

MINUTES OF THE MEETING OF THE COMMITTEE ON
LOCAL GOVERNMENT
February 5, 1981

The Local Government Committee met on February 5, 1981 at 11:30 a.m. in Room 103 of the Capitol. CHAIRMAN BERTELSEN called the meeting to order. All committee members were present with the exception of Rep. Hurwitz who was excused due to illness. Staff Researcher Lee Heiman was also present.

CHAIRMAN BERTELSEN opened the hearing on House Bill 191, which was presented previously to committee members and had so many amendments it was redrafted as a gray bill.

REP. WALDRON, SPONSOR OF HOUSE BILL 191, went through the bill step by step pointing out the amendments and explaining each as he went along. He then moved that the amendments to House Bill 191 DO PASS.

QUESTIONS:

REP. GOULD asked Rep. Waldron how much additional tax authority this bill gives to the counties.

REP. WALDRON: It gives them less.

REP. GOULD: The current 55 mills plus 19 would be 74.

REP. WALDRON: With the 55 mills, if you want to compare it to what you have now, it would be approximately 63 mills. Every county has different usable mills depending on the items they need in that county. You are actually providing additional flexibility which will provide additional revenue.

REP. SWITZER: Would you repeat the total county mill levy that we have without this bill again.

REP. WALDRON: It is 63 mills.

REP. SWITZER: Are any of the 63 addressed in some of the exceptions.

REP. WALDRON: No, none of them are.

REP. MATSKO: I have a question on a couple of the amendments. On page 4, section 7, I don't understand what the purpose of these future levies is or how they would be established. Is this voted on?

REP. WALDRON: If the legislature says that we're going to require all county governments to have a separate office building for, say, county attorneys, and we're going to give you 10 mills to do that, it will be a presumption, with this section, that the 10 mills

is in addition to the 55 that you already levy. Cities run into problems with this because the legislature will mandate that they do certain things and say you have two or three extra mills. The courts have interpreted that they have to use it within their 55 mills. If the legislature is going to mandate some services then they are going to have to provide a means to fund it, and if they use mill levies to do that, it will be outside of the 55 mills.

REP. MATSKO: I feel the intent of that is commendable but I don't feel it is specific enough in that section.

REP. WALDRON: I assume the State did what I wanted them to do when they wrote the bill.

LEE HEIMAN said he feels what Rep. Waldron says is okay. But if the word "statutory" is included after "any" and before "mill" it would avoid the question you have.

CHAIRMAN BERTELSEN asked if the committee was ready for the amendments? All in favor of the amendment say "aye." All agreed and the motion carried.

The question was asked of Rep. Waldron how 63 mills equals 55 mills.

REP. WALDRON: It doesn't. We have a group of services that the local governments have that are mandated by the State. You'll note the distribution of the mills for different purposes. In Missoula County we have a big fair and a livestock show. If we wish to put additional funding into that fair, we can't do it because we're limited by what the legislature told us that we're going to have to pay by mills. This bill provides flexibility. If a county needs more money for bridges, they can put it in bridges. You can have a 55 all-purpose mill levy and still have as much or more usable mills than you would have with 63. By providing the flexibility, you can move funds back and forth for the services that the local government decides they are going to provide.

REP. SWITZER: How many mills are levied for the district court in 7-6-2511?

ANSWER: Six mills.

CHAIRMAN BERTELSEN asked if the committee is ready to act on HOUSE BILL 191? THE MOTION IS FOR A DO PASS AS AMENDED. All in favor say "aye." The motion carried unanimously.

CHAIRMAN BERTELSEN said we'd now consider HOUSE BILL 304.

HOUSE BILL 304

REP. KITSELMAN made a motion that HB 304 DO PASS.

REP. VINGER said he believes the language was inadvertently removed in 1973 and we're putting it back into the law. The printers are in favor of the bill, the sponsor and Helena Independent, as well as the association itself.

CHAIRMAN BERTELSEN asked for the question on HOUSE BILL 304. All in favor of HB 304 signify by saying "aye." No one was opposed. The motion carried unanimously.

CHAIRMAN BERTELSEN asked that we now return to HOUSE BILL 352.

HOUSE BILL 352

He said this is an act to authorize a municipality to assume administrative and financial responsibility for services performed by a county in which the municipality is located and prohibiting a county from providing the service within the corporate limits of a municipality assuming a county service.

REP. KESSLER moved that HOUSE BILL 352 DO PASS. He said he has a feeling the bill is in some trouble and is afraid it came out that this is just a Yellowstone County problem. It is not. If nothing else, it points out that in some areas of the State there is plain double taxation. That is very hard for me to accept. Some counties don't have this problem. In some counties the sheriffs do their share in the city. Yellowstone County is not that way. The vast majority of Yellowstone County's sheriff budget comes from the city and the sheriff's office will not answer a call within the city limits. It points out that we're going to have to come to the realization that a lot of the counties sooner or later may have to take the route that Butte and Anaconda took when they consolidated the services.

REP. MATSKO said that as a substitute motion he moves that HB 352 DO NOT PASS. There may be problems in areas other than Yellowstone County; however, the problem is easily addressed by a change in administration. I feel that is the proper method to handle the situation. In my county this would cut the county budget by 67%. Most of the services rendered by the county have some benefit for the people in the city.

REP. WALDRON: I'm going to vote for that motion. We're double taxing the cities in this state. In my county we pay a tax

for libraries and then we have a city-county library. We pay a county tax on that and all the city residents pay that tax. On top of that the city residents also pay another tax in addition to the tax to the county for the library that goes into a city-county library. We're being taxed twice for that library. The same can be said for the city-county Health Department.

REP. KESSLER said that changing administrations is not going to solve the problem.

REP. ANDREASON said he has to agree with Rep. Waldron. I do agree that there are some inequities in terms of the way the taxing system was set up, but I think this bill would really create an adversarial situation. These would include the sheriff's department and bridges and would be very difficult to deal with.

CHAIRMAN BERTELSEN said he has a feeling the committee is ready to vote. The question and motion is DO NOT PASS. All those in favor signify by saying 'aye.' Those opposed were asked to raise their hands. Those opposed included Reps. Dussault, McBride, Kitselman and Azzara. The motion carried and House Bill 352 received a DO NOT PASS.

CHAIRMAN BERTELSEN stated we'd move on to HOUSE BILL 33.

HOUSE BILL 33 SPONSORED BY REP. JAMES AZZARA

REP. AZZARA moved that House Bill 33 DO PASS.

REP. AZZARA said he'd passed out amendments to the bill at the hearing on February 3. He said those amendments would allow the people who are being annexed under the provisions of this act to petition for the continued provision of their rural fire district service. The bill would not require the city's agreement. It would only require that 51% of the people being annexed sign the petition and they would then have volunteer fire protection within the city. The amount of city tax liability that would be charged for city fire protection would be deleted from their tax liability.

REP. AZZARA moved that the first amendment DO PASS. Motion carried unanimously.

REP. AZZARA stated that on page 1, line 23, we strike that section which itself deletes protest and insert: "that the protest required to stop an annexation pursuant to this part must be signed by 75% of the resident freeholders." Rep. Azzara read a letter from the city attorney explaining the amendment.

REP. AZZARA moved passage of the above amendment.

REP. WALDRON asked Rep. Azzara the following: I notice in your amendment you have resident freeholders. When we passed the previous piece of legislation, it only addressed changing resident freeholders to just freeholders. Would you have a problem with striking "resident."

REP. AZZARA moved that the word "resident" in the first amendment be struck.

QUESTION: All in favor of the amendment say "aye." All voted yes with the exception of Rep. Switzer. Motion carried.

REP. SWITZER: I would like to strike "75%" in this amendment and include 66 2/3 percent.

CHAIRMAN BERTELSEN said the amendment has been amended to strike "75%" and insert "66 2/3%." Is there any discussion on that motion?

REP. AZZARA said the city feels it has a very compelling case for no protest. I think if we whittle it down and leave 75%, what we're doing is rendering the bill meaningless. If that is what the committee wants to do, I think they should be aware that would probably be a factor that the city would feel that it would make the city engaged in a futile activity. 75% would represent a compromise between no protest or a 100% protest. This represents a protest between that and the conventional number for protest which is 51%. 75% is in the middle and in a sense, it balances the city's interest against the rights of having the people protest. I think the 2/3 figure is asking me as a sponsor of the bill and the city to again swallow something that is simply not fair.

REP. VINGER said he'd like to go along with the amendment. 75% gives some consideration but if you have 100 people living in the area and it takes 75 of them to vote no in order to not annex, it doesn't take very many people to annex. I think 67 would be quite a number and I would support 66 2/3.

REP. MATSKO said by having 2/3 to stop annexation, it's a little more appropriate simply because we are not holding an election; we're getting a protest signed by 2/3 of the people. There would be many people who wouldn't want to sign one way or the other.

REP. KESSLER: I think Rep. Azzara has made a very significant compromise offer. I don't think it would be fair to lower it to 66. You are once again removing the whole point of the bill. It is really a significant weakening in the language. In

annexation procedures, if there is strong opposition to it, I don't think you'll have any trouble at all in getting 75% of the people opposed to it if they really are opposed.

REP. SWITZER: The burden is on those who do not wish to be annexed. In order for me to support the bill, it will have to be 66 and 2/3 percent for me.

CHAIRMAN BERTELSEN suggested a five-minute break. Rep. Azzara objected as he said we should deal with the bill now and not allow the focus we have on it to be resolved by giving a break. I will withdraw my motion for the 75%.

CHAIRMAN BERTELSEN said we'd vote on the 66 and 2/3 motion. We'll try a voice vote and see what we get. All in favor of changing Rep. Azzara's motion to 66 and 2/3 percent vote "aye." We'll now vote on the amendment as now amended. The motion carried unanimously.

REP. AZZARA moved that we vote on HOUSE BILL 33 AS AMENDED.

CHAIRMAN BERTELSEN called for the vote on HOUSE BILL 33 AS AMENDED. All in favor of HOUSE BILL 33 AS AMENDED vote "aye." Those opposed raise their hands. Opposed were four, namely Reps. Gould, Sales, Matsko and Kitselman. Motion carried.

CHAIRMAN BERTELSEN called for a short break, after which Vice Chairman Vinger would take over the meeting.

VICE CHAIRMAN VINGER opened the hearing on HOUSE BILL 307.

HOUSE BILL 307

SPONSOR, REP. DAN YARDLEY introduced the bill. He stated HB 307 is an act providing for grants of front-end implementation funds for solid waste management capital equipment. The only changes are as follows: on page 1, line 21 the word "state" is deleted. On page 2 under definitions, I had them define the definition. "Front-end implementation funds" means the money granted to local governments for purchase of capital equipment to be used for a solid waste management system. On page 3, lines 25 and 26, it makes provision to "make grants for a local government for planning or implementation of a solid waste management system." On page 4, lines 14 and 15, the bill makes provision for the requirements for eligibility for grants; and rules governing. Beginning on line 18 of page 4 there is a new section and under that the Department of Health and Environmental Sciences may enter into an agreement with a local government for a grant of

front-end implementation funds for local governments. The continuation of that and the remainder of the bill through section 5 would be the provisions of the agreement between the department and the local government. Among other things they cannot exceed 50% of the reasonable purchase price of the capital equipment. This means there would have to be at least that much in local participation. There are some people here from the Department to testify so I'll be brief.

PROPONENTS FOR HOUSE BILL 307

DUANE ROBERTSON, Chief of the Solid Waste Bureau from Helena, said we are the group who asked Mr. Yardley to introduce this bill. He has said about what I'd have said, but I want you to be aware that I'm here to answer any questions you might have. One thing I'll add is that for the first time the Federal Resource Conservation and Recovery Act has authorized some money to go to communities. It has not yet been appropriated, but when it is, it would be granted out to the State Solid Waste programs. We may have some federal money too. In 1977-79 the Legislature made available \$300,000. Those plans have been completed. A lot of counties within the state now are working with implementation and we feel that some money to help them with their plans would go a long way.

PAT TUSLER: I am supervisor for the Lake County Health Department. We want to go on record as in support of House Bill 307. At present Lake County is one of the largest countywide refuse disposal districts in the State of Montana. As such, a more efficient and effective method of handling and disposal equipment is a necessity. Unfortunately, the cost of such equipment because of the economy is inflating faster than we can see fit to raise the personal assessment in order to purchase the needed equipment. Lake County Disposal Site is striving to consolidate refuse disposal sites so it would be in a position for large scale recycling when the opportunity presents itself. We know we must salvage what is practical. We hope that this legislation receives a DO PASS recommendation.

MARIE MCALEAR, from Twin Bridges, said she served on the city council for three terms. I was recently elected to the county commission in Madison County. We were one of the 23 counties Mr. Robinson explained took advantage of the Planning Fund afforded us through the State Legislature. The plan was accepted by the county and we are in the process of forming districts, but the biggest stopgap we have is putting a very good plan into action. We do not have adequate funds for capital improvement.

We do not have the money to purchase expensive equipment and to renovate or provide new sites for solid waste collection. This bill would help us to solve that problem and I hope you will help us by seeing that it passes through the Legislature.

VICE CHAIRMAN VINGER asked for further proponents. As there were none, he asked for opponents to HB 307. Since there were no opponents, he asked Mr. Yardley to close.

REP. YARDLEY said he has a statement of intent that includes additional rulings for grant money. This would be an actual grant of money for capital improvements. If you will look at the bill, you will note that the department, in the name of the State of Montana, may enter into an agreement with a local government for a grant of front-end implementation funds. They have to agree that they will not discontinue the operations without the department's consent, and if they should discontinue it within five years, there is a provision for repaying the grant money.

QUESTIONS:

ACTING CHAIRMAN VINGER announced the committee could ask questions and could continue asking questions without getting permission from the chair.

REP. HANNAH: Is this a long term program where the State will loan money to local government to help them get started in solid waste projects? Is this correct?

REP. YARDLEY said yes, we already have the program for organization for planning. This is a program which includes grants for capital equipment and includes grants of up to 50%.

REP. HANNAH asked if under line 22 on page 1 if this is actually a loan?

DUANE ROBERTSON: The provision of the law now allows for grant money and organizational loan money. This is a new section in the law to allow people to get grant money. All this does is give us an opportunity to pass money through to local governments if the money is available.

REP. VINGER asked if this could be federal or state money.

MR. TUSLER answered yes.

REP. GOULD wondered what happened to the money collected for the junk car fund.

MR. ROBERTSON stated that when the junk car program originally went into effect the amount set of \$4 per vehicle built up such a large amount in the fund that it was decreased every couple of years until now they are collecting only 50 cents per year per car for this fund. They are now thinking about transferring some of these funds into the general fund and using it for the solid waste program rather than just refunding it to the counties.

REP. HANNAH: From what you say there is a fortune in the junk vehicle fund and you're indicating to me that rather than having the money come back into their local area, the people should be willing to put it into other areas in the state for their solid waste program.

MR. ROBERTSON said it wouldn't necessarily have to happen that way. This money can also go toward a research recovery fund.

ACTING CHAIRMAN VINGER asked if there were any more questions. As there were none, he closed the hearing on HOUSE BILL 307.

ACTING CHAIRMAN VINGER opened the hearing on HOUSE BILL 53.

HOUSE BILL 53

RICHARD MANNING, sponsor of House Bill 53, introduced the bill. He stated this is an act to provide that county commissioners in counties having a population of 50,000 or more be nominated and elected at large, rather than by district. It would allow candidates to run for office from any area of the county. It would create a better slate of candidates for this very important office. Any citizen within the county would be eligible to run for office. He urged the committee's support and passage of House Bill 53. (See additional written information which is attached to and made a part of these minutes.)

ACTING CHAIRMAN VINGER asked for testimony from proponents. There were none. He then asked for comments of opponents and there were none.

CHAIRMAN Vinger asked Rep. Manning to close.

REP. MANNING then closed with no further comments.

QUESTIONS REGARDING HOUSE BILL 53:

REP. AZZARA said all this bill does is delete the district residency requirement, which you seem to think is an impediment to a better slate of candidates. Could you give me a little background on what the thinking was with the statute requiring district residency?

REP. MANNING: That was many years ago. We've had so many changes where candidates run for different offices. The people in Great Falls felt that many times there are possible candidates who live in a district but can't run that year because the other district may need a candidate.

REP. AZZARA: I think the reason it is done, in the case of Missoula, is because it would be possible for such geographical parts of the county to dominate the commission.

REP. MANNING: That could possibly happen in your county, but I don't think it would happen in our county or Yellowstone County. However, if your annexation bill goes through, you won't have that threat. If you can draw candidates from the entire county, you will get a better slate of candidates. Our first concern is getting good candidates to run for these offices to represent the people in the counties. There are three or four counties with this population.

REP. GOULD asked Mr. Manning if he'd have any opposition to an amendment to the effect that the candidates could live anywhere in the county but not within the boundaries of the incorporated cities?

REP. MANNING: No, I'd have no reason to oppose this except for one reason. When you run for an elective office, you are not only representing the people who live beyond the city but you are also representing the people who live in the city.

ACTING CHAIRMAN VINGER asked if there were any other questions and since there were none, he closed the hearing of House Bill 53.

ACTING CHAIRMAN VINGER opened the hearing on HOUSE BILL 357 and called on Rep. Manning to introduce the bill.

HOUSE BILL 357

SPONSOR, RICHARD MANNING said this bill is an act to clarify the State Fire Marshal Authority concerning the alteration, repair, or demolition of buildings declared to be a public nuisance. Section 50-62-107 describes the procedures to be followed by the State Fire Marshall or local authorities in the removal of fire hazards that have been declared public nuisances. The word shall as used in the statute does not allow local authorities or the State Fire Marshall discretionary uses of local ordinances or statutes of other agencies that in many instances address the problem of public nuisances in a better manner than does 50-62-107. To allow local authority and the State Fire Marshall some discretionary authority House Bill 357 changes the word shall to may. I have Fire Marshall Bob Kelly here to talk as a proponent.

PROPOSERS FOR HOUSE BILL 357

BOB KELLY, State Fire Marshall, said that Chapter 62, Title 50, MCA, describes the procedures for removal of public nuisances. When we speak of public nuisances we're talking of those buildings in a community that are vacated, dilapidated, rundown and are a serious risk to the neighboring properties. Chapter 62 describes the procedures for removal of these nuisances. However, when you get down to 62-107, that states that local authority or the State Fire Marshall shall alter, repair or demolish that building. This is in the event that the owner doesn't do anything with it after hearing procedures. This puts the responsibility on the local authorities or the state to repair or remove the building, and neither have funds to do this. There are other codes adopted by local authority and the buildings can be removed in a much better manner. It then puts the burden upon the owner to remove the public nuisances. City or county attorneys will say that since this is a state statute, doesn't it take precedence over the adopted rules? Legally, it would and this could be a problem. We would like to have this discretionary authority to either use this one or, if we get to the point and don't have the funds to remove it, then we would use the laws available to us, like changing the word "shall" to "may."

DAVE FISHER, representing the Montana Fire Chiefs Association, rose in support of HB 357.

CLEM DUAIME, Vice President At Large of the State Volunteer Firemen's Association, said he would like to put the Association on record as supporting HB 357. MR. DUAIME said he had also been asked by DAN MIZNER of the League of Cities and Towns to speak for him because the League is also in support of this bill.

ACTING CHAIRMAN VINGER asked if there were any other proponents to HB 357. As there were none, he called for opponents. There were no OPPONENTS to HB 357. REP. VINGER asked Rep. Manning to close.

REP. MANNING said I'll close House Bill 357.

QUESTIONS FROM THE COMMITTEE: There were none.

ACTING CHAIRMAN VINGER opened the hearing on House Bill 358.

HOUSE BILL 358 SPONSOR RICHARD MANNING introduced House Bill 358. He said he is carrying House Bill 358 which is an act to clarify who may authorize a public display of fireworks; amending section

50-37-107. The present wording requires a person or an organization who sponsors a supervised public display of fireworks to obtain permits from both a local authority and the State Fire Marshall. House Bill 358 would discontinue the need for this duplication of effort and would allow either a local authority or the State Fire Marshall the authority to grant permits for supervised displays of fireworks. I also have State Fire Marshall Bob Kelly to testify in favor of this bill.

PROPOSERS TO HOUSE BILL 358

BOB KELLY, STATE FIRE MARSHALL, said he'd like to add that in the matter of safety there is a part of the statute that does provide for safety.

ART KORN said he is secretary-treasurer of the Montana State Volunteer Firemen's Association and also vice president of the Butte Celebration Incorporated that puts on the 4th of July parade. We are very much in favor of this bill.

DAVE FISHER of the Montana Fire Chief's Association said we rise in support of the bill.

CLEM DUAIME, Montana State Volunteer Firemen's Association, said we support House Bill 358.

ACTING CHAIRMAN VINGER asked if there were any other proponents of House Bill 358. As there were none, he called for opponents. Seeing none, he asked Rep. Manning to close.

REP. MANNING said he'd close and open for questions.

QUESTIONS FROM COMMITTEE MEMBERS:

REP. McBRIDE asked what the original reason was for having both the State Fire Marshall and the governing body of the city approve the permits?

BOB KELLY said he thinks it was a mistake. It does state further in the bill you apply to the State Fire Marshall or local authorities.

REP. GOULD asked if there is a law covering licensing of fireworks displays?

BOB KELLY said not to his knowledge.

REP. DUSSAULT asked that with this change, is there any real need for a reference to the State Fire Marshall? Why don't we just grant the local governing bodies the authority?

BOB KELLY: That would be fine by me. The only thing is that we do have some unincorporated areas. If there is no fire department there, they usually have the sheriff grant the permit. There were no other questions.

ACTING CHAIRMAN VINGER said the hearing on House Bill 358 was now closed. We'll now hear House Bill 297.

HOUSE BILL 297 was now introduced by Sponsor MELVIN UNDERDAL. He said this is a short bill. It is more of a correction than anything else. It is a bill allowing the county governing body to contract for the services of the county superintendent of schools of another county whenever the office of county superintendent of schools is consolidated with another county office and that officeholder is not qualified to perform the duties of county superintendent. Some smaller counties consolidate their superintendent's office with another office and often they are not qualified to handle the situation. This bill will allow the county to hire a part-time superintendent from an adjoining county to perform the duties.

ACTING CHAIRMAN VINGER asked for proponents to House Bill 297.

GLENN DRAKE said he represents the Association of County Superintendents. This bill is represented as a housekeeping bill. I would refer you to section 20-3-212 of the codes. This section has to do with where a county superintendent has been disqualified because of various reasons. Mr. Drake read the qualifications from 20-3-212. What we're doing with this bill is bringing these two sections into conformity so that they read basically the same and clear up what we thought was an ambiguity in the existing law. I might also add that the change brings the statute into conformity with the Constitution. I urge that you give HB 297 a DO PASS vote.

OPPONENTS TO HOUSE BILL 297:

REP. HOLLIDAY said she wants to go on record as opposing HB 297. I can't agree with what Mr. Drake said and I can't agree as far as ambiguity. I think there was a great deal of effort in 1979 to pass the bill just as it is. I think it should be left to the discretion of the governing bodies as to what office to incorporate the superintendent of schools. I don't like the restriction of contracting services only with the county superintendent of another county. I go on record in opposition of HB 297.

QUESTIONS FROM THE COMMITTEE:

REP. SALES said he thinks he must have missed something in Mr. Drake's presentation. Couldn't you have just said "or the county superintendent of another county" or is a person with those qualifications actually not qualified?

MR. DRAKE said that is where the problem comes in. What is referred to is any person who holds a valid teacher's certificate and has not less than three years of successful teaching. However, the other section to which I referred requires that it be a county superintendent of another county who can perform those functions when you have a disqualified superintendent. If we do not make this change, you can have the circumstance where you could have a contracted service with a person holding the qualifications to perform one function in a county and then you would have to bring in a third person who would have to be the county superintendent from another county to perform the additional function. The purpose of the bill is to make everything uniform.

REP. SALES said he'd have to agree with Rep. Holliday in that event. When you talk about the superintendent being disqualified, you must bring in another county superintendent. Why can't we leave in the bill "a person with those qualifications" to carry out the normal duties and then if there is a disqualification, they could call in a county superintendent from another county.

MR. DRAKE said that Mr. Trerise, county superintendent of Lewis and Clark County, might have something to add.

RICHARD TRERISE said the matter of disqualification is a common occurrence for a couple of reasons. One is that the county superintendent numerous times is involved in advising the school district as to courses of action or being aware of circumstances before they come to hearing state, in which case there are grounds for disqualification.

REP. SALES asked "Why didn't you attack the law that speaks to disqualification rather than coming back to this bill and changing this? You're trying to take away some things that the people in the Roundup area wanted.

REP. DUSSAULT asked how many counties have consolidated the office of county superintendent?

MR. TRERISE replied three or four.

ACTING CHAIRMAN VINGER asked if there were any other questions. Seeing none, we'll let Rep. Underdal close.

SPONSOR UNDERDAL said there wouldn't be many instances where this situation might occur, and with that he'd close.

The CHAIRMAN closed the hearing on House Bill 297.

EXECUTIVE SESSION

ACTING CHAIRMAN VINGER said we'd take executive action on House Bill 227. REP. SALES moved that HOUSE BILL 227 DO PASS. I would like to repeat that in my years of experience I have never come in contact with a member of that Board who thought they were serving any worthwhile service. I do not think it is necessary that the Board of Printing continue its functions.

AMENDMENT: REP. SALES moved that we include section 2-15-1102 which repeals that section of the printing board.

QUESTION ON AMENDMENT: All in favor of the amendment say "aye." Motion carried unanimously.

The motion on the bill is DO PASS.

REP. HANNAH: I think this is an excellent bill. It is another opportunity for the members of this legislature to provide for the people of Montana to pay for things they want and to not pay for the things they don't want. I can't conceive of the State telling the printers what they can print; how much they are going to print and so on. It is another classic example of spreading the costs out through the State so that nobody knows we're all supporting every little print shop in the State. I can't believe with Rep. Sales. If these are good, reliable newspapers and the people like the newspaper, those are the people who should pay for it; not the rest of the people who don't want the paper. I'm all for the bill.

REP. SALES commented that you do have an opportunity to wipe out a whole chapter and I hope you won't pass up that opportunity.

ACTING CHAIRMAN VINGER said he wants to speak in opposition to the motion. The people in small newspapers and the printing people still want to retain this board. The cost will be something like \$1,500 a year which is very minimal. I think that is a very small amount of money to be concerned about. The board does establish limits as far as what the papers can charge. They can charge less but they can't charge more. In defense of our small county newspapers, I must oppose the motion.

REP. GOULD: Why can't the Board allow, as an example, Wolf Point to do its printing in Missoula?

REP. VINGER said he feels we lose control as far as supporting our county newspapers within the county.

REP. SALES: That is true. But it would be ridiculous to not use their hometown paper. You mention the cost as being only about \$1,500 for the Board to function. The real cost in the bill is that it puts counties into the position where they can't print their own forms. They can't do a lot of in-house work. The law actually tells them what grade of paper to use and those details and what they'll pay for it. In Missoula County they'll be saving \$10,000 to \$15,000 a year by working outside the law, etc. I want to be legally able to save money.

REP. HANNAH: This is not a necessary bill. It is not a good bill. Government should not be in the position of dictating to anybody that they can have a business and be supported because of government regulations.

REP. SWITZER: I did know at one time that these little county newspapers had to have the printing to stay in business. And now I'm not so sure because I know that the Jordan and Circle papers take their publications to Miles City to be printed and bring them back.

REP. VINGER asked if you are ready for the question, which is DO PASS by Rep. Sales. We'll take a roll call on it. ROLL CALL VOTE as follows: Those voting for DO PASS were Representatives Andreason, Azzara, Bergene, Dussault, Hannah, Sales and Waldron. Those voting "no" were Representatives Vinger, Gould, Holliday, Kitselman, Matsko, McBride and Switzer. As there were 7 for and 7 against, it was a tie vote. The Chairman said the motion fails. It was decided to hold the vote over until next Executive Session so everyone would have an opportunity to vote.

ACTING CHAIRMAN VINGER said we'd take up HOUSE BILL 357.

REP. SALES moved that HOUSE BILL 357 DO PASS. Motion was seconded and the question called for. All in favor signify by saying "aye." All voted "aye" with the exception of Rep. Switzer. Motion carried.

ACTING CHAIRMAN VINGER said we'd now consider HOUSE BILL 358.

REP. GOULD moved that HOUSE BILL 358 do pass.

REP. DUSSAULT asked if we are setting up the possibility of a situation where someone could go outside of their local government body, or is the State Fire Marshall going to always pay attention to what the governing body wants? Why are we leaving the State Fire Marshall in here and not just leaving it up to the local government?

REP. SALES said there actually are areas of the State who do not have local governing bodies. There is a strip in Gallatin and Park County of national park land where the people actually don't have the right to vote.

ACTING CHAIRMAN VINGER said the question has been called for. All in favor signify by saying "aye." Opposed: none. HOUSE BILL 358 has received a DO PASS unanimous vote.

ACTING CHAIRMAN VINGER asked if the group wanted to consider HOUSE BILL 53.

REP. SALES moved that House Bill 53 DO NOT PASS. He did say he feels the county commissioners should come from districts.

REP. HANNAH: I think that I agree. We've gone to single member districts in everything except in the county commissioner situation. Districts at large don't make sense to me. I agree with Rep. Sales that this bill doesn't solve that problem. In a large county you could easily end up where all three county commissioners were from the city or from the county which defeats the idea of having some kind of participation from those areas.

REP. SWITZER: Is the motion DO NOT PASS?

REP. VINGER: Yes.

REP. BERGENE said for her own selfish reasons she would like to have this bill held until a later executive session because she needs to talk to a few people in her county. I'd like a little more time on it.

REP. SALES withdrew his motion.

REP. GOULD said if we don't act on it today, the whole committee will be present and we'll be in an hour or longer session with this bill.

ACTING CHAIRMAN VINGER said we should give Rep. Bergene the courtesy to check it out in her district, so we'll hold action until next session.

MINUTES OF THE MEETING OF THE COMMITTEE ON
LOCAL GOVERNMENT
February 5, 1981

Page 18

ACTING CHAIRMAN VINGER asked if the committee wanted to consider House Bill 307. It was agreed to hold it until another session. The meeting adjourned at 2:10 p.m.

Warner L. Bertelsen

hm

REP. RICHARD E. MANNING
DISTRICT #35

THIS BILL IS TO CHANGE THE LAW IN REGARD TO ELECTION OF COUNTY COMMISSIONERS FROM COUNTIES OF OVER 50,000 POPULATION.

TO ALLOW CANDIDATES TO RUN FOR OFFICE FROM ANY AREA OF THE COUNTY. AT THE PRESENT TIME THE COUNTIES ARE DIVIDED INTO THREE DISTRICTS, BUT THE CANDIDATE RUNS FOR OFFICE IN THE COUNTY AT LARGE, AND MUST LIVE IN ONE OF THE THREE DISTRICTS. A COMMISSIONER IS ELECTED FROM ONE DISTRICT, TWO YEARS LATER FROM ANOTHER DISTRICT, AND TWO YEARS LATER FROM THE THIRD DISTRICT.

TO CREATE A BETTER SLATE OF CANDIDATES FOR THIS VERY IMPORTANT OFFICE, THIS BILL WOULD DO JUST THAT. THEN ANY CITIZEN, WITHIN THE COUNTY, ELIGIBLE TO RUN FOR OFFICE, COULD DO SO.

PRESENTLY CITY COMMISSIONERS RUN AT LARGE AND ARE ELECTED BY THE ENTIRE CITY. STATE SENATORS AND STATE REPRESENTATIVES RUN IN DISTRICTS AND ARE ELECTED BY THE VOTERS IN THOSE INDIVIDUAL DISTRICTS.

THIS BILL ALLOWS FOR CONFORMITY RELATING TO THE ELECTION OF COUNTY COMMISSIONERS.

BUT AGAIN, THIS BILL ONLY CONCERNS THE COUNTIES WITH OVER 50,000 POPULATION.

I SINCERELY URGE YOUR SUPPORT AND PASSAGE OF THIS BILL.

February 2, 1981

The Honorable Chairman and Members
Committee On Local Government
Room 103, Capitol Building
Helena, Montana
59620

Dear Mr. Bertelsen and Committee Members:

We, the undersigned, strongly urge your support for HB 53 which will be coming before your committee.

We feel that the present system of having candidates for County Commissioner being selected by district and then being forced to run at large in the county is unfair in counties having a large metropolitan area. More fairly in counties with large metropolitan areas, the candidates should be selected from the county at large and also elected by the county at large, therefore eliminating the necessity of having to subdivide the metropolitan area into districts and then electing the candidates at large.

Thank you very kindly for your attention to our request.

Sincerely,

Archie Swan 4415 5th Ave. So. Great Falls, MT.
Robert Lindstrom 2305 8th Ave. S. " "
Louis Fontana 200 - 13th St. No. " "
Mary Ann Buttle 2913 E. Hill St. Mt. Falls, MT.
Robert L. Batista 520 - 24th Ave. N.E. GREAT FALLS MT.
Clay E. Paul 3841 4th Ave. So. Great Falls, MT.

VISITORS' REGISTER

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FAX 212 697 1111

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[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE Committee on Education and the Labor Force COMMITTEES

DTLL 307

Date 2-3-81

SPONSOR YARALEY

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IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

2-5-81

HOUSE BILL 307

FRONT-END IMPLEMENTATION GRANTS FOR SOLID WASTE MANAGEMENT

CAPITAL EQUIPMENT

History

- * In 1977, the Montana Legislature enacted the "Solid Waste Management Act" which directed the department to provide planning grants and organizational loans to units of local government for waste management activities.
- * Organization loan funds were to be secured through use of coal tax severance funds but did not become available because of litigation on the tax.
- * The department did provide grant monies to units of local government to conduct detailed areawide planning for solid waste management.
- * To date, the following entities have jointly participated in this planning effort:
 - 23 counties
 - 230 municipalities
 - the National Park Service
 - a military installation
 - an Indian reservation
 - a large private company
- * Most of these areas have recently completed or are nearing completion of their planning efforts and are now considering implementation of their areawide plan.
- * It is at this point where the application of state financial assistance will be of most importance in implementing planned waste management systems throughout the state.
- * In addition, there are numerous existing county-wide waste management programs in the state. Many of these programs are considering making modifications to be compatible with new waste management systems such as resource recovery and recycling.
- * The department has applied for a \$400,000 grant under the Renewable Resource Development program. These monies will be passed on to local governments for the development of resource recovery and recycling programs.
- * During the next two years, there is a possibility that federal funds will become available to the state to pass on to local governments for the purposes of implementing waste management systems.
- * Provisions in the bill are required so that the department will be able to release these funds for implementation purposes on the local level.

Provisions of Bill

- * The proposed bill provides for the following provisions:
 - * make grants available to local governments for planning or front-end implementation of solid waste management systems

- * provides the terms of agreement for grants between the department and local governments and includes the following:
 - * grants cannot exceed 50% of reasonable purchase price of capital equipment
 - * local government must agree to operate and maintain a waste management system in accord with a plan that conforms to the state solid waste management plan and has been approved by the department
 - * local government must agree not to discontinue or terminate a waste management system funded under this bill without approval of the department
 - * local government must certify that grant funds will be used solely for purposes stated in the agreement
 - * local government must maintain adequate financial records.
- * The above provisions will assure that any public funds spent under this grant program will be used solely for the purposes that they were intended.

Benefits

- * Providing front-end implementation assistance will have a considerable impact upon the development of waste management systems including resource recovery facilities in Montana.
- * Benefits to be realized:
 - * The establishment of areawide waste management systems substantially reduce the amount of land required for disposal of solid wastes.
 - * Significant energy savings are realized with the replacement of numerous small disposal sites with one areawide disposal facility.
 - * There is a great potential for recovering significant energy from municipal wastes by incineration to produce steam and/or electricity.
 - * Past areawide planning has identified numerous localities in the state where the development of resource recovery facilities to recover energy is an economically attractive alternative to current practices.
 - * Numerous counties and municipalities are now at the point where they can begin implementing resource recovery systems.
 - * There is a good potential for the further development of relatively small scale recycling efforts in the state such as:
 - * the current Helena Newspaper Recycling Program
 - * community recycling centers reclaiming materials such as:
 - * aluminum cans
 - * steel cans
 - * newspapers
 - * cardboard
 - * select office paper

- * recycling centers that employ developmentally disabled persons such as are located in Kalispell and Havre
- * Front-end implementation assistance will be of considerable support for these smaller programs as well.

PROPOSED STATEMENT OF LEGISLATIVE INTENT
FOR
HOUSE BILL 307

A statement of intent is required for House Bill 307 because it delegates rulemaking authority to the Board of Health and Environmental Sciences for making grants to local governments for the purchase of solid waste management capital equipment. The bill provides the terms of agreement for grants between the department and local governments. It then provides rulemaking authority for eligibility standards and application and award procedures in making capital equipment grants.

It should be noted that Montana in the past has adopted regulatory provisions (Title 16, Chapter 14, Sub-chapter 1) which provide for the application procedures required for the issuance of planning grants and organizational loans. House Bill 397 will allow the Board of Health and Environmental Sciences to adopt additional rules establishing the procedures required for the department to issue implementation grants to local governments.

Under House Bill 307, the Board of Health and Environmental Sciences will also have the authority to revise existing administrative rules in the area of solid waste grants. These revisions will be needed to allow the department to issue implementation grants to local governments. Thus, the state will be able to pass-through implementation funds pursuant to adopted rules, as they become available, to local governments for purposes of establishing waste management systems.

HOUSE

Good Night

COMMITTEE:

LL.

Date _____

ISOR

NAME

RESIDENCE

REPRESENTING

SUPPORT

OPPOS

R. A. Ellis

1735 Halcampa Mt
Sierra Vol.

Mt. St. Val firm. Assy

Rep Richard E. MANNING

810-7th Ave N6 Q.7.

Dist # 35

Richard Fardena

3000-5 T⁴ Al₂N₃

Great Falls

W James Kimbel

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Bldg Codes
Dept of Admin

Answer question

~~Page 1203172~~

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IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HOUSE BILL NO. 357

Representative Richard E. Manning

A Bill for an Act Entitled: " An Act to Clarify the State Fire Marshal Authority Concerning the Alteration, Repair, or Demolition of Buildings Declared to Be a Public Nuisance; Amending Section 50-62-107 MCA."

50-62-107 MCA describes the procedures to be followed by the State Fire Marshal or local authorities in the removal of fire hazards that have been declared public nuisances. The word shall as used in the statute does not allow local authorities or the State Fire Marshal discretionary uses of local ordinances or statutes of other state agencies that in many instances addresses the problem of public nuisances in a better manner than does 50-62-107 MCA. To allow local authority and the State Fire Marshal some discretionary authority House Bill 357 changes the word shall to may.

WITNESS STATEMENT

Name ART KOEN Date 1-11-71
Address 1916 S. WASH. BLVD Support ? ✓
Representing NAT. STAFF (COUNCIL) FIREMEN'S ASSN. Oppose ? _____
Which Bill ? H.R. 107 - 201 Amend ? _____
Comments:

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name L. J. Miller Date 2/15/61
Address 1215 S Washington St Dallas, Texas Support ? 1
Representing Department of Education Oppose ?
Which Bill ? H.R. 357 - H.R. 358 Amend ?

Comments: The child is in need of support, both father

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name _____ Date _____

Address _____ Support ? _____

Representing _____ Oppose ? _____

Which Bill ? _____ Amend ? _____

Comments:

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name _____ Date _____
Address _____ Support ? _____
Representing _____ Oppose ? _____
Which Bill ? _____ Amend ? _____
Comments:

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name R. R. Ellis Date 1/5/81
Address 1735 Sierra rd ~~St~~ Helena ^{At} Support ? ☒
Representing At. St. Vol Fireman's Assn Oppose ? ☐
Which Bill ? HB 357 & HB 358 Amend ? ☐
Comments:

Please leave prepared statement with the committee secretary.

HOUSE BILL NO. 358

Representative Richard E. Manning

A Bill For An Act Entitled: "An Act To Clarify Who May
Authorize a Public Display of Fireworks; Amending Section
50-37-107, MCA."

The present wording of 50-37-107 MCA requires a person or
an organization who sponsors a supervised public display
of fireworks to obtain permits from both local authority and
the State Fire Marshal. House Bill 358 would discontinue the
need for this duplication of effort and would allow either
local authority or the State Fire Marshal the authority to
grant permits for supervised displays of fireworks.

STANDING COMMITTEE REPORT

February 10 1931

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 53

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT COUNTY COMMISSIONERS IN COUNTIES HAVING A POPULATION OF 50,000 OR MORE BE NOMINATED AND ELECTED AT LARGE RATHER THAN BY DISTRICT; AMENDING SECTIONS 7-4-2102, 7-4-2103, AND 7-4-2104, MCA."

Respectfully report as follows: That HOUSE BILL Bill No. 53

DO NOT PASS
DO PASS

STANDING COMMITTEE REPORT

February 10, 1981

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 297

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE COUNTY GOVERNING BODY SHALL CONTRACT FOR THE SERVICES OF THE COUNTY SUPERINTENDENT OF SCHOOLS OF ANOTHER COUNTY WHENEVER THE OFFICE OF COUNTY SUPERINTENDENT OF SCHOOLS IS CONSOLIDATED WITH ANOTHER COUNTY OFFICE AND THAT OFFICEHOLDER IS NOT QUALIFIED TO PERFORM THE DUTIES OF COUNTY SUPERINTENDENT; AMENDING SECTION 20-3-201, MCA."

Respectfully report as follows: That HOUSE Bill No. 297

DO NOT PASS

~~DO PASS~~

STANDING COMMITTEE REPORT

February 12, 1911

MR. SPRINGER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 327

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR GRANTS OF
FRONT-END IMPLEMENTATION FUNDS FOR SOLID WASTE MANAGEMENT
CAPITAL EQUIPMENT; AMENDING SECTIONS 75-10-103, 75-10-105,
AND 75-10-106, MCA."

Respectfully report as follows: That HOUSE Bill No. 327

DO NOT PASS
DO PASS

STANDING COMMITTEE REPORT

February 21, 1961

MR. CHAIRMAN

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 307

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR GRANTS OF FRONT-END IMPLEMENTATION FUNDS FOR SOLID WASTE MANAGEMENT CAPITAL EQUIPMENT, AMENDING SECTIONS 75-10-103, 75-10-105, AND 75-10-106, MCA."

Respectfully report as follows: That HOUSE Bill No. 307

DO PASS

with statement of intent attached

Local Government Commission

HB 397

STATEMENT OF INTENT

A statement of intent is required for House Bill 397 because it delegates rulemaking authority to the Board of Health and Environmental Sciences for making grants to local governments for the purchase of solid waste management capital equipment. The bill provides the terms of agreement for grants between the department and local governments. It then provides rulemaking authority for eligibility standards and application and award procedures in making capital equipment grants.

It should be noted that Montana in the past has adopted regulatory provisions (Title 16, Chapter 14, Sub-chapter 1) which provide for the application procedures required for the issuance of planning grants and organizational loans. House Bill 397 will allow the Board of Health and Environmental Sciences to adopt additional rules establishing the procedures required for the department to issue implementation grants to local governments.

Under House Bill 397, the Board of Health and Environmental Sciences will also have the authority to revise existing administrative rules in the area of solid waste grants. These revisions will be needed to allow the department to issue implementation grants to local governments. Thus, the state will be able to pass-through implementation funds pursuant to adopted rules, as they become available, to local governments for purposes of establishing waste management systems.

STANDING COMMITTEE REPORT

February 7 1913

MR. MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 352

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE A MUNICIPALITY TO ASSUME ADMINISTRATIVE AND FINANCIAL RESPONSIBILITY FOR SERVICES PERFORMED BY A COUNTY IN WHICH THE MUNICIPALITY IS LOCATED AND PROHIBITING A COUNTY FROM PROVIDING THE SERVICE WITHIN THE CORPORATE LIMITS OF A MUNICIPALITY ASSUMING A COUNTY SERVICE."

Respectfully report as follows: That HOUSE Bill No. 352

DO PASS

DO NOT PASS

STANDING COMMITTEE REPORT

February 7, 1932

MR. SPLAHER

LOCAL GOVERNMENT

We, your committee on

having had under consideration HOUSE Bill No. 357

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE STATE
FIRE MARSHAL'S AUTHORITY CONCERNING THE ALTERATION, REPAIR,
OR DEMOLITION OF BUILDINGS DECLARED TO BE A PUBLIC NUISANCE;
AMENDING SECTION 50-61-197, MCA."

Respectfully report as follows: That HOUSE Bill No. 357

DO PASS

STANDING COMMITTEE REPORT

February 7 19 51

MR. SPENCER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 358

A BILL FOR AN ACT ENTITLED: AN ACT TO CLARIFY WHO MAY
AUTHORIZE A PUBLIC DISPLAY OF FIREWORKS; AMENDING SECTION
50-37-107, MCA.

Respectfully report as follows: That HOUSE Bill No. 358

DO PASS