

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

January 26, 1977

The meeting of the Local Government Committee was called to order by Chairman McCallum on January 26, 1977 at 9:33 A.M. in Room 410 of the State Capitol Building.

ROLL CALL: All members were present with the exception of Senator Thomas.

The following visitors were present: Garry J. Moes, Associated Press; James R. Burnes, Montana Sheriffs Association; Tom Dowling, Montana Sheriffs Association; Walter L. Hammermeister, Montana Sheriffs Association; Eva Spaulding, League of Women Voters; Louise Sagan, Clerk of Court Association; Florence McGibovey, Clerk of Court Association; Darlene O'Leary, County Treasurer Association; Nora Smole, Clerk of the District Court; Clara Gilreath, Clerk of the District Court; Wm. J. Manning, County Auditor, Lewis & Clark County; Lloyd M. Studheim, County Assessor, Lewis & Clark County; Terrence Carmody, Solid Waste Management Bureau; Pat Trusler, Solid Waste Management Bureau; Chet Blaylock; Diana Kuzara; Steve Peckinpaugh, Seeley Lake Disposal District; Senator Warden; Joe Crosswhite, WETA-Operating Engineers; Dennis Burr, Department of Revenue; Dean Zinnecker, Montana Association of Counties; Jim Murry, Montana State AFL-CIO; Marlene Dunkle and Tom Hanzl, County Attorneys.

CONSIDERATION OF SENATE BILL 164: Senator Regan, District 21, sponsor of Senate Bill 164, stated this bill would transfer power from the legislature to the county commissioners to set salaries for elected officials. The current method is based on combination of population of county plus taxable valuation. Many people feel this would place too much power with county commissioners but county commissioners now set salaries for some county employees, health officers, planners, sanitarians, etc.

Proponents of Senate Bill 164 were: Dean Zinnecker, Montana Association of Counties, supports this bill in concept. He feels that salaries should be set at the local level. Mr. Zinnecker pointed out the bill does not deal with deputies in county offices. Glen Drake, League of Cities and Towns, supports the bill in its concept. Dennis Burr, Department of Revenue, stated county assessors are not covered under this bill, however, county assessors receive the same salary as clerks and recorders.

Opponents of Senate Bill 164 were: Tom Dowling, Montana Sheriffs Association and Peace Officers, opposed this bill. He stated they were proud of being elected officials responsible to the electors. He feels this bill would place elected officials under the control of the county commissioners. He wanted salaries set by the legislature. Jim Burnes, Montana Sheriffs Association, opposed Senate Bill 164 for the same reasons stated by Mr. Dowling. Walter Hammermeister, Sheriff, Pondera County, opposed Senate Bill 164 as he felt it would give too much control to county commissioners. Florence McGibovey, Clerk of the Court in Great Falls, opposed Senate Bill 164. Tom Hanzl, County Attorney's Office, opposed this bill. He stated county attorneys are employed by the county and state. He feels there may be a conflict of interest if county attorneys were called on to prosecute commissioners. Cap. Ryan, Lobbyist for Montana Association of Peace Officers; John Bell, Montana Association of County Clerks and Records; and Mickey Nelson, Montana Coroners Association, opposed Senate Bill 164.

Senator Regan stated it would be more equitable if county commissioners set salaries instead of the legislature. Senator Thiessen wanted to know if this bill changed the salaries of the commissioners. Senator Regan stated it does not. Senator Lockrem wanted to know if any other statute would cover appeal procedures. Dale Harris, Commission on Local Government, stated there is no appeal procedure. Salaries are set by ordinance. Senator Watt suggested amendments that are proposed be before the committee before action is taken on the bill.

CONSIDERATION OF SENATE BILL 175: Senator Warden, District 18, sponsor of Senate Bill 175, gave a brief resume of the bill.

Terry Carmody, Solid Waste Management Bureau, Montana Department of Health and Environmental Sciences, stated this bill is the result of the study the legislature authorized two years ago. Mr. Carmody gave a slide presentation of the study.

Proponents of Senate Bill 175 were: Jim Murry, Executive Secretary of AFL-CIO, testified in favor of Senate Bill 175 (attached). Senator Blaylock stated the Senate voted down the bill for this study last session but it was revived and the study was done. He stated Mr. Carmody will carry out proposals of the study that are feasible. Joe Crosswhite, WETA, Operating Engineers;

Glen Drake, Bob Hanson, Steve Peckinpaugh, Sanitarian, Missoula; supported Senate Bill 175. Eva Spaulding, League of Women Voters, testified in support of Senate Bill 175 (attached). Dean Zinnecker did not oppose the bill but pointed out several areas where the plan and operation would be under state control instead of local government.

Senator Lockrem noted there are two bills in to fund Senate Bill 175. Senator Lockrem wanted to know the amount needed. Mr. Carmody stated the total is \$3,000,000. Chairman McCallum will request a fiscal note for Senate Bill 175.

Senator Story stated there seems to be inconsistencies with the Constitution in Article VIII, Section 10, Local Government Debt.

The meeting adjourned at 10:57 A.M. with the next meeting to be Friday, January 28 at 9:30. A.M.


Senator George McCallum, Chairman

SENATE LOCAL GOVERNMENT COMMITTEE

BILL _____

VISITORS' REGISTER

DATE _____

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPOSE
GARRY J MOES ^{MOES}	The Assoc. Press			
James R. Bowers	Montana Sheriff Assn.	164		✓
Don ^{Rowling} Rowling	"	164		✓
Walter L. Hammermeister	"	SB 164		✓
Eric Spaulding	League Women Voters	SB 175	✓	
Laurie Spaulding	Clerk of Court Assn.	SB 164		✓
Bernice McElbourn	Clerk of Court Assn.	164		✓
Carlene O'Leary	County Treasurer Assn.	164		✓
Theresa D. Ingle	Clerk of Court Assn.	164		✓
Clara Silvestri	"	164		✓
Wm J. Magnuson ^{Studheim}	Co Auditor LHC Co.			
Wm J. Magnuson	Co Assessor LHC Co.			
James O'Connell	Solid Waste Mgmt Assn.	175	✓	
Edith Blaylock	Solid Waste Mgmt Assn.	175	✓	
Edith Blaylock	Solid Waste	175	✓	
DIANA KUZARA				
STEVE PECKINPAUGH	PECKINPAUGH	175	✓	
Sen. M. Warten	Sponsor SB 175	175	✓	
Joe Rosenthal	WETA - Oper. Engineer	175	✓	
James Buser	Dept of Personnel	164		
Don Jennick	Mont. Assn of Cos.	SB 175		✓
Jim Murray	Mont. State AFL-CIO	175	✓	
Marilyn Dumble	misc.	-	?	?
Tom Hays	Candy Attorneys	164		✓

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 1-26-77

NAME	PRESENT	ABSENT	EXCUSED
George McCallum	✓		
Robert Watt	✓		
Pete Story	✓		
Frank Dunkle	✓		
Lloyd Lockrem	✓		
Bob Peterson	✓		
Cornie Thiessen	✓		
Bill Thomas			
Erny Murphy	✓		

Each day attach to minutes.

NAME: Eva Spaulding DATE: 1-26-77

ADDRESS: 236 S. Roberts, Holmdel

PHONE: 449-8293

REPRESENTING WHOM? League of Women Voters of Holmdel

APPEARING ON WHICH PROPOSAL: Senate Bill #175

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: none listening to vote

NAME: Walter L. Hammermeister DATE: Jan. 26, 1977

ADDRESS: Box 1153 Conrad, Mont

PHONE: C 278-3923 H 278-3163

REPRESENTING WHOM? Montana Sheriff & Deputies Assoc.

APPEARING ON WHICH PROPOSAL: Senate Bill 164

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? 1—

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: James R. Bremer DATE: 1/26/77

1/26/77

ADDRESS: 4213 Clark Ave Mt 1st cell

PHONE: 662-8821

REPRESENTING WHOM? Mont Sherriff Assoc

APPEARING ON WHICH PROPOSAL: SB 164

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? L

COMMENTS: _____

1/26/75

Helmer

442-9000

Mund. Sheriff & Peace Officers
County Atty Assn

S.B. 164

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: STEVE PECKINPAUGH DATE: 1-28-77

ADDRESS: Box 111 Florence

PHONE: 213-6014

REPRESENTING WHOM? Missouri County Health Dept - Sevier Lake Disposal
District

APPEARING ON WHICH PROPOSAL: S.B. 175

DO YOU: SUPPORT? YES AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: CAF. DRYANT DATE: JAN 16 1977

ADDRESS: 770 PRAIRIE ROAD - HELENA

PHONE: 408-9362

REPRESENTING WHOM? For self - Other Officers in the

APPEARING ON WHICH PROPOSAL: 5/3-67

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ✓

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

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NAME: Tom Howard DATE: 1-26-77

ADDRESS: 1420 Cedar Helena

PHONE: 442-1700

REPRESENTING WHOM? County Attorneys

APPEARING ON WHICH PROPOSAL: 58167

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

Date _____

Nov 4, 9:30

Present bill - what does

Current method - based on combination of
population of county plus taxable valuation

[We see these returns - do we really know what
our county officials make?

Philosophic question should we be doing this?

Question how well does this work?

Not as well as you think? - What is salary ⁱⁿ your county?

For instance: Whittier, Sweetgrass, Prairie, Mineral,
Mayher, Liberty, Granite, Daniels, Broadwater larger
pop. than Wibaux - yet salaries are smaller!

1. Where you have oil, gas, etc. with
same population - you have distortion
2. Furthermore - net proceeds tax for
mining - fluctuations in salary from
year to year - since salary depends on
oil or mineral proceeds tax previous year.
3. Salary bills introduced each year
benefits or in for special consideration
4. How is it controlled? - Fluctuations, unstable,
business - therefore they will be doing this!
5. If office is combined - adjustment
will be made

Few of having county commissioners
set salaries - yet they are now set for
Health Officer, Sanitarian, Public Health Nurses
Planners, Civil defense directors, Airport
managers, Librarian, Wheat control director,
Road & power directors

Finally - County Commissioners have
almost no restraint in fiscal matters



Box 1176, Helena, Montana

ZIP CODE 59601

JAMES W. MURRY
EXECUTIVE SECRETARY

LUNDY SHOPPING CENTER
MISSOULA HIGHWAY

REMARKS OF JAMES W. MURRY ON SENATE BILL 175, HEARINGS OF THE SENATE LOCAL GOVERNMENT COMMITTEE, JANUARY 26, 1977

Last week, I appeared before another Senate Committee in opposition to legislation that would appear to coincide with and complement Senate Bill 175. That legislation, Senate Bill 69, was aimed at conserving energy through recycling and reducing litter by requiring the use of reusable beverage containers. On behalf of the membership of the Montana State AFL-CIO, I testified against that bill because we believe it represents only a piecemeal approach to the larger problem of solid waste disposal. Further, it represents the possible threat of the elimination of jobs in the container industry at a time when our state and nation cannot afford another percentage point increase in the unemployment rate.

Today, I appear as a proponent of Senate Bill 175. If that seems odd or somehow contradictory to the position our organization took last week against Senate Bill 69, allow me to explain. For the past three years, the members of our state federation have directed their leadership to oppose the unnecessary elimination of jobs through legislation such as Senate Bill 69.

But jobs are not our only concern. As members of the total community, workers are naturally concerned about their environment. The same convention resolutions that directed us to fight for the preservation of jobs further directed us to support the implementation of uniform solid waste disposal policies. I have enclosed a copy of our 1976 convention position on solid waste disposal for your information and consideration. Our members have taken this approach because we are of the opinion that jobs and environmental protection are compatible. More important, it's time that everyone start dealing with a solid waste problem that has reached critical proportions in this country.

Senate Bill 175 is a bill we can get behind because it represents a comprehensive and meaningful attempt to get a handle on the solid waste problem. Additionally, it demonstrates that the far-flung needs for jobs and economic development, environmental protection and energy conservation can be and are compatible.

At a time when our nation is trying to recover from seven, eight and nine per cent unemployment rates...at a time when federal and state laws are rightfully demanding that we quit fouling our finite nest...at a time when the days of unlimited energy resources are over...Now is the time to consider comprehensive solutions like the one offered in Senate Bill 175.

Under federal legislation enacted last year, all states must eliminate open dumps within five years. Under the proposed Resource Recovery Act, solid waste would be collected and disposed of by means of sanitary, non-polluting landfill dumps.

Almost daily, we're threatened with the prospect of energy depletions and dependence on foreign sources of fuel. Under the Resource Recovery Act, we could start recovering and recycling our own wastes for conversion to energy.

Unemployment is still making havoc of the lives of Montana workers and their families... at the still alarming rate of 7 per cent. The proposed Resource Recovery Act would not only create meaningful, new jobs, but it would also create a demand for new construction in our state. According to information we have obtained from the Solid Waste Management Bureau of the Montana Department of Health and Environmental Sciences, the three resource recovery plants and 43 landfills envisioned by this legislation would generate about \$20 million in new construction. Each of the three resource recovery plants would require from nine to 12 employees working an eight-hour shift, and each of the landfills would require a crew of at least three. On top of these job possibilities, the state predicts a need for additional personnel to haul solid waste to these sites.

Unlike ban-the-can-type legislation that could eliminate an entire trade, Senate Bill 175 offers the promise of additional, meaningful employment. Under Senate Bill 69, workers in the container industry stand to find themselves without work after devoting most of their lives to the industry. Under Senate Bill 175, cans and containers would remain compatible with the system.

In conclusion, the proposed Resource Recovery Act is our idea of sound, progressive legislation that would provide efficient and economical solutions to the many sides of the solid waste problem. Senate Bill 175 has the wholehearted support of the workers who are the Montana State AFL-CIO.

I thank you for this opportunity to be heard on an important piece of legislation.

opeiu #2, afl-cio

RESOLUTION 14

Received July 15, 1976

WHEREAS, the passage of the Resource Recovery Act of 1970 was legislation in the interests of the total community and the nation, and

WHEREAS, the success of this action can only be premised on a program which addresses itself to the total solid waste accumulation and disposal through recycling into the manufacturing process and,

WHEREAS, a number of states and localities under the impetus of this legislation have engaged in piece-meal legislation and ordinances such as Ban-the-Bottle and Ban-the-Can which threatens the elimination of some 146,000 jobs in metal, can, and glass manufacturing and allied industry and,

WHEREAS, paper constitutes 50% of solid waste accumulation, little has been done toward the full recycling of this form of waste.

NOW THEREFORE BE IT RESOLVED, that this Twentieth Annual Convention of the Montana State AFL-CIO oppose the State or any locality receiving federal assistance from approving any restrictions in the form of taxes, fees, deposits, or other similar controls on non-disposable containers and,

BE IT FURTHER RESOLVED, that we press for passage of safe-guards against the unnecessary elimination of thousands of jobs of American workers and for a unified solid waste disposal policy which takes into account the need for recycling all waste.

Submitted by the Cascade County Trades and Labor Assembly, AFL-CIO
Convention voted concurrence.

The League of Women Voters of Montana support Senate Bill No. 175,
The Resource Recovery Act.

First and foremost the League is for recycling and reduction in the
generation of solid wastes.

The League supports this bill because:

1. It encourages local governments to plan and operate resource
recovery programs by giving financial aid in the form of grants
and loans.
2. It encourages the local government to work with the private
sector in the planning, construction and operating of a
resource recovery plant.
3. It will create a better environment by reducing the size of
landfills.
4. It will produce a small amount of energy in some areas where it
is economical thus conserving other fuels.
5. It is flexible in defining local government structures which
may plan and operate a resource recovery program.

The League of Women Voters feels that the State Department of Health
and Environmental Sciences should take the lead in the resource recovery
program by offering financial and technical assistance to the local
governments.

Presented by-

Eva Spaulding