

50TH LEGISLATIVE SESSION
MINUTES OF THE MEETING
LOCAL GOVERNMENT
MONTANA STATE SENATE

March 12, 1987

The eighteenth meeting of the Local Government Committee was called to order at 1:00 p.m. in Room 405 of the Capitol by Vice-chairman R. J. "Dick" Pinsoneault, in the absence of Chairman Bruce D. Crippen.

ROLL CALL: All members were present with the exception of Chairman Crippen.

CONSIDERATION OF HOUSE BILL 589: Representative Francis Koehnke, Townsend, House District 32, said the bill he sponsored addresses a unique situation which occurred in March 1985, when the mayor and the entire city council of White Sulphur Springs resigned at the same time. Since there was nothing in statute providing for appointment of all the higher officials of the city at once, the Attorney General's office determined the Governor had to do it. This bill will provide for the County Commission to make the appointments.

PROPONENTS: Judy Browning of the Attorney General's office reiterated the decision to ask the Governor to make the appointments.

Elmer Schye of White Sulphur Springs, said when the mass resignations occurred it was a critical problem for the town. He urged passage of the bill in the event the problem ever occurred again.

Alec Hansen, Montana League of Cities and Towns, thought it was good to keep the appointing officials at the local level. He said the same situation nearly happened in Froid, and felt it was well for statute to cover the situation.

OPPONENTS: There were no opponents.

QUESTIONS FROM THE COMMITTEE: Senator Beck asked who would make appointments if a board of county commissioners resigned. Judy Browning said she didn't know. Senator Eck commented that it might be well to include the school board too.

Senator Hammond asked why the city council had all resigned. Rep. Koehnke said there had been a problem over the water system.

Rep. Koehnke closed the hearing on House Bill 589.

DISPOSITION OF HOUSE BILL 589: Senator Eck moved that House Bill 589 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY. Senator Walker was assigned to carry the bill on the floor of the Senate.

CONSIDERATION OF HOUSE BILL 722: Rep. John Cobb, Augusta, House District 42, said he sponsored the bill to provide for a registered professional engineer so that a public water or disposal sewage system for 10 or more families will be installed correctly. He said he knew of a case where the plans were not followed in a Great Falls subdivision, where 4" pipes were used instead of 6" pipes, and now the fire hydrants don't work. This bill is to provide a responsible engineer to oversee the project and see that the plans are followed correctly.

PROPOSERS: Steve Pilcher, DHES, Montana Water Quality Bureau, said he could verify that plans were not always followed, and an area would end up with inadequate water or sewage systems because of it. He felt a registered professional engineer inspecting a project during construction would correct the problem.

OPPOSERS: There were no opposers.

QUESTIONS FROM THE COMMITTEE: Senator Eck asked if this bill had any impact on the present approval of plans requirement. Mr. Pilcher said there was no change in that regard.

Senator Hammond asked for a definition of a "registered professional engineer". He wondered if a city engineer would be considered qualified, and said statute already defines a registered professional engineer. Mr. Pilcher said they have a certain educational background, must have passed testing, and are licensed by the Department of Commerce. They are called P.E.'s.

Senator Eck asked if a chemical engineer could practice as a Professional Engineer. Mr. Pilcher said he could if his educational background was wide enough so that he was able to pass the licensing test. His agency had seen very little abuse of this point. Rep. Cobb said he sees the bill as a

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liability bill -- if the P.E. approves the construction and it is below standard, then he is liable. It is for a rural subdivision of 10 or more families. The subdivision developer hires his own engineer and assumes the liability. When the state approves a plan and problems later develop, the state holds the liability. But, if the plans are not carried out as drawn, the state shouldn't hold the liability and would be relieved of it by this bill. In one case where problems developed, the subdivision developer had gone bankrupt, and couldn't be held liable. Both Senator Beck and Senator Walker knew where this bill would pertain.

Senator Eck asked for the department registering these engineers. Rep. Cobb said it was the Department of Environmental Health and Sciences.

Senator Harding said some counties assume the responsibility of checking these matters and asked why all counties didn't. Rep. Cobb answered that all counties were not inspecting to see that plans were being followed. Senator Harding said she thought the pipes were not allowed to be covered without first being inspected. Mr. Pilcher said the only time a Lake County county sanitarian would inspect would be if it was a sub-surface disposal system under the septic tank permit program. At present, the public water supply could be constructed in Lake County without any sanitary supervision whatsoever. This bill singles out subdivision water systems, which qualify as public water or wastewater systems.

Rep. Cobb closed the hearing on House Bill 722.

DISPOSITION OF HOUSE BILL 722: Senator Beck moved that House Bill 722 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY. Senator Beck was assigned to carry the bill.

CONSIDERATION OF HOUSE BILL 762: Rep. Jan Brown, District 46, said the bill was to clarify the solid waste disposal in annexed areas. She said the bill arose out of a disagreement in Billings between the city and private garbage haulers.

PROPONENTS: Sue Weingartner, Executive Director of the Montana Solid Waste Contractors, Inc., appeared before the committee with prepared testimony, attached as Exhibit 1.

Dennis Johnston, Billings, said he and his wife operate two businesses in Billings, Big Sky Haul-Away and Yellowstone

Sanitation Service. His testimony is attached as Exhibit 2.

Mr. Johnson also distributed testimony written by Mr. Richard Beulke, entitled "Statement from the Yellowstone County Solid Waste District", which is attached as Exhibit 3.

Don Dunker, owner of the Billings D & F Sanitation Company, wanted to verify that the solid waste contractors are employers and taxpayers. He said they pay 20 different types of taxes, where the city government does not pay tax. He feels the \$20,000 per year he pays helps support the school system, the highway system, etc., and that private enterprise should be encouraged in this type of business, as well as others.

Bob Fagliano, operator of the Three Rivers Disposal Company in Bozeman, said his company invested \$2.5 million about 3 years ago in the Gallatin County area, and they contributed about \$75,000 to the tax base of the state, city, and county. He said he found himself in agreement with the Burlington Northern officials who decided to leave the state because of its poor business climate. He felt perpetuating government where private enterprise could take over, was bad for the economy.

Don Ingels, representing the Montana Chamber of Commerce and himself, as a small businessman, spoke in support of the bill.

Riley Johnson, representing the National Federation of Business, said 34 businesses in Helena alone had been driven out of business from competition with government at various levels. He urged support of the bill.

OPPONENTS: Jim Van Arsdale, Mayor of Billings, spoke in opposition to the bill. His testimony is attached as Exhibit 4.

Kay Foster, Billings city council member, said Ward 4 has recently been annexed, bringing 1,700 people into the city and there has been a total of 5,000 brought into the city within recent years. In order to have annexation, the city had to prove it could provide city services such as water, sewer, fire, streets, parks, police and sanitation. She said the city population is 76 percent of the county, has been in the sanitation business a long time and is very efficient. People who have become annexed feel they are paying for garbage collection and many have asked why they must pay for private garbage hauling.

Dick Nisbett, representing the City of Helena, said Helena has not experienced this problem, but feels it could happen. He feels annexed areas should have the rights of the city in water, fire, garbage and other services.

QUESTIONS FROM THE COMMITTEE: Senator Story asked how often Mr. Fagliano picked up trash, and was told once a week. He said he charges \$9 a month of unlimited service. He said his costs are greater than the city as they have to pay landfill costs and also have to travel greater distances. After spending a lot of time and money servicing a subdivision, it is annexed into the city and the city puts us out of business.

Senator Eck asked why the term "adequate service" was included in the bill. Sue Weingartner said it was done at the suggestion of the Legislative Council.

Senator Pinsoneault asked why the city wanted to step in and take over a service that was being provided by private enterprise. Mrs. Foster said the city had no intention of stepping in before the 5-year period given to the private haulers by the state, but that residents would call asking for the city garbage service and wonder when the 5-year period is up. Further, she said there is considerable difference in cost to the resident, the city charging much less.

Senator Pinsoneault asked if the Supreme Court's opinion indicated a difference from the legislative intent on previous legislation regarding this subject. Mayor Van Arsdale felt the Supreme Court intended things to be the way they are now. He said he felt the Supreme Court's decision stipulated that if a private hauler is servicing a customer when the city annexed the area, that hauler could continue servicing the customer for a 5-year period to help amortize his equipment. But, they were not dealing with the territory, they were dealing with the customer.

In closing, Rep. Jan Brown said many Supreme Court decisions do not seem to agree with the legislative intent of a bill. The cost to the customer, the private enterprise issue, and the possibility that private haulers couldn't service the entire city, are all questions that should be seriously considered by the committee. Rep. Brown closed the hearing.

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DISPOSITION OF HOUSE BILL 549: Discussion on House Bill 549 indicated the committee had serious doubts on the bill. Senator Harding had a letter from the Lake County Commissioners stating their disapproval of the bill, and said letter is attached as Exhibit 5. She said it should be noted that the county commissioner from Polson did not sign the letter, and that Polson has the largest tax base in the county and would have the most benefit from the bill.

Senator Walker moved to TABLE House Bill 549. The motion CARRIED 7-2, with Senators Eck and Harding voting no.

DISPOSITION OF HOUSE BILL 579: Karen Renne, staff lawyer, distributed amendments to House Bill 579, which are attached as Exhibit 6. She said they were suggested by the firefighters and provided a way to run the fire service areas. The heart of this bill is that property owners are charged by rates imposed by the Commissioners, rather than by levy. Senator Eck moved to adopt the amendments. The motion carried unanimously.

Senator Eck moved that House Bill 579 BE CONCURRED IN, AS AMENDED. The motion CARRIED 7-2, with Senators Pinsoneault and Harding voting no. Senator Eck was assigned to carry the bill.

Senator Story moved TO RECONSIDER HOUSE BILL 579, just passed in committee. The motion CARRIED UNANIMOUSLY.

Senator Story moved to add the work "real" before property in the amendments just passed by the committee, to differentiate from trailer houses or recreational vehicles, which might be renting space on a rural property. The motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL 612: Discussion showed concern by the committee regarding this bill.

Senator Crippen noted his concern that people might be treated unfairly by this bill.

Senator Beck moved to TABLE HOUSE BILL 612, later withdrawing the motion.


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Senator Story moved that House Bill 612 BE CONCURRED IN. The motion FAILED by a vote of 1 yes and 6 no's with 2 absent during voting. The motion and vote were REVERSED, thus the bill was voted BE NOT CONCURRED IN by a vote of 6 to 1 with Senator Story voting no.

The meeting adjourned at 2:45 p.m.



SENATOR R. D. PINSONNEAULT, ViceChairman

rj

ROLL CALL

Senate Local Government

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Mar 12, 1987

NAME	PRESENT	ABSENT	EXCUSED
BRUCE CRIPPEN			X
R. J. PINSONEAULT	X		
TOM BECK	X		
DOROTHY ECK	X		
H. "SWEDE" HAMMOND	X		
ETHEL HARDING	X		
LES HIRSCH	X		
PETER STORY	X		
ELEANOR VAUGHN	X		
MIKE WALKER	X		

Each day attach to minutes.

DATE March 13, 1987

DATE: 1/1/60
Local Government

VISITORS' REGISTER

NAME	ADDRESS	BILL #	Check One	
			Support	Oppose
Frederick A. White	City of Helena	HB 762		X
Ray E. Bennett	City of Billings	HB 762		X
Brookes Martin	City of Helena	HB 762		X
Lee King Arthur	MT Solid Waste Contractors	HB 762	✓	
Bob Denton	BID & F SANITATION Billings	HB 762	✓	
Bob Jackson	THREE RIVERS DESPOTIC 3025 MAIN	HB 762	✓	
Jim John Arsdale	City of Billings	HB 762		X
Dennis Johnston	Big Sky Troutery	HB 762	✓	
Kay Foster	City of Billings	HB 762		✓
Tim BERGSTROM	NAT. STATE COUNCIL OF PROFESSIONAL Fire Fighters	HB 762		✓
Don Myers	MT. Chamber of Commerce	HB 762	X	
STEVE PITCHER	DHES, Water Quality	HB 722	X	

(Please leave prepared statement with Secretary.)

NAME ROBERT FAGLIANO BILL NO. HB 762

ADDRESS P.O. Box 3588, Bozeman MT DATE 3/12/87

WHOM DO YOU REPRESENT THREE RIVERS DISPOSAL CO.

SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME V. J. ... BILL NO. 100-12

ADDRESS 100-12 DATE Aug. 19

WHOM DO YOU REPRESENT 100-12

SUPPORT X OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:



SENATE LOCAL GOVERNMENT
EXHIBIT NO. 1, part I, p. 1
3-12-87

HOUSE BILL NO. 762

Montana Solid Waste Contractors, Inc.

36 South Last Chance Mall, Suite A • Helena, Montana 59601 • 406-443-1160

HOUSE BILL 762

February 18, 1987

Testimony of Sue A. Weingartner, Executive Director

Our purpose in requesting HB 762 is to clarify the Legislative intent fo Section 7-2-4736, MCA. This section of the law says that when a municipality annexes additional areas, the hauler that serves that area may continue serving that "area" for the next five years--free from competition from the municipality. However, if at any time during that 5-year period the hauler doesn't provide adequate service, there is a remedy available: Because all private haulers are regulated by the Public Service Commission, upon proper showing to the PSC that adequate service isn't being provided, the City can then step in and take over the collection and disposal.

In addition, at the end of the 5-year period, an additional option is available to the residents of the area: If a majority of those resident within the area request municipal services, the municipality is free to step in and take over the services.

Because garbage collection is very capital intensive, a 5-year period gives the hauler time and notice to make necessary adjustment in his business. To suddenly lose a portion of customers through overnight annexation can deal a severe blow to a small business. Most Montana haulers are small businesses - many are "mom and pop" operations.

In most instances, this law has worked well. :The obvious exception is in Billings, the case mentioned in the preamble language to HB 762, in which the Montana Supreme Court interpreted the Legislative "area" language to mean "customers residing in the area" at the time of annexation.

Two additional items in the bill:

- (1) We feel that the "petition" method on p. 2 line 12, of requesting city services is a more organized and accountable way of determining the "majority of residents"; and
- (2) We request the "adequate service" be defined in subsection (3) beginning on page 2, line 21.

We would be happy to provide any additional information or answer any questions the Committee might have. We urge your support of HB 762.

Ex 1, Part I, p. 1
3-12-87
HB 762

§ 21-214

BILLINGS CODE

Sec. 21-214. Collection by city exclusive.

✕ It is unlawful for any person other than the city to engage in the business of collecting, removing and disposing of refuse within the jurisdiction of the city, or for any person other than the city, its agents or employees to do or perform any of the things herein required to be done or performed by the city, except as provided in section 21-215. The city administrator, with the consent of the city council, may call for bids on any areas that may be opened for competitive bidding by private haulers.

(Code 1967, § 7.24.290)

Sec. 21-215. Special permits.

In the case of isolated premises or where reasonable access cannot be had by truck, refuse therefrom may, upon written special permission of the city, be collected, removed and disposed of in such manner as the city shall in and by such permit approve and direct.

(Code 1967, § 7.24.300)

Sec. 21-216. Supervision of disposal.

All matters relating to the collection, removal and disposal of refuse, unless specifically placed under the direction of the city/county board of health, shall be done and performed under the supervision, direction and control of the city administrator, and in strict conformity with the provisions of this article and with any additional rules and regulations that may be made from time to time by the city administrator.

(Code 1967, § 7.24.310)

Sec. 21-217. Load security.

No person for himself or herself or on behalf of any other person shall operate a vehicle within the city or between the city and the city landfill disposal site transporting material or refuse of any kind or nature which is not fully secured. "Unsecured loads" are defined as a load of any quantity of any material or refuse that is not fully tied, covered or enclosed in such a manner that material being transported cannot be spilled, blown, dropped or otherwise lost from the transporting vehicle. Any person violating this section on load security shall be guilty of a misdemeanor, shall be issued a citation and notice to appear, shall be required to unload in a designated landfill area and shall pay a minimum fine as follows:

Cars and station wagons	\$ 5.00
Pickup trucks and small trailers	5.00
Up to one and one-half ton trucks	20.00
Up to five tons single axle	35.00
Over five tons tandem axle	50.00
Semi-trailers	50.00

Such amounts may be forfeited without the necessity of appearance in court. The maximum fine is as provided in section 1-110. Upon subsequent offenses by the same person, no forfei-



ADDITIONAL INFORMATION

HOUSE BILL 762

Montana Solid Waste Contractors, Inc.

36 South Last Chance Mall, Suite A • Helena, Montana 59601 • 406-443-1160

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 16 part III

DATE 3-12-87

BILL NO. HB 762



ADDITIONAL INFORMATION

HOUSE BILL 762

Montana Solid Waste Contractors, Inc.

36 South Last Chance Mall, Suite A • Helena, Montana 59601 • 406-443-1160

Capital Station
Helena, MT 59620

March 10, 1987

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 2, page 1
DATE 3-12-87
HOUSE BILL NO. 762

Attn: Local Government Committee, Room 405
Ref: House Bill 762, scheduled for committee hearing 3/12/87, 1:00 pm

Dear Mr. Bruce Crippen,

My name is Dennis Johnston and I live in Billings, MT. My wife and I own and operate two businesses in Yellowstone County; Big Sky Haul-Away, and Yellowstone Sanitation Service. We have been in business for nine years and employ approximately twenty people.

Because of the large area that has been annexed in the past few years, it is very important that we can continue to service those areas for the remainder of the five year period without interference from the City of Billings. This is necessary to allow us time to recoup our investment in the equipment that we have purchased to service the rural areas of Billings and Yellowstone County. House Bill 762 will allow us to do this.

Over the last year and a half we have lost over 575 customers because of annexation. If the City continues to offer service to those new people and businesses who have moved into the annexed areas it will result in a loss of revenue needed to continue servicing those areas, thus keeping our rates higher. If this bill is passed it is possible after the five year period that we could be competitive with City rates. Those residents and businesses that the city is providing service to in the annexed areas are not all newly constructed homes and businesses. For example, if we have been servicing a business on Main Street in the Billings Heights area in the past, and the business moves or goes out of business, the city will provide service to the new business moving in at that same address resulting in a loss of that customer to our company. The national average indicates that people move once every five to six years. As you can see, that would make it very difficult for us to recoup our investment.

The City of Billings sanitation department is very aggressive in enlarging their department. It is costing them an excessive amount of money to provide service to those scattered customers for the five year period. The refuse collection business is unique in that competition does not always decrease cost to the customers. Simply, more customers per area increases production and decreases operating costs.

The Billings City Administrator has indicated to us that we are attempting to pass laws to protect our business resulting in a monopoly but neglects to mention that the City of Billings has an ordinance stating exclusive rights to all garbage collection within the city. See attached city code, section 21-214.

In 1979, we started to service the K-Mart store at 2424 Central. It was indicated to the management of K-Mart that they could contract for our service but would be required to continue to pay the city for service that they were not receiving. At that time, the matter was turned over to K-Mart's corporate lawyers and the matter was then dropped. This same situation arises with trailer courts and small businesses who wish to contract with our companies. The City of Billings again tells them that they may contract out for service but must continue to pay them for service not received. Because of the size of the businesses, they are not able to call upon their corporate lawyers. This keeps the customer bound to city service because of the city ordinance eliminating the customers freedom of choice even though he might choose to use private service.

I will be in Helena Thursday morning March 12th and will be available for any additional information that you may require. I will also present oral testimony at the committee meeting on Thursday.

A negative decision on House Bill 762 could adversely affect another small Montana business.

Sincerely,



Dennis Johnston
Big Sky Haul-Away/Yellowstone Sanitation
President

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 3
DATE 3-12-87
BILL NO. HB 762

STATEMENT FROM THE YELLOWSTONE COUNTY
SOLID WASTE DISTRICT

RICHARD BEULKE, CHAIRMAN

MARCH 12, 1987

HOUSE BILL 762

For consideration of HB 762, on March 12, 1987, the private haulers have been of considerable assistance to the Yellowstone county Solid Waste District of which I am Chairman. They have lost a considerable amount of customers due to annexation and it is extremely important that they be permitted to retain those customers for five years to offset their equipment investment. Otherwise, residents of Yellowstone County will understandably be required to pay increases for service from private haulers because of the shift of costs from annexed areas to county residents.

On behalf of our Board, I sincerely urge your favorable support of this bill.

HOUSE BILL 762

March 1987

My name is Jim Van Arsdale. I'm the Mayor of the City of Billings and I am here before you today to testify in opposition to HOUSE BILL 762.

By way of background, the private garbage haulers in the City of Billings came to the Legislature several years ago and asked for a three-year moratorium on the City providing service to their customers in an annexed area. The Legislature agreed to this on the premise that the haulers had a major investment that they needed to recoup for their equipment. The Legislature felt that it would not be fair to take customers away from these firms.

Later, the same haulers came back to the Legislature and asked for an extension from three to five years for this moratorium on the premise that they could not pay off their trucks in a three-year period. The Legislature approved this request.

The City of Billings was then taken to court over the issue of whether or not the City could provide service to new (as opposed to previously existing) customers in annexed areas. The existing law has been reviewed all the way through the Supreme Court of Montana, and the conclusion reached was that the purpose of the legislation was to provide the private haulers with a guarantee of their existing base upon annexation of a property and to give them time to adjust.

HOUSE BILL 762 provides not only that existing customers are protected, but also that the private haulers will serve all of the properties in newly annexed areas for a five-year period. For example, if the City of Billings were to annex a 120 acre tract and subdivide it into 500 separate lots, the private haulers would have 500 new customers where they had no customers

before. I should also point out that the only reason that these 500 lots would be possible is that annexation would have provided the developer with City water and sewer.

This does not seem to meet the purpose that previous Legislatures have established, i.e., that the existing customer base for the private hauler should be protected for an interim period. In fact, this seems to be counter to the original purpose because at the end of a five-year period, a hauler could be in worse shape after acquiring equipment to serve these 500 new customers if they did petition to come into the City. Will the haulers be back to the Legislature requesting an additional five years when the original moratorium have expired?

We think the public interest is best served by letting the Supreme Court decision stand. The City of Billings has recently annexed a large number of properties. One of the recurring complaints that we receive is that new citizens feel they have second class status because they are unable to take advantage all City services. They generally pay more for refuse collection than the \$54 per year that we charge for collection and disposal. This added cost may be all the way from \$73 (\$64 collection, \$9 disposal cost) to over \$100, depending upon what the private hauler charges for the area.

In effect, the extra dollars paid to private haulers amount to a tax on those who pay. Under current law, a public purpose, that of fairness to the private haulers, is served. We contend that under the proposed law no public purpose whatsoever is served by this "tax", and that only a private purpose is served.

In addition, the Bill could create a patchwork of jurisdiction within the City with areas being served by private haulers surrounded by areas served by the City. For example, if we annex a 20-acre tract with a single

farm house being served by a private hauler, and that tract is subdivided into 50 lots, we could not serve those lots for five years, and possibly never. In the meantime, if we were to annex the surrounding property, and that property was not being served by a private hauler at the time of annexation, we could provide City garbage service to that property. This could lead to islands within the City being served by private haulers.

I know that previous testimony on this Bill has indicated that it amounts to simply clearing up various court decision rules; but, in fact, it precludes the City from providing any service to new construction or to properties that were not previously served by the private haulers, such as we are doing now. This could lead to a situation where people could reject the private service, but yet fail to comply with the City's ordinances relating to keeping their property clean and doing the things that are necessary to protect public health and safety. If we have no way to provide this service ourselves, we could be creating a future public health problem.

There has been some contention by the private haulers that their fees have to be higher because they pay GVW and Fuel Tax fees. If the Legislature has seen fit to exempt the City from these fees, it seems that City taxpayers should be able to take advantage of these exemptions. To use this as an argument to ask City residents to pay more for lesser service seems unfair and may create ill-will by the persons affected.

We respectfully request that you do not support HOUSE BILL 762. Thank you.

COUNTY COMMISSIONERS

DON PETERSON

District One

RAY HARBIN

District Two

MIKE W. HUTCHIN

District Three

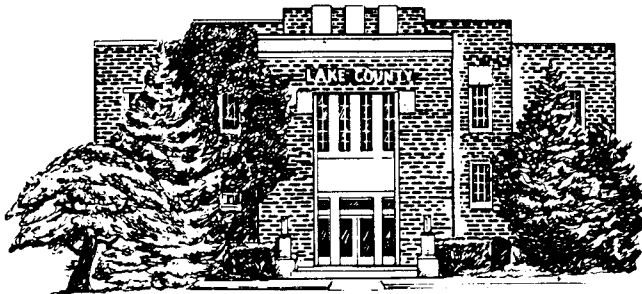
TREASURER

PATRICIA J. COOK

CLERK AND RECORDER

SURVEYOR

LORIN JACOBSON



ASSESSOR

LENORE A. ROAT

SHERIFF AND CORONER

JOE GELDRICH

CLERK OF COURT

KATHERINE E. PEDERSEN

SUPERINTENDENT OF SCHOOLS

GLENNADENE FERRELL

COUNTY ATTORNEY

LARRY J. NISTLER

JUSTICE OF THE PEACE

CHUCK WHITSON

LAKE COUNTY

PHONE 406/883-6211 • 106 FOURTH AVENUE EAST • POLSON, MONTANA 59860

March 9, 1987

Senator Ethel Harding
Capitol Station
Helena, MT 59820

SENATE LOCAL GOVERNMENT

EXHIBIT NO.

5

DATE

3-12-87

BILL NO.

579

Dear Senator Harding:

The Board of Lake County Commissionners would like to express our opposition to the following legislation begin presented.

H.B. 549 -- Would allow for one airport district to have a tremendous taxable value advantage due to the higher values of Flathead Lake frontage and the inclusion of such high taxable properties as Kerr Dam. This would be to the detriment of the other airports in Lake County.

H.B. 579 -- Simply creates a process which appears to us to complicate the current method and is unnecessary.

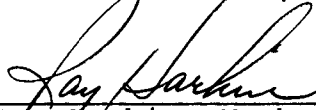
H.B. 325 -- In our opinion is a consolidation plan that would be too costly for the state to assume and would not significantly improve the services.

We realize this is very brief but we would entertain any questions by phone if necessary.

BOARD OF LAKE COUNTY COMMISSIONERS

Don Peterson, Chairman


Mike W. Hutchinson, Member


Ray Harbin, Member

jd

Senate Committee on Local Government

March 10, 1987

AMENDMENTS TO HOUSE BILL 579
(requested by firefighters*)

1. Page 1, line 15.

Following: "(1)"

Strike: "The"

Insert: "Upon receipt of a petition signed by at least 30 property owners of the proposed service area, or by a majority of the property owners if there are no more than 30 property owners in the proposed service area, the"

*2. Page 1, line 16.

Following: "establish"

Strike: "one or more"

Insert: "a"

Following: "districts-in"

Strike: "AREAS"

Insert: "area"

*3. Page 1, line 17.

Following: line 16

Insert: "an"

Following: "UNINCORPORATED"Strike: "AREAS"

Insert: "area"

*4. Page 2, line 9.

Strike: "(e)"

Insert: "(d)"

5. Page 3, line 2.

Following: "AREA"

Insert: ", and any assets remaining after all indebtedness has been satisfied must be returned to the owners of property within the area"

*6. Page 3, line 6.

Strike: "(a)"

Insert: "(1)"

*7. Page 3, line 9.

Strike: "(b)"

Insert: "(2)"

8. Page 3, following line 10.

Insert: "Section 3. Operation of fire districts. (1)
Whenever the board of county commissioners has established a fire service area, the commissioners may:

E-46, p. 2
3-12-81
HB 579

(a) govern and manage the affairs of the area; or

(b) appoint five qualified trustees to govern and manage the affairs of the area.

(2) If the commissioners appoint trustees under subsection (1), the provisions of 7-33-2105 and 7-33-2106 shall apply, except that the trustees shall prepare annual budgets and request a schedule of rates therefor."

Renumber: subsequent sections

9. Page 4, line 2.

Following: "commissioners"

Insert: "or the trustees, if the commissioners have appointed trustees under [section 3],"

10. Page 4, line 6.

Following: "7% of the"

Strike: "assessed"

Insert: "taxable"

* technical amendments, requested by Legislative Council

ROLL CALL VOTE

SENATE COMMITTEE LOCAL GOVERNMENT

Date March 12, 1987 House Bill No. 579 Time 2 p.m.

NAME	YES	NO
BRUCE CRIPPEN	<i>absent</i>	
R. J. PINSONEAULT		✓
TOM BECK	✓	
DOROTHY ECK	✓	
H. "SWEDE" HAMMOND	✓	
ETHEL HARDING		✓
LES HIRSCH	✓	
PETER STORY	✓	
ELEANOR VAUGHN	✓	
MIKE WALKER	✓	

Rosemary Jacoby
Secretary

Bruce Crippen
Chairman

Motion: And, seconded, he concurred in

ROLL CALL VOTE

SENATE COMMITTEE _____ LOCAL GOVERNMENT _____

Date Mar 12, 1987 House Bill No. HB 612 Time 2 p.m.

NAME	YES	NO
BRUCE CRIPPEN	<i>absent</i>	
R. J. PINSONEAULT		✓
TOM BECK		✓
DOROTHY ECK		✓
H. "SWEDE" HAMMOND		✓
ETHEL HARDING		✓
LES HIRSCH	<i>absent</i>	
PETER STORY	✓	
ELEANOR VAUGHN		✓
MIKE WALKER		
	<i>1 yes</i>	<i>6 no.</i>

Rosemary Jacoby
Secretary

Bruce Crippen
Chairman

Motion: Be concurred in. When motion
failed, the motion and vote were
reversed.

STANDING COMMITTEE REPORT

March 12

19. 87

MR. PRESIDENT

We, your committee on Local Government

having had under consideration..... House Bill No. 612

Third reading copy (blue)
color

Roth

DESCRIBES THE DISPERSAL OF COUNTY WATER OR SEWER DISTRICT ASSETS
UPON DISSOLUTION

Respectfully report as follows: That..... House Bill No. 612

BE NOT CONCURRED IN

~~XXXXXX~~

~~XXXXXXXXXX~~

.....Senator Crippen

Chairman.

STANDING COMMITTEE REPORT

March 12

19. 87

MR. PRESIDENT

We, your committee on Local Government

having had under consideration House Bill No. 722

Third reading copy (blue)
color

Cobb (Back)

REQUIRES INSPECTION OR CERTIFICATION OF PUBLIC WATER SUPPLY/SEWAGE SYSTEMS

Respectfully report as follows: That House Bill No. 722

BE CONCURRED IN

~~ROKASGX~~

~~NONKHASGX~~

Senator Crippen

Chairman.

STANDING COMMITTEE REPORT

March 12 1937

MR. PRESIDENT

We, your committee on Local Government

having had under consideration House Bill No. 589

Third reading copy (blue)
color

Koehnke (Walker)

**PROVIDING FOR THE APPOINTMENT OF A CITY COUNCIL BY A DISTRICT JUDGE IF
ALL POSITIONS ON COUNCIL BECOME VACANT**

Respectfully report as follows: That House Bill No. 589

BE CONCURRED IN

~~XXXXXX~~
DO PASS

~~XXXXXXXXXX~~
DO NOT PASS

Senator Crippen Chairman.

STANDING COMMITTEE REPORT

SCRM579

March 12, 1957

MR. PRESIDENT

Local Government

We, your committee on.....
House Bill..... 579
having had under consideration..... No.....
third..... blue
reading copy (.....) color

Cobb (Walker)

ALLOW CREATION OF FIRE SERVICE AREAS--FEES FOR CERTAIN RURAL FIRE SERVICES

Respectfully report as follows: That..... House Bill..... No. 579
BE AMENDED AS FOLLOWS;

1. Page 1, line 15.

Following: "(1)"

Strike: "The"

Insert: "Upon receipt of a petition signed by at least 30
owners of real property in the proposed service area,
or by a majority of the owners of real property if
there are no more than 30 owners of real property in
the proposed service area, the"

2. Page 1, line 16.

Following: "establish"

Strike: "one or more"

Insert: "a"

Following: "districts-in"

Strike: "AREAS"

Insert: "area"

Following: "WITHIN"

Insert: "an"

3. Page 1, line 17.

Following: "UNINCORPORATED"

Strike: "AREAS"

Insert: "area"

4. Page 2, line 9.

Strike: "(e)"

Insert: "(d)"

XXXXXX

XXXXXXXXXX

CONTINUED

Chairman.

March 12,

57

19.....

5. Page 3, line 2.

Following: "AR2A"

Insert: ", and any assets remaining after all indebtedness has been satisfied must be returned to the owners of property within the area"

6. Page 3, line 6.

Strike: "(a)"

Insert: "(1)"

7. Page 3, line 9.

Strike: "(b)"

Insert: "(2)"

8. Page 3, following line 10.

Insert: "Section 3. Operation of fire districts. (1) Whenever the board of county commissioners has established a fire service area, the commissioners may:

(a) govern and manage the affairs of the area; or

(b) appoint five qualified trustees to govern and manage the affairs of the area.

(2) If the commissioners appoint trustees under subsection (1), the provisions of 7-33-2105 and 7-33-2106 shall apply, except that the trustees shall prepare annual budgets and request a schedule of rates therefor."

Renumber: subsequent sections

9. Page 4, line 2.

Following: "commissioners"

Insert: "or the trustees, if the commissioners have appointed trustees under [section 3],"

10. Page 4, line 6.

Following: "7% of the"

Strike: "assessed"

Insert: "taxable"

AND AS AMENDED
BE CONCURRED IN

Senator Crispin