

MINUTES OF THE MEETING  
LOCAL GOVERNMENT COMMITTEE  
MONTANA STATE  
HOUSE OF REPRESENTATIVES

February 9, 1985

The meeting of the Local Government Committee was called to order by Chairman Paula Darko on February 9, 1985 at 1:40 p.m. in Room 312-2 of the State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL NO. 683: Rep. Mary Ellen Connelly of District #8, appeared before the committee as sponsor of this bill. She stated this bill is quite simple. All that it will do is to create a governing board to enact ordinances for the enforcement of county park board rules; to allow the county governing body to authorize a county park board to employ a county park warden, and it provides that such a warden may be a peace officer.

There were no proponents nor opponents present.

DISCUSSION OF HOUSE BILL NO. 683: Rep. Wallin wanted to know who has the authority to make arrests, as the enforcing officer may be a peace officer, but if he is not, will he be able to make arrests? He was answered yes as they are under the same authority as the peace officers, but only in a city, county or state park.

There being no further discussion, HB 683 was closed.

CONSIDERATION OF HOUSE BILL NO. 624: Rep. Cohen of District #3, sponsor of HB 624, presented it to the committee. This bill removes restrictions against annexation of wholly surrounded property of certain land used for transportation, industrial, or manufacturing purposes. It also provides that land used for transportation purposes is considered wholly surrounded if it is at least 50 percent contiguous with a city boundary. He told of a case in Whitefish where a certain railroad property is outside the city limits. The railroad has a depot and part of a railroad house. It is impossible to reach access to the railroad without going through the city. The railroad has the use of city sewage; the yard is weed and rodent infested, and the city has no control over this property. He also told the committee that the city of Missoula was not able to attend because of the weather, but Mike Young had called and said they strongly support this bill.

Rep. Pistoria said he didn't know if this bill as proposed shouldn't be in Taxation. Chairman Darko told him that it has to do with annexation, and most of them to go Local Government.

PROPOSERS: Jack Arnold, city manager of Whitefish, stated that Whitefish is a tourist community, and many years ago the Legislature saw fit to put a railroad in the middle of town. They had a fire which the city had to pay for to put out. When industrial property is involved, they receive assistance at the expense of the people of the city. The people of Missoula think it is a matter of equity, and there is no excuse for a person to receive assistance and not pay for it.

John Garrity, representing the Whitefish city council, said he agreed with the statements Mr. Arnold had made. Last summer they had a fire and city crews pumped a lot of water to put that fire out. Burlington Northern did not pay for the extra water that was pumped on the fire.

Bob Brown said he agrees with the other persons who have spoken for the bill. The point is that Burlington Northern uses the services of the city but does not contribute to the tax base and does not help to pay for it. There is no other business that does this. He hoped the committee would support HB 624.

Alec Hansen of the Montana League of Cities and Towns, said Montana probably has the most restrictive annexation laws in the country. Most states provide legislation to include industrial properties to county laws. This law has been on the books for many years. In order to have an orderly system, and operate on the theory that people pay for what they use, this bill must be passed.

Attached is written testimony from Dave Wilcox, Administrative Assistant to the Mayor of Missoula, in support of HB 624. This is attached as exhibit 1.

OPPOSERS: Ben Havdahl of the Montana Motor Carriers of Helena, stated they are here in strong opposition to this bill. It seems that Whitefish is taking a selfish look at this bill. Most of the motor carriers are located outside of a city. The burden for costs faces all their members and has grown to acute levels. These costs are in the form of increased taxes, fuel taxes, property taxes and truck taxes. Cargo rates have added to the trucking industry in the state. This bill should be killed or amended somewhat.

John Delano, Montana Railroad Association, felt that they should pay for any services that the railroad gets. If the town of Whitefish has problems, they should have recorded the complaints with them, but they have not seen any. He suggested they sit down and work out these problems together. Mr. Delano said one person had stated they do not pay their way. They have 450 employees and they do pay their way.

Jerry Whetham, representing Burlington Railroad, from White-

fish, stated that regarding the fire on the Whitefish bridge, they also had planes dump water from the air, and he was also on the fire lines. Burlington Northern paid for food from a restaurant for the people who worked on the fire line. Regarding the lagoons in Whitefish, there are three lagoons and they are tested every week and sent in to the environmentalists and adjustments have to be paid and then it goes in for treatment. They pay \$2,000 per year for fire contracts, and they do pay for the sewer in Whitefish, and the city does not pick up their garbage. They also have their own water facilities and it is tested through state laws.

James Loftus, president of the Montana Fire Association, said he would like to rise in opposition, and he represents several fire districts in Montana. He urged the committee to adopt a DO NOT PASS resolution to HB 624.

Bill Kirkpatrick, representing Champion International of Missoula, stated that Rep. Brown had brought out the point and it was requested for the committee that considered it that it would give the right to municipalities to destroy new legislation through the zoning procedures.

In closing, Rep. Cohen said that first he would like to hit upon some of the points of the opposition. We are only asking for cities to have the right to annex. We are not asking to have the right for property wholly surrounded by the city. He spoke to the issues brought up by the opposition, and ended up by saying this bill will give the cities the right to annex property wholly surrounded by the city.

DISCUSSION OF HOUSE BILL NO. 624: Rep. Brown asked for someone to explain the way this bill relates to SB 248, as the 4R act says that railroad property can't be taxed at a different rate than a similar property. The 4R is addressed in SB 248 and also in HB 240 and 250, and he does not see any connection to this bill. Alec Hansen said that Montana is one of the few states that provides this exemption. Rep. Brown then asked how about the restriction on wholly surrounded property, and Mr. Hansen said the 4R act does not affect this situation. Rep. Brown then addressed Mr. Berry of the Montana Railroad Association and said he is not a tax expert, but he has been following SB 248. The system is that railroads have to be taxed in certain categories. It has to be balanced so that one industry is not taxed more than another industry.

Rep. Kadas asked Leo Berry who he is working for, and Mr. Berry replied that he is working for the Railroad Association. Rep. Kadas then addressed John Delano and said that when a transportation facility is in a community wholly surrounded, and using that community's roads, he does not see why they should be excluded. Mr. Delano replied he agrees that they should pay their way. However, in most communities, the town build around the the railroad, the railroad came first. He

further stated he believed they pointed out that they are paying for their own services. Rep. Kadas then asked him how they are paying for the roads, and Mr. Delano replied the members pay it through their taxes, and they pay before Burlington Northern gives them a paycheck. Rep. Kadas replied he could see they were not going to get anywhere.

Rep. Pistoria asked the city manager from Whitefish what would happen to Whitefish if Burlington Northern was to lay off all their employees, and the answer was that it would shut down.

Rep. Pistoria then asked Mr. Delano about the language in the bill that was deleted on line 18, and if there is anything significant about the word "transportation" that is pertinent to the existence of establishment of the city of Whitefish. Mr. Delano said he does not follow the line of questioning, but the city of Whitefish is mainly made up of the employees of Burlington Northern.

Rep. Switzer asked why eliminating the language exempting transportation would be important to the bill, and Mr. Delano replied that transportation is being deleted because of the Burlington Northern existence in Whitefish. However, he said he still thinks they should sit down and talk about the problem instead of making it a state law. Rep. Switzer then asked if transportation is the principal existence of Whitefish, and Mr. Delano answered that he thought that is why Whitefish started.

Rep. Hansen asked Rep. Cohen if Whitefish was started because Burlington Northern was there. Rep. Cohen replied he has lived there for 15 years and it is his understanding that it began as a logging and railroad town.

CONSIDERATION OF HOUSE BILL NO. 614: Chairman Darko reminded the people who were going to testify to please be brief. Rep. Brown of District #72 presented HB 614 to the committee, as sponsor of the bill. He said this is a housekeeping bill. The people who would testify today had promised not to come back for four years and now four years are up. He said there are a number of people who may not testify but who wanted their names on record.

PROPOSERS: John Scully of the Sheriff and Peace Officers Department, said the pay issue has always troubled the Legislative Assembly for different reasons at different times. It is not a fair view of the task of local governments to have appraised values. Population has more affect on the demands on local government than appraised values. Local government officials are now working without salary increases. He said he knows this isn't an easy task and that the committee does not enjoy it; however, there has not been a cost of living increase for these government officials for four years

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and they are entitled to pay increases like everyone else. He also stated they have been asked if they would delay for four more years and he supposed they would.

John Onstad, Sheriff of Gallatin County, stated this is a very simple situation. Four years ago they promised they would not return for salary increases. However, now they need a raise. He stated this is a good bill and hoped for the committee's consideration.

Jay Printz, representing the Ravalli County Sheriff's Department, Hamilton, stated he supports HB 614. It has been a long time since they have had a pay increase. In order to keep good law makers working, it is important to increase their wages.

Merlin Ehlers, Madison County Sheriff's Department, Pony, said he is not going to stand here and say every lawmaker is as good as everyone else. However, they are not asking for a lot. He asked support of the bill.

Rick Later, Beaverhead County Sheriff, Dillon, stated his support.

Jim DuPont, Flathead County Sheriff, stated he would like the committee's support of this bill.

Sergeant Ken Anderson, Cascade County Sheriff, Great Falls, stated that on behalf of the Cascade County Sheriff's Department, they fully support HB 614.

Charles Comp, Meagher County Sheriff, appeared in support of the bill.

Paul Williams, Sheriff of Choteau County, asked support as patrolmen are making more money than his men.

Stan Fullerton, Missoula County Detective, urged support for professionalism.

Mike Stephen of the Clerk and Records of Helena, said they have been involved in this salary situation for the last six years. From time to time it needs to be updated for increasing salaries. He said they do not necessarily agree with the base figures in the bill, but they do support the bill.

Richard Trerise, Montana Association of County Superintendents of Schools, testified he would like to go on record as supporting this bill. He is the fifth highest paid county superintendent in the state of Montana; however, on his salary, his daughter is eligible for a reduced hot lunch cost, and even with a raise in the bill, she would still be eligible.

Pete Clarkson, Ravalli County Sheriff's Department, Hamilton,

urged support of the bill.

Bill Cummins, Deputy Sheriff of Yellowstone County, also urged support of the bill.

Mike O'Hara, Missoula County Sheriff's Department, said Missoula and he support HB 614.

Carl Smith, Undersheriff of Gallatin County, urged the committee's support of HB 614.

Donald Ertman, Lewis and Clark County Sheriff's Department, urged support of the bill.

John Poundstone, Clerk of District Court of Beaverhead County, said he would appreciate the opportunity for passage of this bill.

Dirk Andersen, Deputy Sheriff of Lewis and Clark County, said he would also appreciate the committee's support.

Douglas Todd, Deputy Sheriff of Lewis and Clark County, stated he is in support of this bill and asked for a DO PASS.

Don Jackson, Deputy Sheriff of Lewis and Clark County, said he is here in support of the bill and asked for the recommendation of DO PASS.

Glenn Ludler, Jr., Deputy of Lewis and Clark County, asked for support.

David Kauffman, Flathead County Sheriff's Department, stated a professional job demands a professional wage.

Mike Rand, Secretary/Treasurer of the Sheriff's Association of Gallatin County, Mike McFerrin, Deputy Sheriff of Lewis and Clark County, Ken Doney, Fergus County Sheriff, Charles Girvin, Sheriff of Fergus County, Ronald Rowton, Deputy Sheriff of Fergus County, and Garry Vermeland, Meagher County Sheriff all spoke in support of HB 614.

Rep. Bob Gilbert stated that on behalf of the local people, he rises in support of this bill. He presented written testimony as exhibit 1.

OPPONENTS: Gordon Morris, representing the Montana Association of Counties, said he is not a deputy sheriff. MACo has not directed him to take a position on this bill, and he stands not as an opponent. This needs an effective date of July 1, 1984 to make it sound. There is a fiscal note available.

In closing, Rep. Brown told the committee they have seen ample evidence for the need of this bill. There is a fiscal

note, but he did not feel this fiscal note should dominate the committee's way of voting. He urged adoption of this bill, as we are constantly passing new laws.

DISCUSSION OF HOUSE BILL NO. 614: Rep. Poff asked Rep. Brown how the assessor's salary compares with the local officials. Rep. Brown said he was not sure he could answer this one. Mr. Scully said there was a query made by one of the representatives if they would be willing to go on the state pay plan. The assessor's pay is below the state pay plan. They are under the department of revenue.

Rep. Sales asked Sheriff Onstad how long he had been sheriff of Gallatin county, and he answered ten years. He was asked what his salary is now, and it is \$23,000 per year. Rep. Sales then asked him what it was ten years ago, and Sheriff Onstad said he didn't remember. Rep. Sales asked how much his salary increased in the last year and the answer was 2.3%.

Rep. Sands asked Mr. Scully how the inflation indexing works. Mr. Scully said it is attracting economy as to what it is across the county. Rep. Sands stated that the fiscal note sets the percentage of increases in salary at 4.3% in 1986 and 5.4% in 1987. Mr. Scully said he could only assume they have included longevity in it. Rep. Sands then asked what the longevity plan is, to which he was answered 1% per year. There is a bill dealing with longevity plan.

Rep. Kadas asked John Scully if the CPI increase is figures on the base, and his answer was the inflation increases apply to everything increasing rent and lease prices and does continue to accumulate. Rep. Kadas then asked if the affect is to raise the base. Mr. Scully answered that the affect is not to raise the base, but it is trying to keep up with what \$5 bought a year ago.

Rep. Wallin stated that the impact to the state is quite a bit. Rep. Brown said there are a number of county officials getting their money from the state.

Gregg Groepper, Department of Revenue, was unable to be present to testify. However, he presented written testimony as exhibit 2.

Being no further discussion, HB 614 was closed.

CONSIDERATION OF HOUSE BILL NO. 457: Rep. Nathe of District #19, sponsored this bill, which is explained by the title: AN ACT PROVIDING THAT AN UNDERSHERIFF WHO WAS PREVIOUSLY A DEPUTY MUST RETURN TO OTHER DUTIES IN THE SHERIFF'S DEPARTMENT UPON HIS REPLACEMENT BY ANOTHER AS UNDERSHERIFF. What this amounts to is that in all counties where a sheriff is elected, he must appoint an undersheriff.

PROPOSERS: John Scully, representing the Sheriff and Peace Officers Association, stated the problem is simple. If a deputy sheriff is growing professionally and has more confidence than when the sheriff was elected four years previously, when the deputy sheriff is removed he may be able to be returned to his previous job so that they do not lose him.

John Onstad, also representing the Sheriff and Peace Officers Association, said he is facing this problem this year in Gallatin county. Passing this bill gives him the opportunity to appoint the best person for this job.

Gordon Morris, Montana Association of Counties, said he would like the committee's consideration of the bill, with one slight amendment. On line 15 it refers to counties of the seventh and eighth classes. There are no eighth classes in Montana.

There were no opponents to HB 457.

DISCUSSION OF HOUSE BILL NO. 457: Rep. Sands asked the Gallatin county sheriff if the undersheriff receives more money than the deputy sheriff, would he go back to the level he had before if he goes to a deputy sheriff, and the answer was yes.

Rep. Nathe closed by saying that it would be okay with him if this were added to the bill. Being no further discussion, HB 457 was closed.

CONSIDERATION OF HOUSE BILL NO. 505: Rep. Nathen, sponsor of HB 505, appeared before the committee to present it. This bill is to correct a problem that was caused by an inversion of words. On line 14, there are no second and third class towns, only cities.

PROPOSERS: Alec Hansen, League of Cities and Towns, said this is the simplest annexation bill this committee has had. It moves "towns" six spaces to the left. We are not trying to change the process, but are only trying to clarify so that towns are identified separately.

Gary Spaeth, representative from House District #84, said he is a proponent, and in his other capacity he is an attorney, and felt the only thing to do is to adopt this bill.

There were no opponents present to HB 505.

There being no further discussion from the committee, Rep. Nathe closed his presentation.

CONSIDERATION OF HOUSE BILL NO. 255: Gary Spaeth of District #84, appeared before the committee as sponsor of HB 255. He said this bill is introduced at the request of the Welfare Administration of Carbon county. In Carbon county, if a person uses his own vehicle for county business, it has



caused some problems as it is a large county. They easily go over the 1,000 miles per month. In checking with the AAA it costs 30 cents per mile, so this is not unreasonable. One of the problems he found when he introduced the bill is whether or not to include all the employees of the state of Montana. They drafted it as nearly as possible for counties.

PROPOSERS: There were no proponents present.

OPPOSERS: Ron Brown of the Department of Rehabilitation Service, stated they feel the bill discriminates as it only affects 15 employees out of 600 employed in the county. They are facing a morale problem because it only affects those counties that are not state assumed. Their position is that if they are going to remove this restriction it should be in total, not for just a few employees.

In closing, Rep. Spaeth said he was in a quandary when he introduced this bill. In looking at the bill, he wants to make it as narrow as possible because of the costs involved. He is trying to take care of a small group of people in welfare, as well as his own people. He does not feel this bill would be easy to amend to take care of all problems as it is so narrow.

DISCUSSION OF HOUSE BILL NO. 255: Rep. Wallin asked Rep. Spaeth if everyone were included, what would the fiscal impact be. Not every county has county vehicles. Rep. Spaeth replied the SRS would be able to answer this. Mr. Brown said he had no idea statewide what the cost would be. In his own county the cost is \$3,300. It has been questioned whether it is state or county employees. They are on the state payroll and they follow all rules of the state. The county must reimburse the state for salaries.

Rep. Wallin then asked when was the last time mileage was increased, and the answer was he could not remember, but the \$.175 per mile was established in the 1978 session. Rep. Wallin said he was one of the guilty ones who raised the price of cars.

Rep. Brown asked Mr. Brown of the SRS if all state employees receive reimbursement when they use their own cars. Mr. Brown replied yes, but when there is a car pool they receive 3 cents less. Rep. Brown then said that it seemed to him this bill is only fair because state employees are going to get reimbursed if they are going to use their own car. All this bill does is to allow people to do it at state and county level. Mr. Brown said in his county they do the same thing but they are assumed by the state.

Rep. Switzer addressed Mr. Brown regarding the fact that he had mentioned employee morale, and asked if it was anticipated that if everyone does not receive increases in mileage, would

there be a transfer of employees. Mr. Brown answered that he would hate to speak for those employees but he didn't believe there would be mass resignations.

Rep. Sands asked Rep. Spaeth if he sees any problem with delegation since it is being left to the government. Rep. Spaeth replied no, that the mileage fluctuates and it is what was adopted.

Rep. Sales then asked Rep. Spaeth if this bill is passed, would the public welfare workers in the courthouse get 3 cents more for the miles travelled over 1,000 miles per month, and everyone else get 17 cents per 1,000 miles? Rep. Spaeth replied yes, but as far as the counties he knows of, there is no one else in the courthouse who travels anywhere near that many miles.

CONSIDERATION OF HOUSE BILL NO. 328: Rep. Hannah, District #86, appeared before the committee as sponsor of this bill, which has been introduced at the request of the Montana County Treasurers Association. This is to require single banks in the counties to submit a bid if it wishes to participate in the investment of local funds. He submitted written testimony from Charles Graveley, an attorney representing the County Treasurers Association, which is attached as exhibit 1. Rep. Hannah suggested amendments on page 4, lines 1 and 2.

There were no proponents nor opponents present.

DISCUSSION OF HOUSE BILL NO. 328: Rep. Switzer asked Rep. Hannah if it would be to the county's advantage if the local bank would have to pay 10%. Rep. Hannah replied that the main argument is if the funds from local banks should be kept at home.

Rep. Gilbert addressed Rep. Hannah and said they are talking local funds and he wanted to know how many county seats do not have local banks. Rep. Hannah replied he did not know.

Rep. Pistoria asked Gordon Morris why MACo was not representing this bill. Mr. Morris replied they don't officially have a position on the bill; however, they do support it.

Being no further discussion, HB 328 closed.

CONSIDERATION OF HOUSE BILL NO. 465: Rep. Stella Jean Hansen of District #57, Missoula, sponsor of this bill, presented it to the committee. She passed out amendments and a Statement of Intent, and asked the committee to disregard the amendments from Missoula and consider the ones she presented. The amendments from Missoula and a letter from the Missoula County Board of County Commissioners is attached as exhibit 1. She further stated this is a county bill that is really necessary,

as it gives the health department authority to require owners and operators of solid waste systems to submit information on the location and contents of solid waste sites to counties to maintain as part of their permanent land records.

PROPOSERS: Jim Carlson, representing the Missoula County Health Department, stated at the present time there is no way for people to know how a piece of property was used. He passed out two photographs of land fills in Missoula that were licensed, but the state department has no record of these land fills (exhibit 2), or what is on them. He feels it is a good idea that this be recommended for future uses of the property or adjacent property.

George Ochenski of the Environmental Information Center, gave written testimony in support of HB 465 (exhibit 3).

Jim Leiter, Montana Department of Health and Environmental Sciences, stated that with the amendments Rep. Hansen has added to the bill, the department supports it.

Terry England of the Montana Public Interest Research Group, stated they support this bill and urged a Do Pass.

Ben Cohen, State Representative from Whitefish, said he is speaking for himself as he believes this is a good bill and a start in the right direction. Solid waste has no way of knowing what the site was used for previously. If better records are kept, the people would know what was going on.

OPPOSERS: There were no opposers to HB 465.

In closing, Rep. Hansen stated that in the amendment that was passed around, they also amended the title, only because it was confusing to some people. The amendments are self explanatory.

DISCUSSION OF HOUSE BILL NO. 465: Rep. Pistoria asked Mr. Leiter if this would help in the problem with Great Falls on burning, and Mr. Leiter answered he thinks it would help in the future for the land around it.

Rep. Sands asked if this would require owners and operators of management systems as to what was deposited in the past years, and he was answered that this is to clarify Section 5. Any licensed current sites at the time of closure would have to put in their historical information about what was put in the sites, and it would allow county health departments to record what is on the sites.

Rep. Brandewie asked how specific the information required on the type of materials would have to be. He was answered that it would have to be very general, with very little record keeping, such as municipal garbage.

There being no further discussion, HB 465 was closed.

The committee then went into executive session for action on bills, after a short break.

Chairman Darko told the committee if we get any more bills prior to February 13, they will have to be scheduled before the 16th. However, we are pretty much caught up with executive action because next week there would not be time to do it. She said she is hoping we will get fewer and fewer bills so that we will have the last week to take care of them.

DISPOSITION OF HOUSE BILL NO. 505: Rep. Nathe stated Lee Heiman, Committee Counsel, has a technical amendment for Line 17.

Rep. Wallin moved that HB 505 DO PASS, and this was seconded by Rep. Brandewie. Rep. Brandewie moved the technical amendment, seconded by Rep. Kadas. Question being called for, motion CARRIED. Rep. Sales questioned whether "municipalities" on Line 12 shouldn't be "cities".

Rep. Wallin then moved that HB 505 DO PASS AS AMENDED, seconded by Rep. Sands. Question being called for, Rep. Wallin's motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 614: Rep. Brandewie moved HB 614 DO PASS, and this was seconded by Rep. Fritz.

Rep. Pistoria suggested that before saying Do Pass or Do Not Pass, maybe there is a problem with the raise, and that it might be worth looking into having a less raise. Chairman Darko suggested taking a vote on the Do Pass motion. Rep. Switzer said it would be creating a financial burden for someone else, and Rep. Fritz said there is a fiscal note.

Rep. Gilbert commented that everyone is concerned about the fiscal impact of this bill. During the four years' time other county employees who are not elected officials have not received raises, and he did not feel that an individual who has all the responsibilities of the county should be paid the lowest wages.

Chairman Darko said she had been talking to some of her people at home. Good people are getting out because they are getting more money somewhere else, and she felt you get what you pay for.

Rep. Kadas moved to amend to lower the dollar amount, and this was seconded by Rep. Sales.

Rep. Pistoria said this is ridiculous that we have elected people who have all the responsibilities and make less money.

Rep. Hansen stated she would like to speak against the amendment, as it is hard for her to give a cost of living raise. She said she would go with the \$17,000 and \$15,000 amounts, but didn't think it is enough.

Rep. Switzer said two of the counties that he represents have recall petitions going against the sheriff and others. If he came up here and gave them a raise, he would get shot.

Rep. Sands said he was going to speak in favor of the motion as it represents financial reality in the state. These people have already received cost of living expenses.

Question was called on the amendment, and motion FAILED, with 5 members voting yes, and the rest opposed.

Rep. Brown then moved July 1 as effective date, and this was seconded by Rep. Brandewie. Question being called for, motion PASSED.

Rep. Brown then made a motion to DO PASS AS AMENDED HB 614, and this was seconded by Rep. Brandewie. Rep. Sales said he can't see putting a load like this on local government at a time like this. When talking about someone raising wages for someone else in the county it is not for this committee to sit here and say we can afford it. We increased salaries of all local elected officials. We gave them good increases and they deserved them and had them coming. We also agreed on cost of living raises because of inflation.

Rep. Brown stated that in every case the sheriff works for less than the other people. If we end up with a zero increase, most of them work for less than others are making. That is the main point of this whole discussion. There are several bills that are going to come through the Legislature to help increase funds coming through local government. The Association of Counties was negative and Rep. Brown does not blame them. It is up to us to see that the people working in those jobs are paid well enough for what they do, and it is important to find ways to pay these wages.

Rep. Gilbert said the deputy sheriffs in his county are allowed overtime hours which the sheriff does not get. The sheriff is not getting paid fairly. People on welfare are getting money but the people who are doing work are not getting the money they deserve.

Rep. Sands said if there is a problem with the sheriff department, we should deal with it, but this bill is going to deal with all departments. Rep. Sands didn't feel that raising salaries for every elected official is going to take care of the problem.

Rep. Switzer said that on page 2 of the bill which talks about

the county superintendent of schools, their wages were just raised a couple of days ago.

Rep. Brandewie said that the only raises are for a few who have a master's degree, and it was to encourage those who have master's degrees.

Rep. Pistoria wanted to know if with this bill, would they get another raise, and Chairman Darko told him only if they have a master's degree would they get a raise.

Question being called for, Rep. Brown's motion of DO PASS AS AMENDED HB 614 was voted on, and CARRIED on an 8 to 6 Roll Call Vote.

DISPOSITION OF HOUSE BILL NO. 683: Rep. Brandewie made the motion of DO NOT PASS, and this was seconded by Rep. Gilbert.

Rep. Brown asked why. Rep. Brandewie said if the county wants to they can appoint a deputy. Rep. Brown asked why they can't take care of it in Whitefish. Rep. Fritz said the park warden doesn't have to be a peace officer. Rep. Brandewie said that Flathead County is bigger than any other in the state. What is one park warden going to do? Every county is concerned about vandalism in the parks.

Rep. Sales then made a substitute motion of DO PASS HB 683, and this was seconded by Rep. Fritz.

Rep. Sales said this is strictly optional by local government. If people think this is what they need, it is optional. Rep. Switzer agreed with Rep. Sales, but he thinks the opposite way on the bill. It is cluttering up paperwork, and he said just kill the bill.

Rep. Brandewie stated the county may appoint someone who is not a deputy sheriff, which raises more questions. This statute gives them all the authority to bear arms and to go to the academy for training. If they go through that, they may as well be a deputy sheriff. Therefore, he did not see any need for this legislation.

Rep. Kadas said he thinks Rep. Brandewie's point is a reasonable idea. You might as well let the warden who is traveling the park do it.

Rep. Wallin said his concern is that if he is not a peace officer, he has no authority and he can't arrest someone, or carry a gun. If this guy is just cruising, he can't really do anything.

Rep. Kitselman stated this brings up the insurance liability, when you have someone who is not qualified to do this.

Rep. Sands said it expands the authority of the county commissioners to pass criminal laws, and this is quite a broad expansion of authority.

Rep. Sales' motion of DO PASS HB 683 was voted on, with five in favor, and 9 opposed. Motion FAILED to get a recommendation from the committee, so HB 683 was reported out of the committee with a DO NOT PASS.

DISPOSITION OF HOUSE BILL NO. 457: Rep. Kadas moved DO PASS HB 457, and this was seconded by Rep. Brown. Rep. Sands moved to amend, and this was seconded by Rep. Sales. Lee Heiman explained the amendment. Motion to amend CARRIED with Rep. Switzer voting no.

Rep. Brown moved that HB 457 DO PASS AS AMENDED, and this was seconded by Rep. Fritz. Question being called for, motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 328: Rep. Brown moved to DO PASS, and this was seconded by Rep. Kadas. Rep. Kitselman moved to amend page 4, line 2, and said Lee Heiman has the amendments, which he explained. Rep. Gilbert seconded the motion to amend.

Rep. Hansen moved to DO PASS AS AMENDED HB 328, seconded by Rep. Sands. Motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 465: Rep. Hansen moved to DO PASS and this was seconded by Rep. Brown. Rep. Kadas moved to DO PASS the amendment and Statement of Intent, seconded by Rep. Brown.

Rep. Hansen explained the Statement of Intent.

Rep. Sales asked who is going to come out from the county to say what a person dumps on his property. Rep. Hansen responded by saying she didn't think anyone would do that, but only to look for what you might have on the land. If the owner wants to bury waste, he should go to the county to tell them.

Rep. Brown asked Rep. Hansen what the definition of solid waste disposal sites is, and are old pieces of farm machines included. Rep. Hansen replied from the codes that disposal means anything deposited under ground, not into a river. Rep. Brown asked if it said covered, and Rep. Hansen replied "any solid waste into or onto the land". Rep. Hansen said the real intent of the bill from the point of the county commissioners and the sanitation department is to just keep track of the site. She did say she has a little trouble with the title and that is the reason for the intent.

The motion to amend and Statement of Intent CARRIED, with Rep. Switzer, Rep. Sales, Rep. Poff and Rep. Brandewie vot-

ing against it.

Rep. Brown then asked if the new subsection 6 is what was in 5 (b), and Rep. Hansen replied yes, and that it was reworded thinking it would be clarified. Rep. Brandewie said that subsection 6 is what worried him. Rep. Kadas suggested inserting "public" following "permanent" on subsection 6, bottom line, and Rep. Switzer felt that helped it quite a lot. It looked to him like a county problem, and the county could handle it, and he did not feel a statewide law was needed.

Rep. Fritz moved that HB 465 DO PASS AS AMENDED AND STATEMENT OF INTENT, and this was seconded by Rep. Kadas. Rep. Kadas asked Rep. Sands about the language "not currently licensed" in subsection 6, and Rep. Sands said that only applied to information supplied by the county. Question being called for, motion PASSED with Rep. Sales and Rep. Switzer voting against it.

DISPOSITION OF HOUSE BILL NO. 255: Rep. Brown moved to DO PASS and this was seconded by Rep. Fritz. Rep. Sales stated the only way to get a better mileage rate is by working in a welfare department. The other people working in the county will not get it. This is creating a problem in the courthouse that they do not need. He felt this is a bad one, and Rep. Poff agreed with him. If you give the welfare department everything and all the others nothing, you will have problems.

Rep. Brown said there are 15 counties who assume their own welfare programs, and this is admirable but possibly only allowable because of the size of the county. He asked if these people are state or county employees. Rep. Switzer told him that 12 counties have SRS programs.

Rep. Sales made a substitute motion to DO NOT PASS HB 255, and this was seconded by Rep. Switzer. Question being called for, motion PASSED with Rep. Kadas and Rep. Brown voting against it.

DISPOSITION OF HOUSE BILL NO. 470: Rep. Brown moved to DO PASS HB 470, seconded by Rep. Hansen. Rep. Brown moved the amendments prepared by Rep. Spaeth and Lee Heiman, to add third class cities. This was seconded by Rep. Sales.

Rep. Gilbert said that by adding third class cities, we are already doing exactly what was expressed when this bill was introduced, and he felt this is a poor amendment.

Chairman Darko asked what was meant by third class city, and was told it was under 1,000 people.

Rep. Gilbert felt we would be getting in trouble adding third class cities. Rep. Sales said third class cities added 2.8 mills to be divided.



Rep. Brown suggested staying with the amendment.

Rep. Switzer said the gas taxes were sold on the basis it was going to be used for highway construction, and it was amended to give cities 1 1/2% to subsidize their road projects. This is a violation of the good faith people expected us to follow on the gas tax.

Rep. Brown then said he is against the amendment he offered. The objections raised are fair.

Question being called for, Rep. Brown's motion to amend FAILED, with only Rep. Brown, Rep. Sales and Rep. Kadas voting for it.

Rep. Kadas then moved to amend by adding 2, 4, 5, and 6, and excluding 1 and 3, and this was seconded by Rep. Wallin. Question being called for, Rep. Kadas' motion to amend FAILED with six members voting yes and 8 members opposed.

Rep. Kadas asked what is the opposition to the amendment.

Rep. Switzer made a substitute motion of the original bill of DO NOT PASS, and this was seconded by Rep. Gilbert. Rep. Brown said he does not understand this, in counties like Rep. Switzer's. Rep. Switzer replied that we passed the gas tax for the construction and maintenance of highways, and we allocated funds to the cities and counties for the same thing. He is opposed to the amendments. HB 470 went out of the committee WITHOUT RECOMMENDATION, as it received a tie vote on a Roll Call Vote.

DISPOSITION OF HOUSE BILL NO. 624: Rep. Brown recommended a move of DO NOT PASS. Rep. Pistoria moved to TABLE HB 624, and this was seconded by Rep. Switzer. The non-debatable motion PASSED, with Rep. Fritz, Rep. Hansen, Rep. Kadas, Rep. Brown and Chairman Darko voting no.

Rep. Kadas said it bothers him that someone moves to table without a little discussion, and Rep. Sands said he agreed.

Rep. Sands moved to take the bill off the table to at least discuss it, and this was seconded by Rep. Darko, who said she thinks this is an important issue. Rep. Hansen said this is not just a Whitefish bill. If we continue to kill all these annexing bills, we will have to come back in. This is a problem solving bill, and she wished the committee would reconsider it.

Rep. Switzer addressed Rep. Hansen and said the cities grow around an area and the area that encompasses it may have been there to make a decision to build long before they had annexation problems. He felt the rights of the people who were in the position originally are infringed on.

Rep. Kitselman said he is concerned about annexing in urban areas. In this bill it seems the problem is the Whitefish area. In Billings they have three refineries. When Conoco was first made, it was in the country. At the time Exxon was made, they located their refinery 7 miles from the city. There is a reason they did not become viable, and there has to be a balance. There has to be an incentive for an industry coming into service.

Rep. Kadas stated that an industry that comes and a town surrounds it, that is the argument. It uses the services of the town just like the employees. An industry locates near a town because it doesn't want to pay city taxes and it also wants to be able to expand. They have a mill in his town that is in the middle of the town, and they do not have to pay for the streets, etc.

Rep. Hansen told Rep. Switzer that you can't disburse a city when a county grown. You can't blame them for the problem.

Rep. Gilbert said he understands the problem Whitefish has had, but most important is this is a very narrow bill. We included transportation, but left out many other things, like agriculture, mining, smelting, and refinery. We are being selective and incriminatory.

Rep. Brown felt his only objection to this bill is that there is a substantial change in property taxes. It is not only an annexation bill, and he would like to sent it to the Taxation Committee and let them decide on it. It should have a fair hearing over there.

Rep. Brandewie stated you would think these companies were not able to survive until the cities built roads, etc. He further stated he thinks this bill is just a grab for taxes, and felt we have to give these companies a chance to survive.

Rep. Wallin said he has a soft spot for Whitefish. This kind of bill says loud and clear that we are anti business in the state of Montana, that if you are big we do not want to have anything to do with it. I feel this is a bill that I would like to see killed.

Rep. Sands stated that any annexation bill is a taxation bill. This is an appropriate place to dispose of this bill. Transportation cannot be taxed differently than others. This bill as enacted will be to discriminate against railroads. It violates that act and I am going to vote against it.

Rep. Gilbert stated they pay county taxes because they do not want to pay city taxes.

Rep. Sands moved to take bill off the table.

Local Government Committee  
February 9, 1985  
Page 19

Regarding HB 160 and HB 239, amendments are still being worked on for these two bills.

Chairman Darko told the committee to expect to stay evenings next week, as we might have to take executive action in the evenings after dinner.

There being no further business before the committee, the meeting was adjourned at 5:30 p.m.

  
\_\_\_\_\_  
PAULA DARKO, Chairman

(Type in committee members' names and have 50 printed to start).

DAILY ROLL CALL

LOCAL GOVERNMENT COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date Feb. 9, 1985

NAME	PRESENT	ABSENT	EXCUSED
<u>Paula Darko, Chairman</u>	✓		
<u>Norm Wallin, Vice Chairman</u>	✓		
<u>Ray Brandewie</u>	✓		
<u>Dave Brown</u>	✓		
<u>Harry Fritz</u>	✓		
<u>Stella Jean Hansen</u>	✓		
<u>Bob Gilbert</u>	✓		
<u>Mike Kadas</u>	✓		
<u>Les Kitselman</u>	✓		
<u>Paul Pistoria</u>	✓		
<u>Bing Poff</u>	✓		
<u>Walter Sales</u>	✓		
<u>Jack Sands</u>	✓		
<u>Dean Switzer</u>	✓		

# STANDING COMMITTEE REPORT

February 9, 1925

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 614

FIRST reading copy (WHITE color)

RAISING THE BASE PAY OF SOME COUNTY OFFICIALS.

Respectfully report as follows: That HOUSE Bill No. 614  
BE AMENDED AS FOLLOWS:

1. Title, line 5.  
Following: "OFFICIALS"  
Insert: "; AND PROVIDING AN EFFECTIVE DATE."

2. Page 3.  
Following: line 13.  
Insert: "NEW SECTION. Section 2. Effective date. This  
act is effective July 1, 1935."

AND AS AMENDED,

DO PASS

Jan 2/11



# STANDING COMMITTEE REPORT

February 2, 1935

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 470

FIRST reading copy (WHITE color)

TOWN MAY SPEND PORTION OF GASOLINE TAX ON CAPITOL EQUIPMENT.

Respectfully report as follows: That HOUSE Bill No. 470

WITHOUT RECOMMENDATION

DO PASS

Jan 2/11





# STANDING COMMITTEE REPORT

February 9, 1935

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 328

FIRST reading copy ( WHITE )  
color

**SINGLE LOCAL BANK TO BID ON INTEREST PAID ON DEPOSITS  
OF PUBLIC FUND.**

Respectfully report as follows: That HOUSE Bill No. 328

**BE AMENDED AS FOLLOWS:**

1. Page 4, line 2.

Following: "jurisdiction"

Insert: "chartered to do business in its jurisdiction  
and such institutions in neighboring counties"

**AND AS AMENDED,  
DO PASS**

*See 2/11*

# STANDING COMMITTEE REPORT

February 9, 1935

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 683

FIRST

WHITE

reading copy (color)

COUNTY PARK BOARD - COUNTY ORDINANCE FOR RULE  
ENFORCEMENT AND PARK WARDEN.

Respectfully report as follows: That HOUSE Bill No. 683

~~DO NOT PASS~~

~~XXXXXX~~  
DO PASS

Jan 2/11

PAULA PARKO,

Chairman.

COMMITTEE SECRETARY

# STANDING COMMITTEE REPORT

February 9, 1985

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 505

FIRST reading copy ( WHITE )  
color

ANNEXATION OF CONTIGUOUS LANDS - 2ND AND 3RD CLASS  
CITIES - CLARIFICATION.

Respectfully report as follows: That HOUSE Bill No. 505

BE AMENDED AS FOLLOWS:

1. Page 1, line 17.  
Following: "such"  
Insert: "towns or"

AND AS AMENDED,

DO PASS-

5-214

# STANDING COMMITTEE REPORT

Page 1 of 3

February 11, 1985

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 612

FIRST reading copy ( WHITE )  
color

## INCREASED ASSESSMENT OPTIONS FOR SPECIAL IMPROVEMENT DISTRICTS.

Respectfully report as follows: That HOUSE Bill No. 612

### BE AMENDED AS FOLLOWS:

1. Title, line 5.  
Following: "COSTS FOR"  
Insert: "RURAL SPECIAL IMPROVEMENT DISTRICTS AND"

2. Title, line 6.  
Following: "SECTIONS"  
Insert: "7-12-2112, 7-12-2151,"

3. Page 1.  
Following: line 10  
Insert: "Section 1. Section 7-12-2112, MCA, is amended to read:  
7-12-2112. Sufficient protest to bar proceedings -- exception. (1) Except as provided in subsection (2), no further proceedings shall be taken for a period of 6 months from the date when said protest

DO PASS

CONTINUED

February 11

1985

was received by the county clerk when:

(a) the protest is against the proposed work and the cost thereof is to be assessed upon the property fronting thereon and the board of county commissioners finds that such protest is made by the owners of more than 50% of the area fronting on the proposed work, or property to be assessed for the improvements within the district or extended district. For the purposes of protest, "property to be assessed" is the property fronting on the property under the frontage option, the area of the property under the area option, the lot under the lot option, and the taxable valuation under the taxable valuation option. Under the combination option established under 7-12-2151(1)(a), the 50% protest required to bar the proceedings is 50% of the combined properties assessed under 7-12-2151(1)(a).

(b) the protest is against the proposed work and the cost thereof is to be assessed upon the property within the extended district and the board finds that such protest is made by the owners of more than one-half of the area of the property to be assessed for such improvements.

(2) In case the improvements are the construction of sanitary sewers, the protests may be overruled by a unanimous vote of the board."

Section 7. Section 7-12-2151, MCA, is amended to read:

"7-12-2151. Assessment of costs. (1) To defray the cost of making any of the improvements provided for in this part, the board of county commissioners shall adopt in the resolution of intention and resolution creating the district, one of the following methods of assessment:

(a) The board shall assess the entire cost of such improvements against the entire district. Each lot or parcel of land assessed in such district shall be assessed with that part of the whole cost which its area bears to the area of the entire district, exclusive of streets, avenues, alleys, and public places;

(b) each lot or parcel of land within the district bordering or abutting a street or streets whereon or wherein the improvement has been made may be assessed in proportion to the lineal foot abutting or bordering on the street or streets;

(c) if the board of county commissioners determines that the benefits derived from the

Tw 2/11

CONTINUED

February 11, 1985

improvements by each lot or parcel are substantially equivalent, the cost may be assessed equally to each lot or parcel located within the district without regard to the area of the lot or parcel;

(d) each lot or parcel of land, including the improvements thereon, may be assessed for that part of the whole cost of the district which its taxable valuation bears to the total taxable valuation of the property of the district; or

(e) by using any combination of the assessment options provided in subsections (1)(a) through (1)(d). If a combination is used, the resolution of intention and resolution creating the district must specify the combination of options under which the district is to be assessed.

(2) Where said rural improvement district is located more than 5 miles from the boundary of an incorporated city or town, said assessment may, at the option of the board, be based upon the assessed value of the lots or pieces of land within said district.

(3) The board in its discretion shall have the power to pay the whole or any part of the cost of any street, avenue, or alley intersection out of any funds in its hands available for that purpose or to include the whole or any part of such costs within the amount of the assessment to be paid by the property in the district."

Reamend: subsequent sections

H8612.31  
PCS

AND AS AMENDED,  
DO PASS

Joe Z/11

# STANDING COMMITTEE REPORT

February 9, 1925

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 457

FIRST reading copy (WHITE color)

UNDERSHERIFF, FORMER DEPUTY, RETURN TO OTHER DUTIES  
WHEN SUCCESSOR NAMED.

Respectfully report as follows: That HOUSE Bill No. 457

BE AMENDED AS FOLLOWS:

1. Title, line 7.

Following: "UNDERSHERIFF;"

Insert: "AND PROVIDING FOR THE SALARY OF SUCH  
RETURNING DEPUTY;"

2. Page 1, line 23.

Following: "undersheriff."

Insert: "Upon the return to the position of deputy sheriff,  
such person shall be paid the same salary he would have  
received had he not taken the undersheriff position."

AND AS AMENDED,

DO PASS.

PAULA DARKO,

Chairman.

# STANDING COMMITTEE REPORT

.....February 9,..... 19 95.....

MR. ....SPEAKER:.....

We, your committee on .....LOCAL GOVERNMENT.....

having had under consideration .....HOUSE..... Bill No. 255.....

FIRST reading copy ( WHITE )  
color

ALLOW PUBLIC ASSISTANCE WORKERS FEDERAL MILEAGE RATE  
FOR EACH MILE TRAVELED.

Respectfully report as follows: That.....HOUSE..... Bill No. 255.....

DO NOT PASS  
~~DO PASS~~

Jw 2/11



# STANDING COMMITTEE REPORT

Page 1 of 3

February 11 1985

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 465

FIRST reading copy ( WHITE )  
color

**REQUIRING COUNTIES TO MAINTAIN RECORDS ON LANDFILL  
LOCATIONS AND CONTENTS.**

Respectfully report as follows: That HOUSE Bill No. 465

**BE AMENDED AS FOLLOWS:**

1. Title, line 6.

Strike: "COUNTIES TO MAINTAIN"

Insert: "OWNERS AND OPERATORS OF SOLID WASTE MANAGEMENT  
SYSTEMS TO SUBMIT INFORMATION ON THE LOCATION AND  
CONTENTS OF SOLID WASTE DISPOSAL SITES TO COUNTIES TO  
RECORD"

2. Title, lines 6 and 7.

Strike: "INFORMATION ON THE LOCATION AND CONTENTS OF SOLID  
WASTE DISPOSAL SITES"

Insert: "PROVIDING FOR THE RECORDING OF SUCH INFORMATION  
BY COUNTY HEALTH DEPARTMENTS OF SITES KNOWN TO THEM"

3. Page 2, lines 3 through 11.

Strike: subsection (5) in its entirety

Insert: "(5) requirements for owners and operators of solid waste

DO PASS

Jw 2/11

CONTINUED

February 11, 1995

management systems licensed under this part to furnish for recording on permanent land records located in each county the approximate volume, location, and type of material deposited in the licensee's site;

"(6) procedures by which county health departments may submit for recording in each county's permanent land record information on the volume, location, and type of material deposited in solid waste disposal sites not currently licensed but known to have been previously used, or which are currently used as permanent disposal sites; and"

Renumber: subsequent subsection

AND AS AMENDED, *3-2/11*  
DO PASS  
STATEMENT OF INTENT ATTACHED

February 11, 19 25

STATEMENT OF INTENT FOR HB 465

It is the intent of the legislature that the department of health and environmental sciences adopt rules:

- (1) requiring owners and operators of solid waste management systems to submit information on the location and contents of solid waste disposal sites to counties to maintain as part of their permanent land records, and
- (2) specifying procedures a county health department may use to submit information on solid waste disposal sites for inclusion in the county permanent land records.

**PRESIDENT**

Charles O'Reilly, Sheriff  
Helena, MT 59601  
443-1010

**PAST PRESIDENT**

Robert Brown, Undersheriff  
Lewistown, MT 59457  
538-3415



**SECRETARY-TREASURER**

Bill Damm, Sheriff  
1010 Main Street  
Miles City, MT 59301  
Office: 232-2237  
Home: 232-0251

OFFICIAL PUBLICATION

"THE MONTANA SHERIFF AND PEACE OFFICER"

# Sheriffs and Peace Officers Association

OFFICE OF THE SECRETARY

February 9, 1985

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Bozeman, MT 59715  
586-4971

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Broadus, MT 59317

Madam Chairman and Committee members,

We stand in support of House Bill 614 and feel that the proposed amendment is just and in line with today's economy.

During the last four years the employees for the state of Montana have received a 31% increase and the Montana Highway Patrol have received a 28% increase. These figures were obtained from the state and the Montana Public Employees Assn.

The proposed amendment that has been submitted for your consideration would be less than a 20% increase for the next four years.

We would like to present some figures to you for comparison purposes: A Montana Highway Patrolman, who after having been employed for only one year, has a base salary of \$20,740.00. That salary, when compared to the salary of a eight year veteran Deputy Sheriff employed by Lewis and Clark Co., a class one county, shows the Highway Patrolman earning \$1,000.00 more a year. When compared to the salary of the Sheriff from Jefferson Co. with ten years of experience, class four county, we find that the Highway Patrolman with only one year of experience makes \$1,900.00 more a year than the Sheriff.

We realize that a 20% increase sounds like a large amount but, in considering the amendment we ask that you keep in mind that we will not be back for four years. We hope that you give this a do pass Vote. Thank You, Montana Sheriffs and Peace Officers Assn.

Respectfully Submitted,

*Curt Petty*  
Curt Petty, 3rd Vice president

WITNESS STATEMENT

NAME GREGG GROETTER BILL NO. HB 614  
ADDRESS 501 ADAMS HELENT DATE 2/9  
WHOM DO YOU REPRESENT? DEPT. OF REVENUE  
SUPPORT \_\_\_\_\_ OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY. *No position*

Comments:

*This bill, if it passes, requires an additional appropriation to the Dept. of Revenue since the State pays the salaries of the elected assessor and his/her deputy. The deputy's salary is set at 90% of the assessor's salary.*

AMEND HB 470 - SPAETH

1. Title, line 4.  
Following: "TOWN"  
Insert: "OR THIRD CLASS CITY"
2. Title, line 6.  
Following: "EQUIPMENT"  
Insert: "AND SUPPLIES"
3. Page 3, line 10.  
Following: "town"  
Insert: "or third class city"
4. Page 3, line 12.  
Following: "equipment"  
Insert: "and supplies"
5. Page 3, line 13.  
Strike: "construction, reconstruction,"
6. Page 3, line 14.  
Strike: "\_"

Exhibit 1  
HB 624  
2-9-85  
Rep. Cohen

Arguments of Dave Cohen,

Administrative Assistant

to the Mayor of Missoula,

in support of

HB 624

Missoula supports this bill giving the city new authority to annex land and for transportation, industrial, and manufacturing purposes.

In Missoula, several industrial sites exist which are undesirable except through city property; ~~the~~ people and products must pass through city property - property ~~is~~ developed and maintained by the city - but by being outside the city the industrial sites do not pay for the services they require.

In effect, the industrial sites are being subsidized

by residential and other property tax payers in the city. For those on fixed incomes, this is an especially unjust burden.

These industrial sites would in fact benefit from this bill, for now they rely on distant, ineffective services such as county fire protection, and with this bill they could enter the city's fire district and be eligible for other city services.



H8 624

## STATEMENT OF 1983 MONTANA PROPERTY TAXES

## BURLINGTON NORTHERN

COUNTY	COMPANY BN RAILROAD	OTHER COMPANIES	TOTAX
BEAVERHEAD	.	\$784.44	\$784.44
BIG HORN	\$65,506.08	.	\$65,506.08
BLAINE	\$105,997.40	.	\$105,997.40
BROADWATER	\$60,792.03	\$402.64	\$61,194.67
CARBON	\$104,851.87	\$1,068.05	\$105,919.92
CARTER	.	\$5,794.06	\$5,794.06
CASCADE	\$580,543.49	\$3,484.66	\$584,028.15
CHOUTEAU	\$104,089.38	.	\$104,089.38
CUSTER	\$137,734.33	\$16,482.44	\$154,216.77
DANIELS	\$57,819.82	.	\$57,819.82
DAWSON	\$200,914.79	\$12,113.29	\$213,028.08
DEER LODGE	\$31,627.98	\$491.80	\$32,119.78
FALLON	\$17,742.53	\$2,607.72	\$20,350.25
FERGUS	\$89,334.56	.	\$89,334.56
FLATHEAD	\$315,268.98	\$198,697.62	\$513,966.60
GALLATIN	\$174,344.86	\$31,819.15	\$206,164.01
GARFIELD	.	\$25,967.06	\$25,967.06
GLACIER	\$138,194.73	.	\$138,194.73
GOLDEN VALLEY	\$35,322.10	\$2,207.50	\$37,529.60
GRANITE	\$81,161.76	\$5,031.56	\$86,193.32
HILL	\$255,268.42	.	\$255,268.42
JEFFERSON	\$82,356.70	\$548.62	\$82,905.32
JUDITH BASIN	\$127,116.47	.	\$127,116.47
LAKE	\$50,750.69	\$54,628.15	\$105,378.84
LEWIS & CLARK	\$207,695.16	\$1,052.06	\$208,747.22
LIBERTY	\$39,259.54	\$15,082.13	\$54,341.67
LINCOLN	\$224,356.86	\$60,495.46	\$284,852.32
MADISON	\$24,349.26	\$16,083.20	\$40,432.46
MCCONE	\$21,143.54	\$41,426.03	\$62,569.57
MEAGHER	.	\$510.53	\$510.53
MINERAL	\$77,960.20	\$9,283.65	\$87,243.85
MISSOULA	\$381,161.65	\$164,039.94	\$545,201.59
MUSSELSHELL	.	\$2,782.28	\$2,782.28
PARK	\$231,414.59	\$10,965.34	\$242,379.93
PETROLEUM	.	\$1,392.30	\$1,392.30
PHILLIPS	\$92,907.56	.	\$92,907.56
PONDERA	\$50,665.17	.	\$50,665.17
POWDER RIVER	.	\$655.07	\$655.07
POWELL	\$123,779.23	\$10,824.53	\$134,603.76
PRAIRIE	\$64,230.94	\$12,935.26	\$77,166.20
RAVALLI	\$45,794.05	\$17,259.43	\$63,053.48
RICHLAND	\$37,423.49	\$6,253.87	\$43,677.36
ROOSEVELT	\$146,915.33	.	\$146,915.33
ROSEBUD	\$84,212.42	\$69,262.02	\$153,474.44
SANDERS	\$208,535.51	\$26,763.69	\$235,299.20
SHERIDAN	\$27,556.33	.	\$27,556.33
SILVER BOW	\$80,538.57	\$235.90	\$80,774.47
STILLWATER	\$77,226.80	\$39.73	\$77,266.53
SWEETGRASS	\$65,169.98	.	\$65,169.98
TETON	\$95,274.09	\$6.37	\$95,280.46
TOOLE	\$124,681.32	.	\$124,681.32
TREASURE	\$87,035.69	\$1,722.38	\$88,758.07
VALLEY	\$165,441.35	.	\$165,441.35
WHEATLAND	\$38,305.45	\$492.31	\$38,797.76
WIBAUX	\$18,032.14	\$5,742.64	\$23,774.78
YELLOWSTONE	\$545,921.67	\$29,472.58	\$575,394.25
Z STATE MONT	.	\$10,026.81	\$10,026.81
TOTAL	\$6,203,726.86	\$876,934.27	\$7,080,661.13

LAW OFFICES OF  
**Skedd, Ashley, McCabe,  
Weingartner & Graveley, PC**



222 Broadway • Helena, Montana 59601  
Telephone (406) 442-3100/442-1700

LLOYD J. SKEDD  
J. MAYO ASHLEY  
MICHAEL T. McCABE  
J.C. WEINGARTNER  
CHARLES A. GRAVELEY

Exhibit 1  
HB 328  
2-9-85  
Rep. Hannah

February 7, 1985

Representative Tom Hanna  
State Capitol  
Helena, Montana 59601

Re: HB-328

Dear Tom:

This bill has been introduced at the request of the Montana County Treasurers Association. The purpose in having the bill introduced is to require the single banks in counties to submit a bid if it wishes to participate in the investment of local funds. As law currently stands the local institution can sit back and not make any bid whatsoever. If, upon review of the other bids submitted by institutions lying outside the counties boundaries, all the local bank has to do is match the bid. It takes no work whatsoever on the part of the local institution.

The outside financial institutions are reluctant to submit bids in the counties with single banks in that they are fully aware that their work may be lost because the local bank can match the bid. We feel that this bill will be a benefit to the counties and will result in a higher interest rate being paid upon county funds that are invested. I will be unable to attend the hearing on Saturday, but several treasurers from around the state, weather permitting, will be available to testify.

Very truly yours,

  
Charles A. Graveley

CAG/kvs

Be amended as follows

1. Title, line 5.

Following: "COSTS FOR"

Insert: "RURAL SPECIAL IMPROVEMENT DISTRICTS AND"

2. Title, line 6.

Following: "SECTIONS"

Insert: "7-12-2112, 7-12-2151,"

3. Page 1.

Following: line 10

Insert: "Section 1. Section 7-12-2112, MCA, is amended to read:

7-12-2112. Sufficient protest to bar proceedings -- exception. (1) Except as provided in subsection (2), no further proceedings shall be taken for a period of 6 months from the date when said protest was received by the county clerk when:

~~(a) the protest is against the proposed work and the cost thereof is-to-be-assessed-upon-the-property fronting--thereon and the board of county commissioners finds that such protest is made by the owners of more than 50% of the area-fronting-on-the proposed-work, or~~ property to be assessed for the improvements within the district or extended district. For the purposes of protest, "property to be assessed" is the property fronting on the property under the frontage option, the area of the property under the area option, the lots under the lot option, and the taxable valuation under the taxable valuation option. Under the combination option established under 7-12-2151(1)(e), the 50% protest required to bar the proceedings is 50% of the combined properties assessed under 7-12-2151(1)(e).

~~(b)--the-protest-is-against-the-proposed-work-and the-cost-thereof-is--to--be-assessed-upon-the-property within-the-extended-district-and-the-board-finds--that such--protest-is-made-by-the-owners-of-more-than one-half-of-the-area-of--the--property-to-be-assessed for-such-improvements.~~

(2) In case the improvements are the construction of sanitary sewers, the protests may be overruled by a unanimous vote of the board."

Section 2. Section 7-12-2151, MCA, is amended to read:

"7-12-2151. Assessment of costs. (1) To defray the cost of making any of the improvements provided for in this part, the board of county commissioners shall adopt in the resolution of intention and resolution creating the district, one of the following method methods of assessment:

~~{1}~~ (a) ~~The--board--shall--assess--the--entire--cost--of--such--improvements--against--the--entire--district.--Each~~ each lot or parcel of land assessed in such district shall be assessed with that part of the whole cost which its area bears to the area of the entire district, exclusive of streets, avenues, alleys, and public places;

(b) each lot or parcel of land within the district bordering or abutting a street or streets whereon or wherein the improvement has been made may be assessed in proportion to the lineal feet abutting or bordering on the street or streets;

(c) if the board of county commissioners determines that the benefits derived from the improvements by each lot or parcel are substantially equivalent, the cost may be assessed equally to each lot or parcel located within the district without regard to the area of the lot or parcel;

(d) each lot or parcel of land, including the improvements thereon, may be assessed for that part of the whole cost of the district which its taxable valuation bears to the total taxable valuation of the property of the district; or

(e) by using any combination of the assessment options provided in subsections (1)(a) through (1)(d). If a combination is used, the resolution of intention and resolution creating the district must specify the combination of options under which the district is to be assessed.

~~{2}--Where--said--rural--improvement--district--is--located--more--than--5--miles--from--the--boundary--of--an--incorporated--city--or--town,--said--assessment--may,--at--the--option--of--the--board,--be--based--upon--the--assessed--value--of--the--lots--or--pieces--of--land--within--said--district.~~

~~{3}~~ (2) The board in its discretion shall have the power to pay the whole or any part of the cost of any street, avenue, or alley intersection out of any funds in its hands available for that purpose or to include the whole or any part of such costs within the amount of the assessment to be paid by the property in the district.""

Renumber:subsequent sections

# MISSOULA COUNTY

BOARD OF COUNTY COMMISSIONERS

• Missoula County Courthouse • Missoula, Montana 59802  
(406) 721-5700

Exhibit 1  
HB 465  
2-9-85  
Rep. Stella Jean  
Hansen

BCC-85-076  
February 7, 1985

Representative Paula Darko, Chair  
House Local Government Committee  
House of Representatives  
Capitol Station  
Helena, MT 59624

Dear Representative Darko:

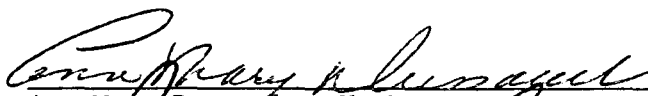
We are writing to offer testimony on House Bill 465, to be heard on Saturday, February 9, in the House Local Government Committee.

We endorse the intent of House Bill 465, especially the proposed amendment (copy attached) which accomplishes that intent. It is crucial to maintain records of the locations of solid wastes so that future Montanans will be aware of their existence in order to avoid inappropriate land uses.

We encourage the passage of House Bill 465 as prudent planning for our future.

Sincerely,

MISSOULA BOARD OF COUNTY COMMISSIONERS

  
Ann Mary Dussault, Chair

  
Barbara Evans, Commissioner

  
Bob Palmer, Commissioner

BCC/JC/lis

cc: Jim Carlsen, Env. Health  
Missoula Representatives

PROPOSED AMENDMENTS TO HOUSE BILL NO. 465

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 75-10-204, MCA, is amended to read:

"75-10-204. Powers and duties of department. The department shall adopt rules governing solid waste management systems which shall include but not be limited to:

(1) requirements for the plan of operation and maintenance that must be submitted with an application under this part;

(2) the classification of disposal sites according to the physical capabilities of the site to contain the type of solid waste to be disposed of;

(3) the procedures to be followed in the disposal, treatment, or transport of solid wastes;

(4) the suitability of the site from a public standpoint when hydrology, geology, and climatology are considered; and

(5) requirements for owners and operators of solid waste management systems licensed under this part to furnish for recording on permanent land records located in each county the approximate volume, location, and type of material deposited in the licensee's site; and

(a) any permanent solid waste disposal site permitted pursuant to this part; and

(b) any other permanent solid waste disposal site whose volume, location, or type of material deposited is of such nature as to adversely affect any potential future uses of that property or adjacent properties; and

(6) procedures by which county health departments may submit for recording in each county permanent land record information on the volume, location, and type of material deposited in solid waste disposal sites not currently licensed, but known to have been previously utilized or which are currently utilized as permanent disposal sites; and

(7) any other factors relating to the sanitary disposal or management of solid wastes.

Exhibit 2  
HB 465  
2-9-85  
Rep. Stella Jean  
Hansen



WITNESS STATEMENT

Exhibit 3.  
HB 465  
2-9-85  
Rep. Stella Jean  
Hansen

NAME GEO. OCHENSKI BILL NO. 465  
ADDRESS HELENA DATE 2/9  
WHOM DO YOU REPRESENT? ENV. INF  
SUPPORT ✓ OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: SUPPORT FOR FOLLOWING REASONS

- 1.) NEW RCRA REGS. WILL CREATE SUBSTANTIAL QUANTITY OF HAZ. WASTES BY CHANGING SMALL-QUANTITY EXEMPTION FROM 1000 KG./MO. TO 100 KG./MO.; REQ. MANIFESTS FOR SUCH MTL'S. DEPOSITED IN LANDFILLS,
- 2.) LIABILITY FOR LEAKY LANDFILLS IS A GROWING CONCERN,
- 3.) GLEN LAKE, PROPOSED PARK IN BOZEMAN IS A PRIME EXAMPLE OF THE KINDS OF APPREHENSION, FEAR, & UNCERTAINTY THAT CAN ARISE WHEN UN-RECORDED LANDFILLS ARE "RETIRED" & USED FOR OTHER PURPOSES. EXTENSIVE & EXPENSIVE MONITORING MUST NOW TAKE PLACE TO DETERMINE CONTENT AND EFFLUENT, PRIMARILY TO ADDRESS PUBLIC CONCERN.



PROPOSED AMENDMENTS TO HOUSE BILL NO. 465

A BILL FOR AN ACT ENTITLED: "An act to require the Department of Health and Environmental Sciences to adopt rules requiring owners and operators of solid waste management systems to submit information on the location and contents of solid waste disposal sites to counties to record as part of their permanent land records."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-10-204, MCA, is amended to read:

"75-10-204. Powers and duties of department. The department shall adopt rules governing solid waste management systems which shall include but not be limited to:

(1) requirements for the plan of operation and maintenance that must be submitted with an application under this part;

(2) the classification of disposal sites according to the physical capabilities of the site to contain the type of solid waste to be disposed of;

(3) the procedures to be followed in the disposal, treatment, or transport of solid wastes;

(4) the suitability of the site from a public standpoint when hydrology, geology, and climatology are considered; and

(5) requirements for owners and operators of solid waste management systems licensed under this part to furnish for recording on permanent land records located in each county the approximate volume, location, and type of material deposited in the licensee's site; and

(6) procedures by which county health departments may submit for recording in each county's permanent land record information on the volume, location, and type of material deposited in solid waste disposal sites not currently licensed, but known to have been previously utilized or which are currently utilized as permanent disposal sites; and

~~(6)~~ (7) any other factors relating to the sanitary disposal or management of solid wastes.

WITNESS STATEMENT

NAME James Leitere BILL NO. HB465  
ADDRESS Idelwa DATE 2/9/85  
WHOM DO YOU REPRESENT? mont. Dept. of Health + Env. Sciences  
SUPPORT ✓ OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

## VISITOR'S REGISTER

HOUSE Local Government

COMMITTEE

BILL HB 465

DATE 2-9-85

SPONSOR\_

Rep Stella Jean Hansen

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## HOUSE

## Local Government

BILL

HB 255

DATE \_\_\_\_\_

2-9-85

SPONSOR

Rep. Spaeth

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HOUSE Local Government COMMITTEE

DATE 2-9-85

[illegible]

FORM CS-33

# VISITOR'S REGISTER

HOUSE

Local Government

COMMITTEE

BILL

HB 505

DATE \_\_\_\_\_

2-9-85

SPONSOR

Rep Nath

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

# VISITOR'S REGISTER

HOUSE

## Local Government

COMMITTEE

BILL

HB 683

DATE \_\_\_\_\_

2-9-85

SPONSOR

Rep. Connelly

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HOUSE Local Government

BILL HB 328

DATE 2-9-85

SPONSOR Rep. Hannah

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



# VISITOR'S REGISTER

HOUSE

## Local Government

COMMITTEE

BILL

HB 624 6

DATE \_\_\_\_\_

2-9-85

SPONSOR

Rep. Cohen

[illegible]

COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITOR'S REGISTER

HOUSE

Local Government

COMMITTEE

BILL

HB 614

DATE

2-9-85

SPONSOR

Rep Brown

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Charles Girvin	Lewis Town <sup>Fergus</sup> CO.	Fergus Co. Sheriff	✓	
Ken Doney	Lewis Town "	Fergus Co Sheriff	✓	
Ron Rowton	Grass Range "	Fergus Co. Sheriff	✓	
CHARLES COMP	WHITE SULPHUR SPRINGS	MENAGHER CO SHERIFF	✓	
Jack Williams	CHOUTEAU CO.	FORT BENTON SHERIFF	✓	
GARRY VERMILAND	WHITE SULPHUR SPRINGS	MENAGHER CO SHERIFF	✓	
KEN ANDERSON	GREAT FALLS	CASCADE Co SHERIFF	✓	
STAN Fullerton	Missoula	Missoula Co Sheriff	✓	
MIKE O'HARA	Missoula	Missoula Co Sheriff	✓	
Wendell Frojen	Missoula	Missoula Co Sheriff	✓	
PETE CLARKSON	HAMILTON	RAVALLI Co. SHERIFF'S DEPT	✓	
JAY PRINTZ	HAMILTON	RAVALLI Co. SHERIFF'S DEPT	✓	
Cheryl Printz	HAMILTON	"	✓	
Merlin Ehlers	Pony	Madison Co Sheriff	✓	
G Morris		MTA Co		
John Scully	Sheriff's Assn			X
Paul Kelly	Helena	MT Sheriff's Assoc		X
William Gemin	Billings	Yellowstone Co Sheriff's Dept		X
Steve Harms	Billings	Yellowstone Co Sheriff		X
Von Egan	Helena	LEWIS & CLARK Co Sheriff		X

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

HOUSE Local Government COMMITTEEBILL HR 614  
SPONSOR Rep BrownDate 2/9/85

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPOS
Tom Miller	Helena Montana	Lewis & Clark Sheriff	✓	
Jim Johnson	Helena Montana	Lewis & Clark Sheriff	✓	
Douglas J. Jett	Helena Montana	Lewis & Clark Sheriff	✓	
Don J. Jett	Helena Montana	Lewis & Clark Sheriff	✓	
Alvin J. Jett	Helena, MT	Lewis & Clark Sheriff	✓	
Warren Sible	Kalispell MT	Flathead Co	✓	
Jim DUPONT	Kalispell MT	Flathead Co	✓	
Daryl Bain	Kalispell MT	Flathead Co SO	✓	
David Kauffman	Whitefish MT	Flathead Co. SO	✓	
Pick Laterz	Dillon MT	Beaverhead County	✓	
John Oustad	Gallatin County	Gallatin Co Sheriff's Dept		
John Poundstone	Dillon, MT	Beaverhead Co. <sup>ELECTED OFFICER</sup>		
J.C. Christiansen	Billings	Yellowstone Co.		
Carl F. Smith	Bozeman MT	Gallatin Co.	✓	
Michael J. Rand	Bozeman MT	Gallatin Co	✓	
W.M. Brown	Bozeman MT	Gallatin Co. S.O.	✓	
Mike McFerrin	Augusta, Montana	Lewis & Clark Co.	✓	
Richard Trerise	Yolena	MACSS	✓	
Mike Stepler	Helena	Clerk & Recorder	✓	
Madrian Jensen	Helena	AFSCME	✓	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.