

JANUARY 23, 1979
PROCEEDINGS OF THE
LOCAL GOVERNMENT COMMITTEE
HOUSE OF REPRESENTATIVES

The meeting was called to order at 1:00 pm by Chairman Robbins. Roll was called by the secretary and all members were present except for Representatives South and Moore who were excused.

HOUSE BILL 155: Chairman Robbins stated Rep. Moore had asked that no action be taken on the bill since he was not able to be present. Representative Johnston then introduced the bill, stating it would repeal the section providing for paying for deficits in public transportation from the state highway funds, that these funds would be returned to the highway department and the payments would be made from the general fund.

Chairman Robbins called for proponents. Jim Manion of the AAA stated he wished to speak in favor of the bill. He made reference to several Senate Bills which would be taking funds from the highway department, SB 3 and SB 122, and that this would eventually mean use of the funds would be a drain on the system and the highway trust account. He stated he was not opposed to public transportation, but did feel it was a drain on everyone.

Chairman Robbins called for further proponents. There were none and opponents then spoke. Dan Mizner, representing the Mont. League of Cities and Towns stated they were opposed to the bill because the money from the increased tax had been allocated to the cities and counties in the amount of \$6.5 M, surplus, and this was set aside to go into that fund. He stated representatives from several cities were present to testify.

Ken Haag, Director of Public Works in Billings spoke as opponent, stating the loss of the funds would be detrimental to the public transit system in Billings and they would have to curtail their service. His statement is attached as Op. #2.

Hugh Spall, City Commissioner of Great Falls stated they would have to curtail service, that there are only two cities in the state that receive federal funding and this would be divided. He felt they should be given an opportunity to continue receiving state assistance.

Don Peeples, of Butte-Silver Bow government stated their system had been operating at a deficit, that the funding was necessary in order to receive federal aid as well. He stated the mass transis system was a great service to the senior citizens and hoped it could continue.

HB 155 (cont.)

Vivian Crabtree of Mountain Line in Missoula stated that public support of public transportation is on the increase, that she felt the tax money should be returned to transportation as it does come from highway users.

Harrison Fagg, representing himself, stated that if the funds were transferred, the highway department would then have \$11 million surplus funds, that the highway department is not so much in need of this excess and that transportation for the elderly and handicapped is needed. He is opposed to the bill as written, and proposed alternate legislation.

Dave Ashley of the City of Helena, stated he was in agreement with Rep. Fagg and his alternate bill. The City of Helena operates Dial A Ride during legislature and they do need the funds to keep this operating. His statement is attached, OP #7.

Margaret Smith, representing the National Association of Retired Federal Employees stated there is sometimes no way for elderly to get around, that most do not drive automobiles, and they do have a program for selling ride tokens to the senior citizens. She is opposed to HB 155.

Monty Casteel representing Helena Senior Citizens spoke, stating the Dial a Ride Service was very important, that he had no other way of getting around as well as others, and that without funding for the bus service, they would be without transportation if it could not continue. His full statement is attached.

Marilyn Hamilton representing Senior Citizens and her parents stated without funding, the bus service may be discontinued and it was a necessity for transportation.

Jim Graineney of the Helena Senior Citizens also spoke as an opponent.

There were then questions from Representatives to the persons testifying. Questions as to only four cities in the state having bus service were answered, stating these are Billings, Butte, Helena, and now Great Falls. Witnesses also explained that in order to receive federal funding, there must be state or local matching funds and without those funds, the transis systems would not be able to operate.

After short closing remarks, hearing was closed on HB 155.

HOUSE BILL 156: The bill was introduced by Sponsor, Rep. Danny Oberg. He gave a brief background, stating this was to change filing fees for county offices to require a candidate to pay .5% of the total annual salary, and would lower the fees for some and raise for others. Most county offices such as clerks would be lowered from 1% and the commissioners would be raised. He stated this would make the fees conform and would encourage public involvement.

Chairman Robbins called for proponents and John Bell, representing the Sheriffs, Clerks and Recorders stated they do support the bill because of the difference between filing fees at present. There were no opponents. Rep. Azzara inquired regarding the variance in fees, with Rep. Oberg stating they presently range from virtually nothing, or \$5.00 to \$50.00. Rep. Azzara suggested this be given to the counties to set, and argument against this was that the county commissioners would be setting their own filing fees. Rep. Oberg then gave closing remarks and the hearing was closed on HB 156.

HOUSE BILL 139: Representative Pistoria introduced the bill, stating it would allow the citizens to vote on whether a city contracted for private services. He stated he introduced the bill because cities are supposed to operate the services on a non-profit basis, and private contractors would have to raise fees in order to make a profit and to pay taxes. This would result in additional cost to the taxpayers. He also gave Great Falls as an example and expounded on the recent events in that city. His complete presentation is attached.

Chairman Robbins then called for proponents. Don Judge representing the Montana Council No. 9, AFSCME, AFL-CIO spoke, stating they supported the bill and felt no council should contract private services without a vote of the citizens. His complete statement is attached. Prop. 1. He did suggest an amendment, Page 1, line 15, following "parking" to insert "street and alley maintenance and repair".

Tom Schneider, representing the Montana Public Employees Association also spoke in favor, stating that once a contract is put out, it can become irreversible and that citizens should have a vote in the matter.

Chairman Robbins called for further proponents, there were none and opponents were asked to speak. Don Peoples of Silver Bow government stated they felt this should be a decision of the local elected officials as they already represent the people. The cost of a special election would increase the cost of services further.

HB 139 cont.

Ken Haag of Billings, public works director, stated they do not contract in the city of Billings, however they do feel if a company would come in and show a more efficient method of operation, they might wish to try this in the future and felt the cost of a special election would be at least \$30,000.

John Bulen, Mayor of Great Falls stated they were opposed to HB 139, and hadn't been aware Great Falls would be on trial at the hearing. He stated they felt public officials should be given the right to efficiently operate the cities. He also stated if the voters are not happy with their elected officials, they do have the right to vote them out. He was of the opinion that the bill was trying to do something at a state level that should be taken care of at home, and wished to go on record opposing this action.

Sam Gesko, City Manager of Bozeman stated they do not have a contract, but felt the city commissioners are elected and given the responsibility of representing the people. In this capacity they should be able to chose the most efficient method of operating the city and a vote on such issues could involve the residents who are opposed to a change of any kind.

Al Thelen, City Manager of Helena stated this bill could be put into effect by any city commission or by a referendum of the people, however if it were passed he would support the amendment offered as well as an amendment that would make the bill apply to the state as well.

Roger Young of the Great Falls Chamber of Commerce stated the bill is directed at free enterprise, that he was in agreement with previous opponents testimony and would like to go on record as such.

Dan Mizner of the Montana League of Cities also entered opposition to HB 139.

Rep. Pistoria was then asked to close, and stated in answer to the cost of special election, he did not mean a special election would need to be held, that it could fall on a regular election. He stated he felt the commissioners were not representing the majority of people and that the Chamber did not always represent the working man. Chairman Robbins then opened questions for the committee. Rep. Gould inquired if this would include not being able to contract for streets, Rep. Pistoria stated it was for services such as water, sewer and garbage. There were other questions by committee members and the hearing was then closed.

HOUSE BILL 114: The bill was introduced by Representative Waldron. He stated there were no communities he was aware of at present that have zoning restrictions against children, however other states have some areas with the restriction and it was felt by many it would be well to take care of the matter before it started.

There were no proponents or opponents present. There were brief comments from the committee. Hearing was then closed on HB 114.

HOUSE BILL 163: Representative Metcalf, Sponsor, stated the bill was introduced at the request of the attorney general's office. Mike McGrath from the attorney general's office was present and stated the bill was requested to clarify a portion that had been inadvertently overlooked in 1977 when the original bill was passed. The bill would clear up some of the problem on giving notice on foreclosures. There was then statement in support by John Bell representing the Sheriff's and Peace Officers Association. He stated this would clear up the provision for notice that had been overlooked. There were no opponents and the hearing was then closed on HB 163.

There being no further business, the meeting was then duly adjourned at 3:25 pm.

Hershel M. Robbins
HERSHEL M. ROBBINS, Chairman
LOCAL GOVERNMENT COMMITTEE

Patricia A. Hatfield
Patricia A. Hatfield
Committee Secretary