

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 Recorders; 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 Zinnicker 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. Bremner | Montana Sheriff Assn. | 164 | ✓ | |
| Tom Murphy ^{bowling} | " | 164 | ✓ | |
| Walter F. Hammermeister | " | SB 164 | ✓ | |
| Eric Spannberg | League Women Voters | SB 175 | ✓ | |
| Facile Jackson | Link of Men. | 164 | ✓ | |
| Florence McGehee | Clerk of Court Assn | 164 | ✓ | |
| Carlene C. Lewis | County Treasurer Ass | 164 | ✓ | |
| Mark D. Knobell | Clark Registration | 164 | ✓ | |
| Carrie Silveaux | " " | 164 | ✓ | |
| Wm J. Mcgrath ^{Mcgrath} | Co Auditor L & C Co | | | |
| Jeff McHugh ^{McHugh} | Co Assessor L & C Co. | | | |
| James O'Conor | Solid Gold蒙古 | 175 | ✓ | |
| Bill Riegel | Solid Waste Management | 175 | ✓ | |
| Lehet Blaylock | Solid Waste | 175 | ✓ | |
| DIANA KUZARA | | | | |
| STEVE PECKINS ^{PECKINS} | FEEDER LAKE Storage Director | 175 | ✓ | |
| John W. Wards | Sponsor- SB 175 | 175 | ✓ | |
| Joe Rosenthal | WETA-Oper. Engineer | 175 | ✓ | |
| James S. Wier | Co. of Engineers | 164 | ✓ | |
| Don Pennecke | Ad. Assn. of Co. | 164 SB 175 | ✓ | |
| Jim W. Burns | Mont. State AFL-CIO | 175 | ✓ | |
| Marillion D. Miller | MSAFC | - | ? | ? |
| Tom Hays | Candy Attorney | 164 | - | |

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 1-26-77

Each day attach to minutes.

NAME: Evd Spaulding DATE: 1-26-77

ADDRESS: 236 S. Roberts, Holland

PHONE: 4119 - 8293

REPRESENTING WHOM? League of Women Voters of Holland

APPEARING ON WHICH PROPOSAL: Senate Bill #175

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

COMMENTS: None

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

ADDRESS: Box 1153 Concord, 177 on 1

PHONE: 0 278-3723 H 278-3163

REPRESENTING WHOM? Montana Sheriff's Peace officers dept.

APPEARING ON WHICH PROPOSAL: Senate Bill 164

DO YOU: SUPPORT? AMEND? OPPOSE? 1

COMMENTS:

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

ADDRESS: 4213 Clark Ave, Mt. Pleasant

PHONE: 6152-8821

REPRESENTING WHOM? Montgomery Sheriff's Dept.

APPEARING ON WHICH PROPOSAL: SB 164

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

NAME: Tom Doan DATE: 1/26/23

ADDRESS: 1420 Cedar Avenue

PHONE: 442-9000

Mont. Sheriff's of Olene Offenders
" County Atty Ass.

REPRESENTING WHOM? Country Atty Assn

APPEARING ON WHICH PROPOSAL: 5 B. 164

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE?

COMMENTS: _____

NAME: STEVE PECKIN, #40611 DATE: 1-28-77

DATE: 1-28-77

ADDRESS: Box 111 Flockeck

PHONE: 213-6074

REPRESENTING WHOM? Missouri County Missouri Dept. - Second Lake District

APPEARING ON WHICH PROPOSAL: S.B. 175

DO YOU: SUPPORT? YES AMEND? NO OPPOSE?

COMMENTS: _____

NAME: C. A. F. Bryant DATE: JAN 26 1977

DATE: Jan 16 1977

ADDRESS: 770 PRAIRIE ROAD - HELENA

PHONE: 408-936-22

REPRESENTING WHOM? Sheriff-Peace Officers Assoc.

APPEARING ON WHICH PROPOSAL: 5B-164

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

NAME: John Pennebaker DATE: 1-26

ADDRESS: Nebraska

PHONE: 442-5209

REPRESENTING WHOM? Mr. Alan of Cis

APPEARING ON WHICH PROPOSAL: SB 164 + 175

DO YOU: SUPPORT? 164 AMEND? 164 OPPOSE? 175

COMMENTS : _____

NAME: James W. Murray DATE: 1-26-77

ADDRESS: P.O. Box 117C Helena, Mont. 59601

PHONE: 442-1708

REPRESENTING WHOM? Montana State AFL-CIO

APPEARING ON WHICH PROPOSAL: SB 175

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

COMMENTS: _____

NAME: _____

Tom Housley

DATE: 1-26-77

ADDRESS: 1420 Cedar Helena

PHONE: 442-1700

REPRESENTING WHOM? County Attorney

APPEARING ON WHICH PROPOSAL: 58161

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

Date March

Time 9:30

Present bill - what does

Current method - based on combination of

Population of county plus taxable valuation

[We see these figures - do we really know what
our county officers 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: Wheatland, Sweetgrass, Prairie, Mineral,
McGowen, 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. H salary bills introduced each year
difficult to fit for special consideration
4. H is in Canadian Province, unadjusted,
therefore they will be very high
5. If other is combined - adjusted
and stable

Fear of having County Commissioners
set salaries - yet they are now set for
Health Officer, Sanitarian, Public Health Nurses
Planners, Civil Defense Director, Airport
Commissioner, Auditor, West Central Director,
Road Supervisor

Finally - County Commissioners have
more strict restraint in fiscal matters



Box 1176, Helena, Montana

ZIP CODE 59601

LUNDY SHOPPING CENTER
MISSOULA HIGHWAY

JAMES W. MURRY
EXECUTIVE SECRETARY

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