in for a number of years. He would like to see some amendments considered - exhibit 9.

Bruce McIntyre, M.D., Health Officer, Flathead County Health Department, read a letter from George F. Scheckleton, M.D., director of the Yellowstone City-County Health Department - exhibit 10.

Robert R. Johnson, Lewis and Clark City-County Health Department, said they find 47A-8-309, the section on financing, to be a vast improvement. It indicates that the state health department will provide the opportunity to the local health departments to provide those services that are naturally of a local nature. The health revenue sharing funds shall be shared under a more equitable basis. During the past, the state has held 83% of that money at the state level, and they feel the state health department should share a portion of the fees collected at the state level.

Will Selser, representing self, Helena, said he is one of the people who is out in the county and gives direct services as a

public health sanitarian. Currently the law does not require hiring a public sanitarian or nurse, but HB 122 would require it at least on a part-time basis. There is some concern in mandating a board at the local level, but under proposed legislation, each county will have to institute a program even if they don't have a board. Other benefits of the bill from his standpoint are that it would free state personnel to work on evaluating programs which we don't have time to do at the local level. Information on the proposed public health law was attached to witness sheet - exhibit 10.

E. Richard Isern, representing Central Montana Health District, spoke and left prepared testimony - exhibit 11.

Dr. Walter Koostera, professor, Missoula, said in the absence of a full-time health officer, he is the acting health officer. He felt the provisions for validation of a state license should be at the local level where responsibility should lie.

Donald E. Pizzini, Cascade County and Health Officer's Association, said they have been working with the state commission, providing input in the bill. There is a great improvement over the existing law and an important aspect is the delineation of authority and responsibility between local and state health departments. The local health officer's association stands united in provisions of HB 122.

Dorothy Fidinger, representing Public Health Supervisory Nurses Group, supports this chapter. The provision that would allow more money to the local health departments would help provide services in the county, and the fact that this piece of legislation would mandate the county to at least give part time service is important.

H.W. Gilman, chairman of the Madison County Study Commission, supports the provisions in chapter 8 and submitted testimony and amendments on other parts of the bill - exhibit 12.

John Moreland, county commissioner of Rosebud County, supports chapter 8 and left written testimony - exhibit 13.

Wilfred V. Thibodeau, Missoula County Commissioner, spoke on chapter 8. Written testimony is exhibit 14.

Chuck Painter, Missoula County, said the most relevant portion is to assign duties. The ordinance making authority would require significant public involvement. Additional comments on witness statement - exhibit 15.

Edward Mares, student, Missoula, said this chapter is simply another important section that will make our city and county governments more responsive.

Ervin Riis, Broadwater County, said they support this chapter.

Opponents to speak were:

Tom Honzel, representing the Montana County Attorney's Association, said they do have problems with Chapter 8, 47A-8-403, page 455, the formula for reimbursing the county having attorneys. Under the formula a county with a prosecuting attorney and civil attorney would receive \$10,000 in addition to \$1 per person within the county, a minimum of \$50,000 or 1/2 of the budget not equitable with larger counties. In 3 counties the budget of each office is over \$100,000. Under this bill, the state contribution would be \$50,000; however, it would be possible for other counties to get 1/2 of the budget paid by the state. Mr. Wanzenried had asked the county attorneys of larger counties for a recap of our office budgets giving state related activities. Mr. Honzel will leave the information with the secretary - exhibit 16. Under present state law, the county attorney is unique; we are state officers and also part of the local government. Another problem is you are forcing counties to make the prosecuting attorney also a civil attorney. The best approach is to separate the duties.

Martin Skinner, M.D., State Department of Health, said you have a copy of the comments from the Department of Health, and his testimony was on that - exhibit 17.

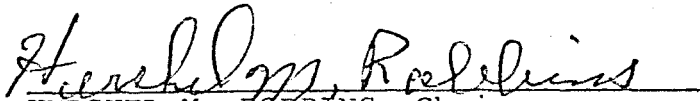
David B. Lackman, Department of Health and Environmental Sciences, signed the witness sheet as opposing.

Representative Gerke closed on Chapter 8.

There were no questions by the committee.

The meeting adjourned at 6:10 PM.

Respectfully submitted,


HERSHEL M. ROBBINS, Chairman

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