

MINUTES OF THE MEETING  
LOCAL GOVERNMENT COMMITTEE  
MONTANA STATE SENATE

March 11, 1977

The meeting of the Local Government Committee was called to order by Chairman McCallum on March 11 at 9:36 A.M. in Room 410 of the State Capitol Building.

ROLL CALL: All members were present.

The following visitors were present: W. E. O'Leary, Montana Solid Waste Contractors Inc.; Roy E. Bennett, City of Billings; Don Lewis, City of Helena; Arthur Van't Hul, City of Bozeman; Mildred Coleman, Plains; Frank Coleman, Plains; Herman Whiemnard, Plains; Eva Spaulding; Glen Drake, League of Cities and Towns.

CONSIDERATION OF HOUSE BILL 323: Representative Harrington, District 88, Sponsor of House Bill 323, stated the bill would allow private carriers to continue for a period of 3 years following annexation to realize their investments. If the private carrier is not providing adequate service, the city may appear before the Public Service Commission, prove the service is inadequate and provide services themselves. Bill O'Leary, Montana Solid Waste Contractors Inc., testified in support of House Bill 323.

Opponents. Glen Drake, League of Cities and Towns, stated the bill needs amending. It is too inflexible as written. Roy Bennet, City of Billings, opposed House Bill 323 (attached). Don Lewis, Sanitation Department, Helena, opposed House Bill 323 stating the bill takes away the right of the people to decide on their own service. He doesn't feel the bill is needed.

House Bill 124. The Chairman placed House Bill 124 in a sub-committee consisting of Senator Thiessen, Senator Peterson and Senator Dunkle.

House Bill 638. The Chairman placed House Bill 638 in a sub-committee consisting of Senator Thiessen, Senator Story and Senator Lockrem.

CONSIDERATION OF HOUSE BILL 417: William O'Leary, Montana Solid Waste Contractors Inc., presented House Bill 417 to the Committee. He stated the purpose of the bill is to establish a Class D Carrier to encompass garbage and refuse carriers.

CONSIDERATION OF HOUSE BILL 418: William O'Leary

March 11, 1977

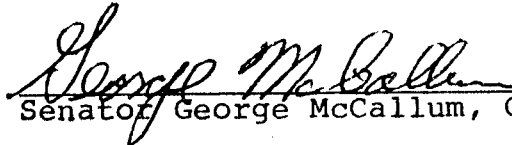
stated House Bill 418 takes the term motor carrier and includes specifically garbage and refuse carriers.

Senator Watt moved House Bill 417 be given a "Be Concurred In" recommendation. Senator Dunkle seconded the motion. Motion carried unanimously.

Senator Watt moved House Bill 418 be given a "Be Concurred In" recommendation. Senator Thiessen seconded the motion. Motion carried unanimously.

Senator Dunkle moved House Bill 323 be given a "Be Concurred In" recommendation. Senator Peterson seconded the motion. Motion carried unanimously.

ADJOURN: The meeting adjourned at 10:35.

  
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Senator George McCallum, Chairman

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ROLL CALL

LOCAL GOVERNMENT COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 3-11-77

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



NAME: Roy E. Bennett

DATE: 3-11-77

ADDRESS: P.O. Box 1178

PHONE: 248 754 ext 260

REPRESENTING WHOM? City of Billings

APPEARING ON WHICH PROPOSAL: HB 323

DO YOU :

**SUPPORT?**

**AMEND?**

**OPPOSE?**

✓

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

# SANITATION DEPARTMENT

ROY E. BENNETT, SUPERINTENDENT

P. O. BOX 1178

PHONE 248-7511

BILLINGS, MONTANA  
59103

March 10, 1977

Senate Local Government Committee

Dear Senator:

I would like to thank you, ladies and gentlemen, for the opportunity to appear before you. My name is Roy E. Bennett, Superintendent, Sanitation Department for the City of Billings. I am here on the behalf of the Mayor and the City Council of Billings to present their opposition to the proposed bill. Our present budget is \$1,316,053.00, which is generated from service fees and not from any general fund monies. We serve all the citizens in the city limits and provide all commercial collection. We also serve as a disposal site for most of Yellowstone County, all of Stillwater County, and part of Carbon County.

The Mayor and City Council are respectfully requesting you to vote against this proposed bill for the following reasons:

1. Controlling who or how many collects or disposes of solid waste should be a local problem, and local people should work it out. A law to regulate all the cities in the State when only a few may have a problem does not seem reasonable.
2. The contractors in our area are increasing in volume as proven by a 208% increase in the last few years; this was under the present system whereby we immediately furnish service to a new annexed area.
3. This bill would remove the right of the citizen to even choose who he wants to serve him. In our own case, we furnish twice a week pickup for \$3.75 per month, and the closest competitor charges \$4.50 per month for once a week pickup.
4. This bill strikes directly at the cities, but not other competitive contractors who could still drive the small contractor out of business.

NAME: Arthur Cantel DATE: 3/10/77

ADDRESS: 432 No 9th

PHONE: 586-3321

REPRESENTING WHOM? City of Bismarck

APPEARING ON WHICH PROPOSAL: HB 323

DO YOU: SUPPORT? ☐ AMEND? ☐ OPPOSE? ☒

COMMENTS: It takes away the  
right of the people to  
decide on their own  
services.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

AMENDMENTS TO HB 323

Page 1, line 6  
Following: line 5  
Striking: line 6-8  
Insert:

"and provide for municipal assumption of service over a period not to exceed 2 years."

Page 1, line 16  
Following: service  
Strike: lines 16-21  
Insert:

"shall negotiate with the carrier and ~~agree~~ upon a plan for full municipal assumption of garbage and solid waste disposal service, ~~no later than 2 years after the effective date of annexation.~~"

*If no agreement is reached the city shall assume full responsibility for such service ~~not later than~~ a year from the date of annexation.*

*Ray Bennett - Bldg  
Arthur Van't Hul - Bldg.  
Van Gene - Bldg.*

# STANDING COMMITTEE REPORT

March 11 ..... 19 77 .....

MR. President .....

We, your committee on Local Government .....

having had under consideration House ..... Bill No. 417 .....

Respectfully report as follows: That House ..... Bill No. 417 .....

~~DO PASS~~  
BE CONCURRED IN

# STANDING COMMITTEE REPORT

..... March 11 ..... 19 77 .....

MR. President.....

We, your committee on Local Government.....

having had under consideration House..... Bill No. 418.....

Respectfully report as follows: That House..... Bill No. 418.....

~~XXXXXX~~  
~~DO PASS~~  
BE CONCURRED IN

# STANDING COMMITTEE REPORT

March 11 19 77

MR. President.....

We, your committee on.....Local Government.....

having had under consideration .....House..... Bill No. 323.....

Respectfully report as follows: That.....Local Government..... Bill No. 323.....

~~EXX~~  
BE CONCURRED IN

P.A.