

HOUSE OF REPRESENTATIVES  
PROCEEDINGS OF THE  
LOCAL GOVERNMENT COMMITTEE  
Saturday, February 10, 1979  
12:30 pm

The meeting was called to order at 11:00 am due to the session of the House convening earlier this date. Vice Chairman Reichert called the meeting to order, the secretary called the roll and found a quorum of members present. Representatives Robbins and Oberg were excused.

HOUSE BILL 535: Representative George Johnston presented the bill, stating he represents District 13, of Cut Bank. He stated the bill is to allow sheriff departments to set the salaries of deputies between 75 to 90% of their salary. He then asked John Bell of the Montana Peace Officers and Sheriff's Association to speak. Mr. Bell stated it would be better for the sheriff to determine which deputy was doing the best job and set salaries as incentives. When the commissioners set the salaries they are often not familiar with the work load being carried by people.

Further proponents were called and Dale Dye, Sheriff of Ravalli County and President of the Montana Sheriff and Peace Officers Association spoke in favor of the bill. He stated the sheriff serves as an elected official, that he does have the voice of the public and is representing them and it would be justified to give them more control over their officers.

Walter Hammermeister of Conrad, also representing the Sheriff & Peace Officers stated the sheriff could take into account training and capabilities of officers when setting salaries and there would not be payment of a new deputy the same as some that have been there for 20 years if it were not justified.

Glenn Frame of Polson and also a member of the Sheriff & Peace Officers association stated he was also in support and would like to be able to have this confidence set aside to their offices.

There were no opponents to the bill. Representative Johnston stated he felt the bill would allow the sheriffs to do a better job. There were then questions from the committee members. Rep. Gould inquired regarding having the local government have control and whether the sheriff or the commissioners were the local government. Mr. Bell responded saying that this would be giving authority to the department head. Rep. Pistoria then inquired regarding the fact that this would only be in first, second and third class counties, and inquired if the bill could apply to all counties to give the sheriff and other elected officials

HB 535 (cont.)

the right to set deputy salaries as he knew last July a clerk and attorney had to take the commissioners to court to get their statutory raise. There was further discussion between Rep. Pistoria and Mr. Bell regarding salaries of other officers. Rep. Hurwitz inquired as to how the commissioners could control budgets if these salaries were not set by them. He stated they are charged with setting mill levies and would need to know these figures. Mr. Bell explained the budget requests would have to include these amounts. There was further discussion and hearing was then closed on HB 535.

HOUSE BILL 559: Representative George Johnston introduced the bill, stating it was to increase the fee for serving summons from \$2.00 to \$4.00, to give one dollar additional to the county fund and one dollar in the peace officers fund. He then introduced John Bell of the Sheriffs and Peace Officers association to speak on the bill. Mr. Bell stated there would be no change in the mileage charged, that it would assist the peace officers association in raising fees as they presently do so by selling magazine subscriptions every year. In doing this each sheriff must ask businesses to put an ad in the magazine, and they are looking forward to the \$1 so they do not have to do this.

Bill Romine also representing the peace officers association stated the fees are lower in Montana than anywhere, and that the use of funds to this association would be legal. He supported the bill.

Dale Dye, Ravalli county sheriff stated most sheriff's are required to pay their own dues to the association, that there are some counties that honor the payment of dues, but most do not. He stated some commissioners feel it is not fair to take tax dollars to pay the \$10.00 dues, but that the functions of the association are appreciated. He explained the association had started the Montana Law Enforcement Academy at Bozeman and support the Montana Teletype system, the Yellowstone Boys Ranch, Cascade Dog training compound and legislative activities.

Walter Hammermeister of Conrad also spoke briefly in support, stating that having the funds go to the association would take the members out of the "extortion business" on collecting for ads.

Al Pierson of Flathead County also spoke stating he felt it was in the interest of all citizens.

Glenn Frame of Polson also spoke in support, stating without support of the association, members would not be able to receive mileage to attend legislature.

HB 559 (cont.)

There were no opponents to the bill. Rep. Johnston gave a few closing remarks and there were then questions by the committee members. Rep. Azzara inquired regarding the fact that the sheriffs' association is a private organization rather than governmental and this might not be a legal contribution. Mr. Romine explained this would be the same as the county commissioners organization to which dues are paid on behalf of the commissioners and they are authorized by the state. There was further discussion of using the public money to raise money for a private organization. It was pointed out the county clerks and recorders also have an organization to which dues are authorized. There was then discussion that there could be an amendment offered to state specifically that money could be put into the fund of this organization. Hearing was then closed on HB 559.

HOUSE BILL 467: Rep. Burt Hurwitz introduced the bill stating it was introduced at request of the rural fire associations and would allow counties to appropriate up to \$50,000 for fire control activities. He then introduced Art Korn of the volunteer fire fighters association who gave some figures and read a statement from the rural fire district in Cascade county, which is attached.

Henry Lohr of the volunteer association also spoke, stating this is permissive legislation and would not make the donation mandatory.

Dave Fisher of the volunteer association also spoke in behalf of allowing commissioners to increase the budgets.

Chairman Reichert then called for opponents, with Mr. Al Thelen, city manager of Helena speaking in opposition stating the bill would allow a levy of city residents to pay for rural fire protection and it did not seem fair. He asked for an amendment to eliminate the taxing of those that already had service.

Tom Dowling of the Montana Railroad Association also spoke against the bill because of double taxation and stated if it were passed it should be amended.

Rep. Hurwitz was then asked to close, and questions were offered by committee members. Rep. Azzara inquired as to the reaction of rural fire representatives to the proposed amendment, they stated there would be no objection. Rep. Gould commented that tripling the levy would raise the \$50,000 and inquired if this was necessary. There were further questions regarding this being a county wide levy. Hearing was then closed on HB 467.

HOUSE BILL 423: Rep. Gene Donaldson introduced the bill, which would extend to 5 years the existing solid waste service when an area is annexed. He then stated there is to be an amendment page 1, line 18, change 3 to 5. He stated this would allow someone to remain in business for a long enough period of time to pay back operating loans or investments into a business. If the area annexed were large, it would take this length of time for a city to build up enough equipment to handle the load and this would allow phase out of the existing company.

Vice Chairman Reichert called for proponents. Bill Romine representing the Mont. solid waste contractors association spoke in favor, however he proposed an amendment that would provide that after the expiration of five years, the municipality could provide service only if a majority of the residents in the area requested this service. He stated many members were present to speak in support of the bill.

Vester Wilson, of Hamilton and a member of the solid waste association spoke in favor, and asked that the proposed amendment be considered.

Lester Folvag of Billings and a private contractor spoke in favor stating the equipment costs were up each year and it would be difficult to purchase or protect their investment for a shorter time. He has been in business for 9 years and serves private areas, and stated the city cannot presently handle all the business inside the limits.

John Palagi of Great Falls, private contractor of Green's Disposal Service stated he was new to the business, but the business he purchased has been in existence for 30 years. He stated he had a 1/4 million indebtedness for a 10 year period and if the services were cancelled by annexation he would have a problem in this area.

Opponents were called for. Carl Abel representing the City of Great Falls spoke in opposition, stating this would be a restraint of trade to the cities and it should be up to the individual homeowners to decide which service they desire to use. His statement is attached, Ex. 1.

Ken Haag representing the City of Billings stated this legislation would further compound problems as when a small area is annexed the residents call the city for service. He felt competition should be given to the private enterprise, and suggested amending to read 30 days or by petition of the people.

Al Thelen, representing the City of Helena stated he is opposed to 5 years but could support 3 years, and stated that currently private enterprise can take areas within a city if the city doesn't do a good job. This would keep competition working.

HB 423 (cont.)

Rep. Donaldson then gave closing remarks, stating the private enterprise is giving needed service, and he didn't feel city people should want to be in competition with private enterprise, and 3 years wouldn't pay of a \$40,000 investment by a private company. There were then questions by committee members. Rep. Azzara inquired as to which service would be more desirable, a witness stated that private collections in his business are two times a week for \$5.00 less than the city. Rep. Azzara stated there should be conditions which would encourage the development of private enterprise. There were questions as to whether citizens are charged for city and when they have private contracts also pay there. General consensus was that most do not pay twice. Rep. Sales inquired if this was keeping the city from providing any services during the five years, and it was pointed out the city can provide for private services by ordinance. Some cities do not leave any choice. There were further questions from committee members regarding types of service offered and rates charged. Hearing was then closed on HB 423.

HOUSE BILL 381: Representative Kessler introduced the bill, stating that it would provide a city could furnish services for garbage and solid waste if it was requested by a majority of residents in writing. Also includes is provision for the city furnishing services if the public service commission determines the private services are inadequate.

Ken Haag of Billings then spoke in favor, stating it would permit the residents a choice and this does provide an advantage, and that 85% of the building is taking place outside of the city limits and when the areas are annexed there is a need for the choice.

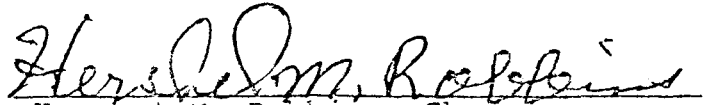
Carl Abel stated he was also in favor for the same reasons.

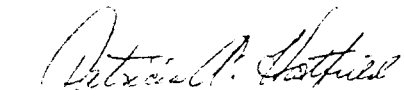
Opponents were then called and Bill Romine representing the solid waste contractors spoke against the bill. His statement is attached, and states that the bill would take away competition. He proposed amendments to the bill which would clarify this matter. He then suggested that Rep. Donaldson's bill be passed as amended and that HB 381 do not be passed since they deal basically with the same matter. Others witnesses were present but did not testify and their statements are attached.

Rep. Kessler then gave closing remarks, stating he felt it was good to give the people choice. Rep. Azzara then stated he thought it was good to have majority rule, and that no bill would pass without this type of action. Mr. Romine answered that he felt 381 would take this away as far as competition is concerned. Rep. Gould stated both

bills are basically the same, and inquired if it would keep the city from having an option. Hearing was then closed on HB 381.

There being no further business, the meeting was duly adjourned at 1:15 p.m.

  
Hershel M. Robbins, Chairman  
LOCAL GOVERNMENT COMMITTEE

  
Patricia A. Hatfield  
Committee Secretary