

February 11, 1977

A meeting of the Local Government Committee was called to order by Chairman Robbins at 4:35 PM in room 437. The secretary called roll; Representatives Halvorson and South were absent. All other members were present.

HOUSE BILL 211: Representative Dussault, chief sponsor, said this bill was originally in the State Administration Committee, and she asked to have the bill be referred to the Local Government Committee. This bill simply is an intent to allow cities and counties to have an interlocal agreement to establish a park district and to be financed in whole or in part by money raised from taxes levied on the property in the area in which the undertaking is carried out. It is simply to allow a mechanism to establish a park district. There is a problem: the bill does not have a clause for public notice, and amendments for this are exhibit 1.

Steve Turkiewicz, representing the Montana Association of Counties, said this has been a problem in counties, and this bill gives the mechanism to establish a park district.

Mr. Minto, realtor from Missoula, spoke in opposition and to call attention to the problem with this mechanism. The bill needs a public notice provision that is more direct to the people in the district.

Representative Dussault closed on HB 211.

HOUSE BILL 638: Representative Kimble, chief sponsor, said as a practical matter section 11-1932 sets a minimum wage for second and third class cities and the bill moves this section to 41-2303.1 the labor provisions of the code.

Proponents were:

Al Sampson, representing the Montana State Firefighters Association, said we are asking to hold what we already have, that all firefighters not receive less than they have. We are not covered under the section of labor and this transfers to the labor section. We have no minimum wage or minimum pension under it. Comments are exhibit 2.

Ray E. Blehm, Jr., representing Montana State Firemen's Association, indicated this is to apply to all cities and would maintain a minimum standard.

Opponents were:

Dan Mizner, representing the Montana League of Cities and Towns, said the minimum wage is in HB 122 and now you are taking it out of laws. It applies to local government and should be in local government laws.

Al Thelen, representing the city of Helena, spoke and his written comments are exhibit 3.

Representative Kimble closed on HB 638.

HOUSE BILL 602: Representative O'Keefe, chief sponsor, passed out copies of the bill showing amendments being proposed. Representative O'Keefe said he has cut out half of the bill so we have a modified piece of legislation. What he is talking about is licensing and bonding. This deals with the plumbers' code. The state says to examine, and the city says to examine; the state provides for validation and the city ordinance requires a license and provides that it may be revoked and fined; the state charges a fee and city charges a fee; state requires a bond and city requires a bond. He read from a copy of an ordinance by a city pertaining to the plumbers' code and compared it to a piece of material by the state establishing a board of plumbers. Rep. Kimble said this is not an isolated case. The state requires these things, and you have a city doing the same thing and the only reason is to get revenue. Representative O'Keefe introduced Robert W. Minto, Jr., Missoula Multiple Listing Service, who spoke on the bill and said they have a problem on occupational licensing. The city recently proposed to enact an ordinance requiring licenses for real estate brokers in Missoula. Its purpose was to generate money. If he obtains a license from the state of Montana, that should give him the right to work anywhere in the state.

Other proponents were:

Cliff Christian, Montana Association of Realtors, Helena, felt the state has the ultimate authority in licensing. To license a business is fine but not to license each person.

Rod Grudgel, Montana State Pharmaceutical Association and Montana Nursing Home Association, is in support of the bill and they don't need any further licensing.

H. S. Hanson, Montana Technical Council, is in support of this bill.

Roland D. Pratt, Optometric and Funeral Directors Association, signed the witness sheet in support of HB 602.

Opponents were:

Dan Mizner, representing the League of Cities and Towns, is in opposition to the bill.

Representative O'Keefe closed on HB 602.

HOUSE BILL 247: Representative Palmer, chief sponsor, said this bill was heard in State Administration, and he read from prepared testimony - exhibit 4.

Representative Palmer introduced Fred Root, city attorney of Missoula, who explained that the problem is with the salary, which is taken care of in the proposed amendments. We have some cleanup amendments that were not objected to in State Administration. In May, Missoula will have a municipal judge and will comply with this law. Proposed amendments are - exhibit 5.

Dan Mizner, representing the League of Cities and Towns, supports this legislation.

Opponents were:

Harry Hansen, resident of Missoula County, spoke as an opponent and said that when things run contrary to state law, then people come over to change the law. It is a court of record and would have to hire a recorder.

Representative Palmer said in closing this is permissive legislation, and if a city wants this elected official, they will make the decision. We are not here to debate the law but to clear up ambiguities in the law. The issue is to update the law.

HOUSE BILL 600: Representative Harper, chief sponsor, said this is an act to adopt salaries for the office of the coroner, and he read from a prepared statement.

Proponents were:

Tom Honzel, representing the coroners, said in researching the law they found they could only be compensated by a fee. He can't find any justification for keeping the coroners on a fee system, and doesn't think the fee system is realistic. If they are going to attract qualified personnel, they will have to provide a salary. The salary is based on a percentage of the salary of the sheriff.

M. E. "Mickey" Nelson, representing the Montana Coroner's Association, Helena, said in this county there were 90 deaths and only one person required to be called and that is the coroner. The only person to notify the law of a question in the death is the coroner. We should look at areas of the overall concept of fees.

Roland D. Pratt, representing the Montana Funeral Director's Association, said they support HB 600 and feel if justifiable compensation is given, some of our people would get out of the job. In smaller counties the coroner's duties are given to funeral directors.

Opponents were:

Dean Zinnecker, representing the Montana Association of Counties, said you are looking at a tremendous increase in many counties, and he doesn't know why it is tied to the sheriff's salary. It is not a full-time job in most counties.

Representative Harper closed on HB 600.

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

HOUSE BILL 521: Representative Ramirez moved that HB 521 DO NOT PASS. Representative Bertelsen noted this sets up the mechanism. Representative Gerke made a substitute motion that HB 521 DO PASS. During discussion by committee, Rep. Roth asked if there is any revenue sharing now. Waldron - said the state does pass on about 12 million dollars, and this

HOUSE BILL 521: - continued

would be an additional amount. Representative Gunderson noted this is enabling legislation and up to Appropriations. Gerke - said the money does more good at the local level, and it has the further advantage that the local governments can decide what to do. Question on substitute motion that HB 521 DO PASS. Roll call vote was taken: 10 voted YES and 6 voted NO. Motion carried. Those voting NO were: Representatives Colburn, Gould, Pistoria, Ramirez, Stobie, and Vinger. Representatives Halvorson and South were not present.

HOUSE BILL 537: Representative Gunderson moved that HB 537 DO PASS. Question, motion carried. Representative Colburn voted NO and Representative Gould passed.

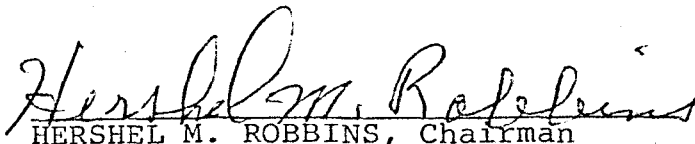
HOUSE BILL 195: Representative O'Connell moved that HB 195 DO PASS. Representative Hurwitz made a substitute motion that HB 195 DO NOT PASS. Question, motion failed. Question was called on Representative O'Connell's motion that HB 195 DO PASS. Representative Ramirez moved to amend the title, line 6, following: "1977", Strike: ", AND \$3,600 A YEAR BEGINNING JULY 1, 1978" and amend page 4, section 1, lines 18 and 19, following: "a year", Strike: "and beginning July 1, 1978, the additional sum of \$3,600 a year". Question, motion carried. Representatives O'Connell, Jensen, Stobie, Gould and Pistoria voted NO. Representative O'Connell made a motion that HB 195 do pass as amended. Motion carried. Representatives Hurwitz, Gerke and Robbins voted NO.

SENATE BILL 64: Representative O'Connell moved that SB 64 DO PASS. Representative Gould made a substitute motion that SB 64 DO NOT PASS. Motion failed. Representative Gould voted YES. Question on Representative O'Connell's motion that SB 64 DO PASS, motion carried. Representatives Stobie and Gould voted NO.

Representative Gunderson will carry SB 64 on the floor of the House.

The meeting adjourned at 6:20 PM.

Respectfully submitted,


HERSHEL M. ROBBINS, Chairman

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