

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

JANUARY 27, 1979

The meeting of the Local Government Committee was called to order by Chairman, Senator George McCallum, on January 27, 1979 at 1:30 in Room 405 of the State Capitol Building.

ROLL CALL: All members were present.

Several visitors were in attendance. (See attachment.)

CONSIDERATION OF SENATE BILL 143: Senator Robert D. Watt of Senate District 49, co-sponsor of Senate Bill 143, gave a brief resume of the bill. This bill is an act to reduce the term of office for county commissioners from six years to four years. Senator Watt stated that he has seen very few commissioners re-elected to a second term of office and perhaps if this bill was enacted, more commissioners would be re-elected.

Sandy Sargent, a former Study Commissioner from Park County representing the Environmental Information Center, spoke in favor of SB 143. Mrs. Sargent filed written testimony (See attachment.)

Chairman McCallum then called on the opponents to SB 143.

Mr. R. Dean Zinnecker from the Montana Association of Counties spoke against the bill. Mr. Zinnecker stated that for most commissioners, the job is part-time and it takes most of the six years to really learn all the laws regulating the county governments. For a more efficient government, six years is better than four years for the term of commissioner.

Edith Cox, representing the Montana Association of County Treasurers, felt that it is difficult for the other county officials to adjust to the new commissioners every two years.

With no further opponents or proponents, Senator Watt made the closing remarks. Senator Watt stated that people who run for office of county commissioner are well acquainted with the job already. He did not feel that this bill would affect the county treasurers, nor did he feel that it would be all bad to have two commissioners running for office at the same time. Senator Watt did

not feel that the objections to the bill had much merit.

There were no questions from the committee.

CONSIDERATION OF HOUSE BILL 44: Representative Art Shelden of House District 22, gave a brief resume of the bill. This bill is an act to amend Title 50, Chapter 60, Part 1, and 3, to conform with previously enacted authority for counties to adopt building codes. Representative Shelden referred to the book entitled: "Montana's Sub-division Laws: Problems and Prospects."

Mike Stephens, representing the Montana Association of Counties, spoke in favor of the bill.

Chairman McCallum then asked for opponents to House Bill 44.

Representative Walter Sales of House District 79, stated that if he had realized what this bill really stated, he would not have voted for it when it was in the House. Representative Sales offered an amendment. (See attachment.)

Peter Jackson of Harrison, representing himself as a rancher, spoke against the bill. Mr. Jackson stated that he did not like the idea of the county being able to have a say on farm and ranch buildings.

Dale Davis spoke on behalf of the Gallatin County Agriculture Protection Association. Mr. Davis stated that he had checked this bill thoroughly and it mandates all buildings. Mr. Davis also referred to the Sub-division Book. This bill would included all buildings in rural areas, Cost of construction will increase, because people will feel that they have to hire a contractor. Taxes will increase, because of the need for more inspectors.

Senator Mike Anderson of District 40 stated that people in his area are concerned because of farm buildings being on the bill. He asked the Committee to protect the farmers and ranchers.

Mons Tiegen, representing the Montana Stockgrowers and the Montana Woolgrowers, stated that this bill has some real problems and would like for the Committee to remove farm and ranch buildings from the bill.

Gerald T. Neils, representing the Montana Logging Association, stated that he felt HB 44 was an unworkable invasion which is unenforceable and unnecessary.

Sharon Peterson, representing W. I. F. E. , spoke in opposition to the bill.

Representative Sheldon made the closing remarks. He stated that as he understands the bill there would be no more laws, only clarify the local governments present laws.

Senator McCallum then opened the meeting to a question and answer period from the Committee, however, no action was taken at that time.

DISPOSITION OF SENATE BILL 102: This bill is in regards to the licensure of cesspool, septic tank, and privy cleaning business.

A motion was made by Senator Thomas that Senate Bill 102, receive a "DO PASS" recommendation from the Committee. The motion did not carry. (See attachment.)

Senator Story stated that there are only about 50 people in the state that this bill would affect, and these people probably have never heard of the bill. Senator Story stated that he did not feel that SB 102 addresses the problem as it exists, and he is against increased regulation.

A motion was made by Senator Story that SB 102 receive a "DO NOT PASS" recommendation. Motion carried. (See attachment.)

DISPOSITION OF SENATE BILL 143: This bill regards changing of the commissioners term from 6 years to 4 years.

A motion was made by Senator Lockrem that SB 143 receive a "DO PASS" recommendation. Motion failed. (See attachment.)

Senator Rasmussen stated that he felt this bill would make for better government and that it would be a good positive change.

Senator McCallum stated that he is concerned about two commissioners being elected at the same time, and off-year elections could also create a problem.

Senator Lockrem stated that commissioners represent the people. He then stated that six years is too long for a bad commissioner, however, not long enough for a good commissioner.

Senator Thomas made a motion that Senate Bill 143 receive a "DO NOT PASS" recommendation from the Committee. Motion carried. (See attachment.)

DISPOSITION OF HOUSE BILL 44: A motion was made by Senator O'Hara that House Bill 44, receive a "DO NOT PASS" recommendation from the Committee. Motion carried. (See attachment.)

DISPOSITION OF SENATE BILL 135: This bill is regarding construction and reconstruction of rural and urban streets and roads with funds from coal tax.

A motion was made by Senator Lockrem that Senate Bill 135 receive a "DO PASS" recommendation from the Committee. Seconded by Senator Thomas.

Senator Conover asked what does this bill do to the Coal Tax Hearings? Senator Lockrem stated that this bill is just a continuation of the coal tax, nothing new.

Senator Lockrem also stated that if the Legislature is going to be under the threat of the coal tax, we will be here until next November 1st.

Senator Lockrem stated the amendments he would like to see inserted in the bill, such as reinstate the words maintenance and repair and also on page 6, line 7, change the word contract and add the word cost.

A discussion then arose as to the percentage of money to go to the city and money to go to the county. Senator Story suggested perhaps a 60/40 split.

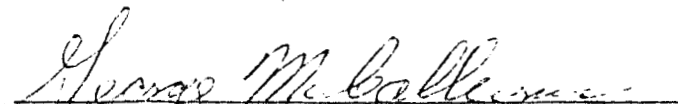
Senator Lockrem pointed out that the population runs 2 to 1 of people living in the city as in the surrounding areas.

Senator Thomas suggested perhaps a 75/25 split would be agreeable.

Senator Story made a motion that 70 percent go to the city and 30 percent go to the county. Motion carried.

A motion was made by Senator Lockrem that the Senate Bill 135, receive a "DO PASS" recommendation, as amended. Motion carried unanimously.

ADJOURN: The meeting adjourned at 3:00 with the next meeting to be held on Tuesday, January 30, 1979 at 12:30 for the hearing of Senate Bill 216 and Senate Bill 237.


CHAIRMAN, Senator George McCallum

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
GEORGE MCCALLUM, CHAIRMAN	✓		
LLOYD LOCKREN, VICE CHAIRMAN	✓		
MAX CONOVER	✓		
JESSE A. O'HARA	✓		
BOB PETERSON	✓		
A. T. (TOM) RASMUSSEN	✓		
PETE STORY	✓		
BILL THOMAS	✓		
ROBERT D. WATT	✓		

Each Day Attach to Minutes.

SENATE COMMITTEE LOCAL GOVERNMENT

Date January 27, 1979 Senate Bill No. 102 Time 2:25

NAME	YES	NO
GEORGE MCCALLUM, CHAIRMAN		✓
LLOYD LOCKREM, VICE CHAIRMAN		✓
MAX CONOVER	✓	
JESSE A. O'HARA	✓	
BOB PETERSON		✓
A. T. (TOM) RASMUSSEN	✓	
PETE STORY		✓
BILL THOMAS		✓
ROBERT D. WATT		

Clare Stanley
Secretary

George M. Callum
Chairman

Motion: A motion was made by Senator THOMAS that Senate Bill
102, receive a "DO PASS" recommendation. Motion failed.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE LOCAL GOVERNMENT

Date January 27, 1979 Senate Bill No. 102 Time 2:30

NAME	YES	NO
GEORGE MCCALLUM, CHAIRMAN	✓	
LLOYD LOCKREM, VICE CHAIRMAN	✓	
MAX CONOVER		✓
JESSE A. O'HARA	✓	
BOB PETERSON	✓	
A. T. (TOM) RASMUSSEN		✓
PETE STORY	✓	
BILL THOMAS	✓	
ROBERT D. WATT		

Clara Gandy
Secretary

George McCall
Chairman

Motion: A motion was made by Senator Story that Senate Bill
102 receive a "DO NOT PASS" recommendation. Motion carried.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE LOCAL GOVERNMENT

Date JANUARY 27, 1979 Senate Bill No. 143 Time 2:40

NAME	YES	NO
GEORGE MCCALLUM, CHAIRMAN		✓
LLOYD LOCKREM, VICE CHAIRMAN	✓	
MAX CONOVER		✓
JESSE A. O'HARA		<i>absent</i>
BOB PETERSON	✓	
A. T. (TOM) RASMUSSEN	✓	
PETE STORY		✓
BILL THOMAS		✓
ROBERT D. WATT	✓	

Clara Hawley
Secretary

George McCallum
Chairman

Motion: A motion was made by Senator Lockrem that Senate Bill 143 receive a "DO PASS" recommendation. Motion failed.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE LOCAL GOVERNMENT

Date JANUARY 27, 1979 Senate Bill No. 143 Time 2:50

NAME	YES	NO
GEORGE MCCALLUM, CHAIRMAN	✓	
LLOYD LOCKREM, VICE CHAIRMAN		✓
MAX CONOVER	✓	
JESSE A. O'HARA	✓	
BOB PETERSON		✓
A. T. (TOM) RASMUSSEN		✓
PETE STORY	✓	
BILL THOMAS	✓	
ROBERT D. WATT		✓

Clare Dravely
Secretary

George M. Callum
Chairman

Motion: A motion was made by Senator Thomas that Senate Bill
receive a "DO NOT PASS" recommendation. Motion carried.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE LOCAL GOVERNMENT

Date JANUARY 27, 1979 House Bill No. 44 Time 2:55

NAME	YES	NO
GEORGE MCCALLUM, CHAIRMAN	✓	
LLOYD LOCKREM, VICE CHAIRMAN		✓
MAX CONOVER	✓	
JESSE A. O'HARA	✓	
BOB PETERSON		✓
A. T. (TOM) RASMUSSEN	✓	
PETE STORY	✓	
BILL THOMAS	✓	
ROBERT D. WATT		✓

Secretary _____

George McCallum
Chairman

Motion: A motion was made by Senator O'Hara that House Bill 44,
receive a "DO NOT PASS" recommendation. Motion carried.

(include enough information on motion--put with yellow copy of committee report.)

BILL _____

VISITORS' REGISTER

DATE _____

Please note bill no.

(check one)

NAME	REPRESENTING	BILL #	SUPPORT	OPPO
Mike Stephen	MT Assoc of Counties	HB 44	✓	
Walt H. Davis	Dist. Co. ag. Justice assn	HB 44		✓
Shelley Thompson	Montana Mining Assoc.			
Peter Jackson	Log.	HB 44		✓
G. T. Weils	Mont Logging Assoc.			✓
Barbara Sargent	SJC	SB 143	✓	

STANDING COMMITTEE REPORT

January 27

19 79

MR. **President:**.....

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

having had under consideration..... **Senate**..... Bill No. **135**.....

Respectfully report as follows: That..... **Senate**..... Bill No. **135**,.....

introduced bill was unanimously passed as amended.

1. Title, line 6.

Following: "ROADS;"

Strike: "DELETING AUTHORIZATION FOR CERTAIN"

2. Title, line 7.

Following: line 6

Strike: "FUNDING OF MAINTENANCE AND REPAIR OF SUCH ROADS;"

3. Page 4, line 2.

Following: "construction"

Strike: "and"

Inset: ", "

Following: "reconstruction"

Insert: ", maintenance, and repair"

~~DO PASS~~

Continued

4. Page 5, Line 7.

Following: "(a)"

Strike: "80"

Insert: "70"

5. Page 5, Line 10.

Following: "(b)"

Strike: "20"

Insert: "30"

6. Page 5, Line 15.

Following: Line 14

Strike: "and"

Insert: ", "

Following: "reconstruction"

Insert: ", maintenance, and repair"

7, Page 6, Line 7.

Following: "the"

Strike: "contract"

Insert: "cost"

Following: "construction"

Strike: "or"

Insert: ", "

8. Page 6, line 8.

Following: "reconstruction"

Insert: ", maintenance, or repair"

P.A.

And, As so , amended: DO PASS

STANDING COMMITTEE REPORT

.....January 27..... 19 79..

MR.President.....

We, your committee onLocal Government.....

having had under considerationSenate..... Bill No. 143.....

Respectfully report as follows: That.....Senate..... Bill No. 143.....

~~DO PASS~~

DO NOT PASS

PA.

STANDING COMMITTEE REPORT

..... January 27 19 79

MR. **President**

We, your committee on **Local Government**

having had under consideration **House** Bill No. **44**

Respectfully report as follows: That **House** Bill No. **44**

~~DO PASS~~

90.

BE NOT CONCURRED IN

STANDING COMMITTEE REPORT

.....January 27..... 19 79.....

MR.President.....

We, your committee onLocal Government.....

having had under considerationSenate..... Bill No.102.....

Respectfully report as follows: That.....Senate..... Bill No.102.....

~~DO PASS~~

DO NOT PASS

P.A.

NAME: Dale H. Davis DATE: 1-27-79

ADDRESS: Box 645 Belgrade, Mt.

PHONE: 388-6673

REPRESENTING WHOM? Testimony for Bill DeLoe as a Representative of Gallatin County, Agri. Production Comm.

APPEARING ON WHICH PROPOSAL: HB 44

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Peter Jackson DATE: 1-27-79

ADDRESS: Harrison Blvd

PHONE: 685-3347

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HB 94

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Edith Cox DATE: 1-22-29

ADDRESS: Colonial Inn

PHONE: 443-7023

REPRESENTING WHOM? Park County Legislative Assn

APPEARING ON WHICH PROPOSAL: H.B. 44

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Edith Cox DATE: 1-22-79

ADDRESS: Colonial Inn

PHONE: 443-2023

REPRESENTING WHOM? Mont. Assn of County Treasurers

APPEARING ON WHICH PROPOSAL: S.B. 143

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Dean Jermoluk DATE: 1-27-79

ADDRESS: Helena

PHONE: 442-5209

REPRESENTING WHOM? Mt. Assn of Counties

APPEARING ON WHICH PROPOSAL: SB 143

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Mike Anderson DATE: _____

ADDRESS: Rt 2 Box 346 Bolinas, CA

PHONE: 284 3798

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: AB 44

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

COMMENTS: Don't want restrictions on
fossil fuel use.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Moira Teigen DATE: 1/27/79

ADDRESS: Helena

PHONE: 442 3420

REPRESENTING WHOM? Mont. Stockgrowers & Woolgrowers Assn.

APPEARING ON WHICH PROPOSAL: H.B. 44

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Correll T. Neils DATE: 1/22

ADDRESS: 8 Home Park

PHONE: 445-2423

REPRESENTING WHOM? Mont. Logging Assn.

APPEARING ON WHICH PROPOSAL: 11B-11

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: 11. 11B-11 is a very good proposal.

It is a very good proposal.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Sharon Petersen DATE: _____

ADDRESS: Rt 1 Box 7 Winifred MT

PHONE: 406 442-7256

REPRESENTING WHOM? WIFE

APPEARING ON WHICH PROPOSAL: HB 44

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

REP. WALT SALES

DATE:

A.D. # 79

ADDRESS:

PHONE:

REPRESENTING WHOM?

Myself

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

Multiple horizontal lines for writing comments.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Michael Stephen DATE: 1-27-79

ADDRESS: 1802 11th Ave Helena

PHONE: 442-5209

REPRESENTING WHOM? MT Assoc of Counties

APPEARING ON WHICH PROPOSAL: HB 49

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Sandra Sargent

DATE:

1/27/79

ADDRESS:

Carroll Springs, Mt.

PHONE:

848-7276

REPRESENTING WHOM?

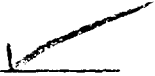
myself + 2JC

APPEARING ON WHICH PROPOSAL:

SB 143

DO YOU:

SUPPORT?



AMEND?

OPPOSE?

COMMENTS:

Multiple horizontal lines for writing comments.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SEN. WATT—

Do you wish to LEAVE

A VOTE ON:

(1) SB 143

a yes Vote

(2) HB 44

a yes Vote

Testimony on Senate Bill 143 (Watt):

I am Sandy Sargent, a former Study Commissioner from Park County, and I am testifying in full support of SB 143 for both myself and the Environmental Information Center.

When Montana went thru the Local Government Review process four years ago, the number one topic of agreement amongst the hundreds of Study Commissioners was the shortening of the terms for county commissioners from 6 to 4 years.

It was felt that this would bring their terms in line with those of all other local county officials, who serve four-year terms - as well as you Senators, our Congressional Representatives and all the way to and including our country's President.

The role of county commissioner has become more and more complicated, and, although in many instances the salaries have also increased, many excellent candidates cannot afford to run for that extensive an office.

Most important, however, is the accountability of the commissioners to their constituents. Those who are good can always be reelected, but the public's only route at present to dispose of incompetent ones is via recall (which has never worked) or the ballot box - six years is an awfully long time!

You have to stand for reelection every four years - your compatriots in the House every two. Don't your constituents have the same right to choose whether or not to reelect their county commissioners at least every four years? Do you not owe them that privilege?

Mrs. Leonard R. Sargent
former Park County Study
Commissioner

WALT SALES H.D.#79

H.B. 44

PROPOSED AMENDMENT:

LINE 23 - AFTER "PUBLIC"

STRIKE: "ON A PLACE WHERE THE PUBLIC
HAS THE RIGHT TO GO AND BE."

Walter J. Jones