

April 1, 1977

A meeting of the Local Government Committee was called to order by Chairman Robbins at 10:15 AM in Room 437. The secretary called roll; Representative Bertelsen was excused, Representatives Colburn, Halvorson, and South were absent.

SENATE JOINT RESOLUTION 39: Senator Hazelbaker, chief sponsor, said this requests an interim study of the code, and he is sure this committee is acquainted with House Bill 122. This is more or less of a safety valve. There are certain things that are mandated by the Constitution. The resolution calls for an interim committee to study House Bill 122 and it would be handled as other interim studies. He has been asked about funding and there is money for 7 or 8 studies. It would be possible to prepare separate bills. If there are parts that are really controversial, they could be introduced also. The bills could be so structured to fit in with recodified codes.

Proponents were:

Darlene Grove, representing the League of Women Voters of Montana, spoke and written testimony is - exhibit 1.

David L. Hunter, representing the Montana League of Cities and Towns, said they support the resolution and they think it makes sense to start from what has been done and move forward.

Gregg L. McCurdy, representing the Montana Association of Counties, said they support this bill.

There were no opponents.

Senator Hazelbaker closed on SJR 39.

There were questions by the committee. Roth - would you have any idea of the cost? Senator Hazelbaker - would be the same as other studies. Ramirez - there have been suggestions to as far as possible to use information we have, and he assumes this would be staffed solely by the Legislative Council. How would you use the expertise and information? Senator - the Legislative Council has the staff and hope they use what information is available. Ramirez - there wouldn't be any specific attempts to get commission staff members. Senator - we are trying to keep it as uncontroversial as possible. Stobie would like to ask Larry - assuming Larry would be involved in this - how would you envision using that research from House Bill 122 and would you be able to use it and would it be utilized? Larry - In form of consultation with people who worked on it. I don't have time so there will probably be someone else working on it. We plan to use outline and to compare codes with House Bill 122. He plans to make use of the staff who are around town and many others. Regarding additional staff, they are planning to use present staff. Ramirez - are you the only staff member who has worked on House Bill 122? Larry - Dennis Taylor has worked with it. Gerke - Is interested in what is it you are going to study in the bill. Senator - would be mechanical, taking apart and being sure the

SENATE JOINT RESOLUTION 39: continued

mandated things are set apart from what people think is really controversial. Gerke - how many copies of your suggested bills will you be able to distribute? Senator - don't know how many bills will come out of it. Gerke - will there be any bills? Senator - yes. Gould - my question was on constitutional questions - it was my understanding the commission was mandated and submitted their proposal to legislature and was his opinion did not have to pass any of it. Senator - there are things mandated that legislature will do and don't think you can disregard that. Waldron - there will be a 12 member committee and the appointment process is different than is usually done. Senator - should be appointed like other standing committees. Gerke - will there be any hearings? Senator - I would think so.

The committee went into executive session to take the following action:

SENATE JOINT RESOLUTION 39: Representative Waldron moved to amend Senate Joint Resolution 39 so that there will be 6 members appointed from each house, three members from each party using the usual procedure for appointing people. Stobie - it don't necessarily have to be someone from local government. Waldron - the speaker usually goes to the chairman of the committee about who to appoint to committee. Ramirez - He has things he is concerned about and I think we should consider them. It seems we should address the situation whether we do want people on this committee to be on or not. What is the objective to continue or bring in new blood. Palmer - that will be taken care of by speaker. Robbins - in other studies they had trouble getting people to be on the committee. He has never seen it written into a resolution as to who is appointed. Gerke - I understand what Ramirez's concern is and he believes the chairman of committee can transmit the information. Palmer - Dale would like to say something. Dale - supports getting more understanding. They failed to help legislature to understand. How is this committee going to know any more than they did as to what is acceptable. Robbins - if you are talking about making people to attend, he doesn't know how you are going to do that. Jensen - is opposed to interim study committee. It will come out with same situation and the main objection he has heard from beginning was we don't have time to understand what is in this bill. Ramirez - he doesn't think should hold a hearing. The function to permit to divide, draft an explanation of what is in bill, what changes made by law and break down into separate bills. Stobie - we talk about constitutional mandate. Would like to ask are you going to encompass what is not constitutional? Larry - no, will be brought to your attention what is mandated. Waldron - one problem was size. Gunderson - thought it should be up to the committee to say how they should handle and would disagree with another study or hearings bill basically good and don't know why so many are frightened of it.

SENATE JOINT RESOLUTION 39: continued

Gerke - I don't believe this committee would have any authority, recodification does not make substantive changes. I believe you would need a committee to make a study and maybe we would want to direct that committee to limit their activity to certain things. Question on Representative Waldron's amendment, motion carried.

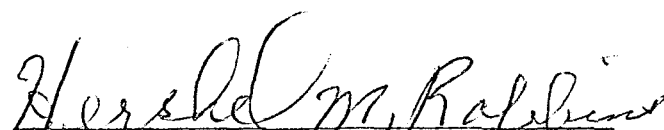
Representative Ramirez made a motion to amend to limit the committee functions of objectives to provide explanation of existing laws and prepared a comparison with House Bill 122, and explanation of changes proposed by House Bill 122 and consequences of accepting and rejecting these changes and recommend making bill in separate parts. Question, motion carried. Amendments are exhibit 2.

Representative Gould and Palmer left.

Roth - if you took recode out of this, could you? Dale - it reinstates existing law, the reason we did is to reduce the laws. Ramirez - to explain the bill we can come back and make a knowledgeable decision. We are going to have the same problems. The amendment is the only way to make workable. Stobie - if we do that, but in favor of asking Larry to draw up an explanation. We have things in 122 that are not acceptable. This committee has to be free to make recommendations. Gerke - In regard to what Stobie said, there is nothing to prevent the committee from making recommendations. Jack's amendment is best as far as he is concerned. Where two governments overlap we established police commission but when put in counties then it wasn't any good to have; how would you do that without two sets of laws? Ramirez - what he would like to see - the issue is whether you give counties legislative powers, this would explain changes and isolate the issue and vote on it to the extent possible. Representative Gunderson moved that Senate Joint Resolution 39 DO PASS AS AMENDED. Question, roll call vote was taken: 11 voted YES and 5 voted NO. Those leaving their votes were Bertelsen, Halvorson, Palmer and Gould. Representatives Gerke, Gould, Jensen, Pistoria, and Stobie voted NO. Motion carried.

The meeting adjourned at 11:25 AM.

Respectfully submitted,


HERSHEL M. ROBBINS, Chairman