

MINUTES

MONTANA SENATE  
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Chairman Ethel M. Harding, on March 14,  
1989, at 1:00 p.m. in Room 405, State Capitol

ROLL CALL

Members Present: Chairman Ethel M. Harding; Vice Chairman  
Bruce D. Crippen; Senators R.J. "Dick" Pinsoneault, Tom  
Beck, Eleanor Vaughn, H.W. "Swede" Hammond, Mike  
Walker, Gene Thayer, Paul Boylan

Members Excused: None

Members Absent: None

Staff Present: Connie Erickson, Legislative Council;  
Dolores Harris, Committee Secretary

Announcements/Discussion: None

HEARING ON HOUSE BILL 340

Presentation and Opening Statement by Sponsor:

Representative Tom Lee, house district 49, stated that  
Greg Petesch from Legislative Council asked him to  
sponsor this bill. This bill clarifies two different  
parts of the statutes regarding fireworks. One part of  
the statutes deals with cities and towns have the  
ability to ban fireworks and another part says if you  
have a state permit you may sell them anyplace. The  
important part of the bill is on page 3, lines 7, 8, 9,  
and 10.

List of Testifying Proponents and What Group they Represent:

Shelly Laine, Director of Administrative Services,  
Helena  
Ray Blaum, State Fire Marshall

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Ray Blaum stated that this past few years he's been getting more calls regarding fireworks safety.

Shelly Laine stated that the City of Helena has banned the sale of fireworks in the city limits and supports the efforts to control fireworks.

Questions From Committee Members: None

Closing by Sponsor: Representative Lee closed the hearing.

DISPOSITION OF HOUSE BILL 340

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Walker MOVED we DO CONCUR in HB 340. The VOTE was UNANIMOUS in FAVOR of this motion on HB 340. Senator Walker will carry this bill to the Senate floor.

HEARING ON HOUSE BILL 557

Presentation and Opening Statement by Sponsor:

Representative Bob Bachini, house district 14, stated HB 557 is a self-help bill. This is an act requiring a deduction from a police officer's monthly compensation for payment of group life insurance premiums and to defray certain expenses incurred by the Montana Police Protective Association, and it allows for nonparticipation of police officers of a city or town upon approval of three-fourths of their membership.

List of Testifying Proponents and What Group they Represent:

Scott Miranti, Montana Police Protective Association  
Jerry Williams, Butte Police Protective Assn.  
Frank Garner, Kalispell Police & MPPA  
Bill Allison, Helena Police Protective Assn.

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Scott Miranti, a Bozeman police officer and the legislative chairman for Montana Police Protective Assn. representing 400 police officers across the state,

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stated that some towns will not be affected by this legislation. The cities that are affected are Anaconda, Baker, Billings, Bozeman, Butte, Glasgow, Glendive, Great Falls, Havre, Helena, Kalispell, Lewistown, Livingston, Miles City, Missoula, and Plains. See exhibit 1. This idea was conceived by police officers who wanted a life insurance policy. It is starting to become a reality. There is no impact upon the state whatsoever. This will come out of officers paychecks, goes to the state association and they will purchase a group life insurance policy for the officers. Excluded are chiefs, assistant chiefs and captains. He mentioned a death in Billings of a young officer - a sad situation - and if this had been in force it would have really helped his family. It opened the eyes of officers around the state for the need for life insurance. The group policy is much more economically feasible. Please vote in favor of this bill as it will cost the state nothing, its voluntary on the membership, and needs the support of this committee.

Jerry Williams, a police officer of Butte - Silver Bow, and secretary treasurer of Butte Police Protective Assn., to inform the committee that the Butte PPA are 100% behind this bill. Please pass this bill.

Frank Garner, a police officer with the City of Kalispell, stated he's touching on two other points. Great Falls police officers are in favor of this bill. He's asking this committee to help them help themselves. As a new father looking forward to 24 more years on the job, this bill will help me personally and, I believe, help the Kalispell officers also. Please do pass this bill.

Bill Allison, a Helena police officer and the Helena Police Protective Assn., stated that although this is for class A departments, no police officer in the state of Montana would be excluded from participating voluntarily. It's for all police officers. I'd appreciate a do pass on this bill.

Questions From Committee Members: Senator Beck asked about the 3/4 vote for membership. Scott Miranti stated if a local group wanted out of the state association, that is the mechanism for them to withdraw. Senator Beck asked, why not a simple majority? The state association decided the 3/4 vote was what they wanted.

Senator Thayer asked if there was anyone here representing the cities and towns because of the bookkeeping that they would be required to do as a result of this

legislation. The response was that they had no opposition to this request. The payroll clerk would withhold 1/2% of the officers wages.

Senator Walker stated the firefighters were the first to do this because their insurance was so exorbitant as it was number 1 on the list of most hazardous occupations and for many years they couldn't get insurance. In a group situation they can get it cheaper. The cities are willing to do it as it is a benefit they can give them without having to find the funds to do it with.

Senator Beck asked about .5 of the base salary. Senator Walker explained that they started out with \$10,000 on each firefighter and as things went along they were able to get more insurance until now it is \$25,000 on each, and the have \$5,000 on every spouse and \$5,000 on every child, so this group program is quite successful.

Senator Harding asked if someone said the police chiefs were exempt from this. Yes, they are exempt, but they may voluntarily choose to belong. Do they have to have 3/4 vote to allow them to come in? No, any officer that does not belong to the association can voluntarily apply. They can get out with a 3/4 vote.

Closing by Sponsor: Representative Bachini stated this is a very good bill from a group of people that want to help themselves, there is a need. I wish we had this legislation sooner. It will relieve pressure from city and town governments.

#### DISPOSITION OF HOUSE BILL 557

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Pinsoneault MOVED that we DO CONCUR in HB 557. The VOTE was UNANIMOUS in FAVOR of HB 557. J. D. Lynch will carry HB 557 to the Senate floor.

#### HEARING ON HOUSE BILL 84

Presentation and Opening Statement by Sponsor:

Representative Stella Jean Hansen, house district 57, Missoula, stated this bill is an act to make optional the requirement that a bond election notice be posted

in the voting precinct. However, they still have to publish it in the newspaper.

List of Testifying Proponents and What Group they Represent:

Marilyn Cregg, Missoula Council

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Marilyn Cregg stated that this bill would change the requirement for posting notice for bonding in the voting precinct. See exhibit 1 for her complete testimony.

Questions From Committee Members: None

Closing by Sponsor: Representative Hansen closed the hearing on HB 84.

DISPOSITION OF HOUSE BILL 84

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Vaughn MOVED that we DO CONCUR in HB 84. The VOTE was UNANIMOUS in FAVOR of passing HB 84. Senator Vaughn will carry HB 84 to the Senate floor.

HEARING ON HOUSE BILL 440

Presentation and Opening Statement by Sponsor:

Representative Dave Brown of house district 72, Butte - Silver Bow, in strong support of HB 440. This bill proposes 1% longevity payment to county sheriffs for each year of service. The bill clearly excludes this increase in sheriff's salaries in the computation of salaries of deputy sheriffs and under sheriffs. Those salaries are set by statute based on a percentage of the sheriff's salary and that would be limited to the sheriff's base salary as set by statute. It appears it would cost each of the 56 counties around \$2,000 for sheriff's longevity pay.

List of Testifying Proponents and What Group they Represent:

Chuck O'Reilly, Mt. Sheriffs & Peace Officers  
Barry Michelotti, Mt. Sheriffs & Peace Officers  
Tony Harbough, MSPOA  
Linda Stoll-Anderson, MACO  
Rick Laten, MSPOA  
Tim Solomon, Hill County Sheriff  
Tom Harrison, MT Sheriffs & Peace Officers

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Chuck O'Reilly, Lewis & Clark Co. Sheriff plus MSPOA, stated that in his county 31% of the officers in his department receive more pay than he does. In one county the sheriff was the lowest paid person in his department. He explained the pay schedule to the committee.

Barry Michelotti, Cascade Co. Sheriff, and MSPOA, asked for support of this bill. They do a variety of work, direct criminal investigations and are responsible for efficient operation of their department. Many supervise deputies that receive higher pay than they, because the deputies have been there a long time.

Tony Harbough, Custer County Sheriff, Miles City, and MSPOA, and he is the lowest paid officer in his department. He thought many sheriffs had looked at longevity pay as a campaign issue to be used against them, and that is how the deputies got higher pay than the elected sheriff. The person campaigning against the incumbent could say, you will save the county money by voting for a new sheriff. Longevity is look upon as professionalism and expertise of an officer. If there is a good deputy sheriff and he makes more money as deputy, why should he run for sheriff? Please support this bill.

Rick Later, Beaverhead County Sheriff and MSPOA, reiterated all that has been said and asked for support of this bill.

Tim Solomon, Sheriff Hill County and MSPOA, asked the committee to support this bill.

Tom Harrison representing the MSPOA explained that in the drafting of the bill that there is a reference to a

\$2,000 payment connected with the way sheriff's salaries are computed. The \$2,000 would not be a part of the base salary from which the deputy and under sheriff's salaries are figured. If he did not present this amendment, it would inflict a decrease of 1% per year to the deputies and undersheriffs. And they do not want to do that. He points out a fact that deputies and undersheriffs can go from 72 to 95% of the sheriffs salary, and with the longevity pay a deputy can make 110% of the sheriff's salary. Whose the logical person to be a candidate for sheriff when the opportunity arises? Sheriff's are not paid overtime. There ought to be a logical progression of pay for grades of service.

Linda Stoll Anderson, Lewis & Clark County Commissioner and MACO, suggests some amendments from page 5, line 1 through 4 be inserted on page 2. She gave her amendments to Connie Erickson for her expertise.

Questions From Committee Members: Senator Crippen asked Tom Harrison if he approved the amendment that Mrs. Stoll-Anderson suggested. He said he did approve.

Senator Beck asked about service accumulated prior to July 1, 1985, what does that mean? Linda Stoll Anderson stated that in section 7-4-2521 talks about longevity for the sheriff's department in that language and that is when the freeze went into effect.

Senator Hammond asked Chuck O'Reilly how much overtime pay does he receive? Sheriff O'Reilly answered none, sheriffs can't be paid overtime.

Closing by Sponsor: Representative Brown stated that this would bring sheriffs up to par.

#### DISPOSITION OF HOUSE BILL 440

Discussion: Connie Erickson stated there are 2 amendments presented by the interested parties. The first was offered by the Montana Peace Officers Association and it has to do with the longevity payment. Sheriffs receive a base pay plus \$2,000. Gordon Morris stated the original language included the longevity calculation into the base, which would be a mistake. Longevity is separate from base. The intention was to take any reference to longevity out so far as it was attached to deputy's salaries. The base pay for deputies is not based on the longevity of the sheriff

as well as his \$2,000. Senator Beck said simply stated, the deputies salary will be based on the sheriff's base pay plus \$2,000. Connie Erickson said that is correct. Linda Stoll-Anderson asked that language on page 5 be inserted on page 2 on line 20. Gordon Morris stated that in case of a salary freeze you freeze salary and forego longevity. Also you have lost the 1% increment during a freeze also. Another thought is that this bill should be coordinated with SB 370 by way of the fact that this bill was passed to reinstate COLA and longevity for the county attorneys and the deputy sheriffs so this bill should coordinate with that bill.

Senator Harding stated that by taking the language on page 5 line 1, but years of service through line 4, put that on page 2, line 20.

Senator Vaughn asked about the \$2,000. Gordon Morris stated if you refer to Title 7 the sheriff's salary is used to determine the undersheriff's and deputy's salaries. Connie Erickson will prepare the amendments that will clarify and coordinate the sheriff's salary with other elected officials, such as the county attorney.

Amendments and Votes: Senator Beck MOVED that we AMEND HB 440 as discussed. The VOTE was UNANIMOUS in FAVOR of these amendments.

Senator Beck MOVED that we add a COORDINATION CLAUSE with HB 370. The VOTE was UNANIMOUS in FAVOR of this MOTION.

Recommendation and Vote: Senator Thayer MOVED that we DO CONCUR AS AMENDED in HB 440. The VOTE was UNANIMOUS in FAVOR of HB440 AS AMENDED. Senator Walker will carry HB 440 to the Senate floor.

#### HEARING ON HOUSE BILL 630

Presentation and Opening Statement by Sponsor:

Representative Francis Koehnke, house district 32, Townsend, stated HB 630 revises the law of who should pay the refuse disposal district fee for mobile home parks. Park owners are charged a certain percent of the spaces they own. They can be paying for empty spaces. Then the House amended the bill to be the occupied spaces as of January 1. They said that really wasn't fair either and ask that this Senate Committee straighten this matter out.



List of Testifying Proponents and What Group they Represent:

Pete Frazier, Great Falls City Co. Health Dept.  
Glen Decker, Great Falls, selves  
Kathleen Decker, Great Falls, selves  
Judy Doggett, Broadwater County  
Ray Doggett, Broadwater County  
Will I. Selser, Helena, Mt.  
Lanny White, Townsend, MT  
Mary Saltzman, Townsend, Mt.  
Lynndale Saltzman Townsend, MT

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Pete Frazier, read his testimony into the record. See exhibit 1. He offered an amendment to correct the problems, streamline the system, and be fair to everyone. His amendment is as follows: On page 1 delete line 6 starting with the word "basing" and of lines 7 and 8. In its place add "fee to be paid by the registered owner of each mobile home in the mobile home park."

Glen Decker said that HB 630 has been introduced to correct misapplication of County Refuse Disposal Fees. See exhibit 2. He supports HB 630.

Lanny White talked about the Attorney General's opinion in 1984 stated park owners would pay the refuse district fee for their mobile home park. He believes that the lessee pay for their own charge for this. For example, they have 38 spaces and 20 rented. He asked for a do pass on this bill.

Lynn Saltzman stated he has a similar situation. He picks up and hauls his garbage and he was charged \$55.00 for each spot for the dump area and his operation had to absorb that cost. He paid \$894.00 taxes on his park and then he pays \$800.00 per year garbage tax and haul his own parks garbage. This situation needs to be put on the individual trailer home.

Judy Doggett, Clerk and Recorder of Broadwater County, is here in support of HB 630 as amended.

Questions From Committee Members: Senator Pinsoneault asked why don't you add the cost onto the price of the renting of the lot? A park owner answered that there are many empty spots a good part of the time and it's

difficult to add more than they are presently charging.

Senator Crippen stated Glenn Decker is asked to pay \$38.00 for something that he does not get.

Mary Saltzman is part owner of a trailer court and she says tacking the fee for the land fill onto the cost of the rent makes the court owners tax collectors. She just owns the land, the person sets their trailer on her land and the government makes her pay the garbage tax. That is not fair at all. The people who own the trailer home have to pay property tax, so why not add that tax on the same bill?

Senator Pinsonneault asked what if people want to pay for their own garbage removal. Mary Saltzman answered the hauling isn't the issue, it's paying for the land fill and covering the garbage. They get charged \$800 per year just to use the dump, the landfill and everyone has to use it. You can't leave garbage sitting in the yard, so everyone in the county is forced to use the landfill. If I own the house, and I rent the house out, then I should pay the landfill fee. But people who own their own home should pay their garbage tax.

Senator Beck said one thing about the amendment is on the units in your court. Rep. Koehnke said that the way it was proposed in the house was for the lessee of the lot to pay the assessment. He feels the easiest way administratively is for whoever pays the taxes on that trailer house, should pay the disposal of the refuse coming out of that trailer house.

Senator Walker stated that what they have done is owning a trailer home is almost like owning your home, but being in a park they're treating it different. In a condo you pay those fees yourself.

Senator Thayer asked Pete Frazer if the mobile homes have been informed of this legislation. And Mr. Frazer said yes they had written all park owners. Sen. Thayer asked if Mr. Frazer's amendments were the only ones? He said his was the only one he was aware of.

Senator Hammond asked if you own a trailer house should you pay your landfill tax? Yes, that is what we're trying to accomplish. Presently the park owner has to pay that tax.

Senator Beck asked if they plan to lower the rent if this bill goes through? A park owner answered that he charges \$70 per month and furnishes water, sewer and

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electrical hookups. I unplug their sewers for no charge. This is a small business trying to survive. He cleared \$4500 on his mobile home park this year. It's hard to keep raising rent to cover all the taxes and make a good profit.

Senator Beck asked Judy Doggett to explain your reasoning. I have been in on this bill from the beginning. She thinks it's an additional burden to mobile park owners to have to pay a fee on refuse disposal whether or not someone is parked there. Trailers move in and out of courts. Judy Doggett sees it as more equitable to put the fee on the mobile home owner. He said the way the bill came from the house, it is not all the homes paying for this, just a percentage. Judy Doggett favors the Frazer amendment.

Senator Crippen asked when solid waste fees are assessed. Judy Doggett answered January 1. Mobile home taxes are May and September. The mobile home park may be quite empty on January 1 so the county would pick up more taxes by charging the mobile home owners on their tax bill in May and September. It would be on any mobile home in the county and where they rent their lot would not matter to the county.

Senator Pinsoneault asked Judy Doggett if they have a control of mobile homes coming and going? No. Judy Doggett mentioned that mobile homes can not be moved without a moving deck, so you catch them at that time, when they decide to move out.

Senator Thayer stated that if mobile home owners have to pay their taxes, they can pay this assessment at the same time. What is wrong with that? What difference does it matter where he parks?

Senator Beck asked if you get a discount rate as a unit on solid waste collection? If I have 38 units, I pay for 75% of the spaces, rather than \$100%. Senator Thayer's point is what does it matter where they are parked, so they pay their taxes wherever they are.

Senator Harding stated this amendment would put the burden on the owner of the mobile home. They would pay their garbage tax when they pay their personal property tax.

Senator Vaughn stated they assess it now on the property owners. She said if you own a house you pay it.

Closing by Sponsor: Rep. Koehnke stated that the House was

afraid a mobile home would come and go and the mobile park owner would be there to collect the tax. He approves of the Frazier amendment. Thank you. He didn't have anyone he wanted to carry this bill.

## DISPOSITION OF HOUSE BILL 630

Discussion: Senator Beck asked if this was government rule making authority? Senator Walker said not when the attorney general makes a decision like that. Connie Erickson stated that the A.G.'s opinion that this is the responsibility of the parks is followed. Senator Walker stated an attorney general's opinion sets a president until challenged in court.

The fees are attached to the property tax notices. Senator Beck stated this is for a solid waste district, and when he helped set it up they had the discretion of describing a family unit, household, trailer court, motel, for anything. He wonders why they need this in the codes, versus the rule making authority of the local government. Senator Walker stated they assessed it on the homes until the A. G.'s opinion. R.V. courts are another matter.

Senator Harding stated that this law with this amendment would attach the refuse fee to the mobile home rather than to the park. He's asking why wouldn't the county commissioners do this if they had a complaint on it. The commissioners should do that automatically.

Senator Vaughn stated that mobile home parks allow some slots open for R.Vs. Whose responsible for those? Connie Erickson explained that section 7-13-231 in subsection 2 says the fee shall be assessed to all units the district that are receiving service for the purpose of maintenance and operation of said district. Some of the problem might be determination of a trailer being a residential unit.

Senator Beck said there is a distinction between personal property and real property.

Senator Crippen asked how do you handle the camp grounds of America? The percentage is used.

Senator Harding that it makes sense that the mobile home owner should pay for his refuse. She thinks they should pay their refuse tax when they pay their personal property tax. The same as someone who owns their own home.

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Senator Crippen says this amendment doesn't say that.

Senator Thayer agreed with Senator Crippen that the amendment should be rewritten that says that the responsibility for the refuse fee shall be paid at the time personal property taxes are paid. Don't say anything about mobile home parks. Senator Crippen says on the parks it takes care of all kinds of vehicles.

Senator Walker asked if there is a definition of a mobile home in the law? Connie Erickson wasn't certain.

Senator Harding thinks the amendment should be written to say they pay that fee 1 time a year. That would be fair and not assess the mobile home park. Senator Crippen likes the bill the way it is.

Senator Beck said he didn't know what the occupancy was over a years time and what they would have on January 1. They are collecting this fee presently, and if they aren't they are poor business people. They have a better handle on whose there and who is not.

Senator Vaughn stated there are parks where there are a lot of empty spaces and when they assess each mobile home that comes in.

Senator Walker mentioned a fee schedule. Senator Thayer said if we amended it to read to be paid by each registered owner of a mobile home and strike in the mobile home park, it doesn't say anything about the park or RVs or anything. That would solve the problem we're discussing.

Senator Harding says if that fee was attached to that mobile home owner that would take care of this bill. Senator Crippen talked about an apartment house that is 50% occupied and he's paying refuse tax on that. Senator Walker said the difference is that you have a building on it and in a mobile home park it is a vacant lot. When a tenant is gone he's not making any garbage either.

Senator Boylan stated that the A G's ruling must apply to this and we should go back and see what he said. The person who mentioned this said the ruling was in 84.

Amendments and Votes: None

Recommendation and Vote: None

## HEARING ON HOUSE BILL 558

Presentation and Opening Statement by Sponsor:

Representative Tom Kilpatrick, house district 85, Laurel, stated HB 558 was given to him at the request of his city attorney in Laurel. This bill extends to the cities and towns the protection already enjoyed by state agencies. It will allow them to recover punitive damages. The \$2000 penalty for false claims could deter future fraud and it would help recompense taxpayers for the loss. He said in his town he had a city employee who would set up a company, order supplies for the city from it, then cash the check. He said he received the supplies at work and he was the person who checked them in. He took the city for thousands of dollars. After he was found out the city attorney found that his options for collection this restitution was not good. If the judge sentences a criminal to jail, there is no restitution. Many times they only have to repay a small portion and without a set statutory penalty, civil punitive damages cannot be awarded, unless a court considers all factors in a separate proceeding. One factor is a defendants net worth and his ability to pay. A defendant can often conceal his true financial ability and proof is difficult to obtain. There are criminal sanctions that are available and made by the judge, he should clearly state his reasons for making the award and finding the fact and conclusions of law demonstrating consideration of each of the following matters. The nature and reprehensibility of the crime, the extent of the defendants wrong doing, the intent of the defendant doing the wrong, the probability of the defendant doing the wrong, the amount of actual damages actually awarded by the jury, the defendants net worth, previous awards for punitive damages, potential or prior criminal sanctions, or any other circumstances which may operate to increase or reduce the damages. By adding this statute to cities and towns they should have a good chance of recovering some of their losses or it might be a deterrent.

List of Testifying Proponents and What Group they Represent:

None

List of Testifying Opponents and What Group They Represent:

None

Testimony:

None

Questions From Committee Members: Senator Vaughn asked if this applies to counties already under a state agency? Rep. Kilpatrick didn't know. Gordon Morris answered that he thinks counties do have a statute similar to this one.

Closing by Sponsor: Representative Kilpatrick closed the hearing and stated Senator Blaylock will carry this bill.

DISPOSITION OF HOUSE BILL 558

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Walker MOVED that we DO CONCUR in HB 558. The VOTE was UNANIMOUS in FAVOR of passing HB 558. Senator Blaylock will carry HB 558 to the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 411


Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Beck moved that we DO CONCUR in HB 411. The VOTE was UNANIMOUS in FAVOR of passing HB 411. Senator Beck will carry HB 411 to the Senate floor.

ADJOURNMENT

Adjournment At: 2:40 p.m.

  
SENATOR ETHEL M. HARDING, Chairman

EMH/dh

minutes.314





SENATE STANDING COMMITTEE REPORT

March 14, 1989

MR. PRESIDENT:

We, your committee on Local Government, having had under consideration HB 340 (third reading copy -- blue), respectfully report that HB 340 be concurred in.

Sponsor: Lee (Walker)

BE CONCURRED IN

Signed:



Ethel M. Harding, Chairman

11 C. 187  
3/15/89  
9:30  
G.A.M.

SENATE STANDING COMMITTEE REPORT

March 14, 1989

MR. PRESIDENT:

We, your committee on Local Government, having had under consideration HB 557 (third reading copy -- blue), respectfully report that HB 557 be concurred in.

Sponsor: Bachini (Lynch)

BE CONCURRED IN

Signed: 

Ethel M. Harding, Chairman

*Handwritten notes:*  
J.C.  
3/15/89  
9:40

SENATE STANDING COMMITTEE REPORT

March 14, 1989

MR. PRESIDENT:

We, your committee on Local Government, having had under consideration HB 84 (third reading copy -- blue), respectfully report that HB 84 be concurred in.

Sponsor: Hansen, S. (Vaughn)

BE CONCURRED IN

Signed: 

Ethel M. Harding, Chairman

4/10/89  
3/11/89  
9:00

SENATE STANDING COMMITTEE REPORT

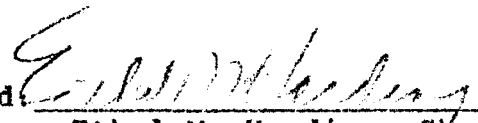
March 14, 1989

MR. PRESIDENT:

We, your committee on Local Government, having had under consideration HB 558 (third reading copy -- blue), respectfully report that HB 558 be concurred in.

Sponsor: Kilpatrick (Blaylock)

BE CONCURRED IN

Signed: 

Ethel M. Harding, Chairman

4/10/89  
3/15/89  
9. a. m.

**SENATE STANDING COMMITTEE REPORT**

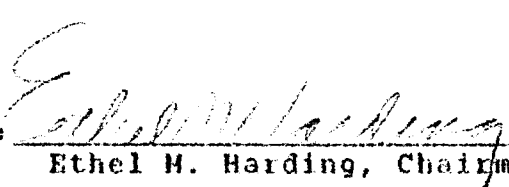
March 14, 1989

**MR. PRESIDENT:**

We, your committee on Local Government, having had under consideration HB 411 (third reading copy -- blue), respectfully report that HB 411 be concurred in.

Sponsor: Brown, J. (Beck)

**BE CONCURRED IN**

Signed: 

Ethel M. Harding, Chairman

41154  
3/15/89  
9:00

MUNICIPAL POLICE OFFICERS' RETIREMENT SYSTEM

Participating Members by City

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 1

DATE 3-14-89

BILL NO. HR 557

Anaconda	17
Baker	2
Billings	102
Bozeman	26
Butte	41
Glasgow	10
Glendive	10
Great Falls	62
Havre	16
Helena	35
Kalispell	21
Lewistown	11
Livingston	9
Miles City	15
Missoula	58
Plains	<u>1</u>
TOTAL	<u><u>436</u></u>

*100% Membership  
in favor*



FINANCE/CITY CLERK OFFICE

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RISK MANAGEMENT

**CITY OF MISSOULA**  
**TESTIMONY ON HOUSE BILL #84**

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 1

DATE 3-7-4

BILL NO. 84

The City of Missoula supports House Bill #84 and thanks Representative Hansen for sponsoring this bill. This bill would change the requirement that a notice of a municipal general obligation bond issue be posted in each precinct prior to the election. The bill would retain the mandatory newspaper legal publication and leave posting of precincts as an additional option.

This bill was suggested by the Missoula County Clerk and Recorder after they had to post all of the precincts for our last bond issue. Wendy Cromwell, Missoula County Elections Supervisor, said that municipal G.O. Bond issues are the only elections remaining where prior posting of the precincts is still required. She suggested that posting of precincts in most cities and towns does not make much difference for voter information and may be an unnecessary expense. While we only paid \$44.75 for such posting in each of the last two bond elections, the requirement does seem to be an unnecessary use of County personnel time and expense for cities. The City of Missoula would urge your concurrence to House Bill #84. A copy of the Missoula County Clerk and Recorder's support is attached to the back of this testimony.



OFFICE OF THE CLERK AND RECORDER  
RECORDING DIVISION  
MISSOULA COUNTY COURTHOUSE  
MISSOULA, MONTANA 59802

January 5, 1988<sup>9</sup>

Please accept this written statement as evidence of support by the Missoula County Clerk & Recorder to change the requirement that notice of a city bond election be posted in the precinct ten days prior to election.

No other taxing district has this requirement and the purpose of notification can be met by publishing the announcement in the local newspaper.

Respectfully submitted,



Fern Hart  
Clerk & Recorder/Treasurer  
Missoula County



Amendments to House Bill No. 440  
Third Reading Copy

For the Senate Committee on Local Government

Prepared by Connie Erickson  
March 14, 1989

1. Title, line 8.

Following: "UNDERSHERIFFS;"

Insert: "ALLOWING A COUNTY GOVERNING BODY TO RESTORE ALL OR PART  
OF THE LONGEVITY INCREASES THAT WERE LOST AS A RESULT OF  
COUNTY WAGE FREEZES;"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "7-4-2503"

Insert: "AND 7-4-2504"

2. Page 2, line 18.

Following: "year"

Insert: "."

Strike: "plus"

Insert: "(c) The county sheriff shall receive"

3. Page 2, line 20.

Following: "department"

Insert: ", but years of service during any year in which the  
salary was set at the level of the salary of the prior  
fiscal year may not be included in any calculation of  
longevity increases"

4. Page 5.

Following: line 16

Insert: "Section 2. Section 7-4-2504, MCA, is amended to read:

"7-4-2504. Salaries to be fixed by resolution -- cost-of-  
living increments. (1) The county governing body shall by  
resolution, on or before July 1, 1982, and on or before July 1 of  
each year thereafter adjust and uniformly fix the salaries of the  
county treasurer, county clerk, county assessor, county school  
superintendent, county sheriff, and the clerk of the district  
court; the county auditor (if there is one); and the county  
surveyor (if he receives a salary) for cost-of-living increase by  
adding to the annual salary computed under 7-4-2503 an increment  
calculated by applying to the annual salary established by 7-4-  
2503(1) plus previous cost-of-living increments, 70% of the last  
previous calendar year's consumer price index for all urban  
consumers, U.S. department of labor, bureau of labor statistics,  
or other index that the bureau of business and economic research  
of the university of Montana may in the future recognize as the  
successor to that index. The county governing body may, however,

for all or the remainder of each fiscal year, in conjunction with setting salaries for the same action on the salaries of justices of the peace (if applicable), the county governing body, county attorney, and coroner, set the salary at the prior fiscal year level if that level is lower than the level required by this subsection. The cost-of-living increment for the fiscal year beginning July 1, 1983, and for each subsequent fiscal year shall be added to all cost-of-living increments granted for previous years unless salaries were set for the fiscal year at the level of salaries received in the prior fiscal year. In such case the cost-of-living increment that would have been received for such fiscal year, computed on the prior fiscal year, may not be added to previous increments.

(2) The county governing body may, in any subsequent fiscal year, restore for 1 or more years the annual cost-of-living increments withheld pursuant to subsection (1). If cost-of-living increments are restored, the longevity increases provided for sheriffs in [section 1] must also be restored for the years for which the cost-of-living increment was restored.

~~(2)~~(3) If the application of 7-4-2503 does not qualify a county official for a salary increase of at least 7% on July 1, 1981, his salary on that date shall be increased by an amount sufficient to provide him total salary equal to 7% more than during the previous year.

~~(3)~~(4) The county governing body shall by resolution, prior to July 1 of each year, establish the salary of the coroner and may, for all or the remainder of each fiscal year, in conjunction with setting salaries for other officers as provided in subsection (1), set the salary at the prior fiscal year level. The salary must be in effect upon the first day of each ensuing fiscal year.""

Renumber: subsequent section

## TESTIMONY TO AMEND HB630

MADAM CHAIRMAN AND COMMITTEE MEMBERS, FOR THE RECORD MY NAME IS PETE FRAZIER, DIRECTOR OF ENVIRONMENTAL HEALTH WITH THE CITY-COUNTY HEALTH DEPARTMENT IN CASCADE COUNTY. AS PART OF MY DUTIES I ALSO SERVE AS DIRECTOR OF THE CASCADE COUNTY SOLID WASTE DISPOSAL DISTRICT AND HAVE SERVED AS SUCH SINCE THE DISTRICT'S CREATION 18 YEARS AGO.

AS YOU MAY BE AWARE, SOLID WASTE DISPOSAL DISTRICTS ARE FUNDED BY A SOLID WASTE ASSESSMENT ON EACH HOUSEHOLD AND BUSINESS WITHIN THE DISTRICT BOUNDARIES, WHICH IS COLLECTED WITH THE COUNTY TAXES IN NOVEMBER OF EACH YEAR. NATURALLY MOBILE HOMES ARE CONSIDERED AS HOUSEHOLDS AND ASSESSED THE SAME ASSESSMENT AS ANY OTHER HOUSE. HOWEVER, THERE HAS NEVER BEEN A WELL DEFINED METHOD FOR ASSESSING MOBILE HOMES LOCATED WITHIN MOBILE HOME PARKS. FOR MANY YEARS, MOST REFUSE DISPOSAL DISTRICTS ASSESSED THE OWNER OF EACH MOBILE HOME WITHIN A MOBILE HOME PARK THE REFUSE DISPOSAL DISTRICT ASSESSMENT. HOWEVER, SEVERAL YEARS AGO AN ATTORNEY GENERAL'S OPINION WAS RENDERED WHICH INDICATED THAT THE REFUSE DISPOSAL DISTRICT ASSESSMENT SHOULD BE ASSESSED AGAINST THE OWNER OF THE MOBILE HOME PARK, RATHER THAN THE OWNER OF EACH MOBILE HOME WITHIN THE PARK. THIS OPINION CREATED BOTH AN UNFAIR SITUATION FOR MOBILE HOME PARK OWNERS AS WELL AS A DIFFICULT SITUATION FOR REFUSE DISPOSAL DISTRICTS ADMINISTRATIVELY. IT IS UNFAIR SINCE THROUGHOUT THE DISTRICT OTHER MOBILE HOME OWNERS LOCATED OUTSIDE MOBILE HOME PARKS PAY THE REFUSE DISPOSAL ASSESSMENTS, BUT MOBILE HOME OWNERS LOCATED IN A MOBILE HOME PARK DO NOT HAVE TO PAY, SINCE THE OWNER OF THE PARK THEY RESIDE IN MUST PAY FOR THEM. IN LARGER MOBILE HOME PARKS THIS OFTEN MEANS A MOBILE HOME PARK OWNER MUST PAY SEVERAL THOUSAND DOLLARS EACH YEAR. IT SEEMS MORE APPROPRIATE TO HAVE THE PEOPLE PRODUCING THE GARBAGE (MOBILE HOME OWNERS) PAY FOR THE DISPOSAL OF THEIR GARBAGE RATHER THAN THE MOBILE HOME PARK OWNERS.

HB630 WAS INTRODUCED, I BELIEVE, TO RECTIFY THESE PROBLEMS. HOWEVER, IN ITS PRESENT FORM THE PROBLEMS REMAIN AND THE BURDEN STILL RESTS WITH THE MOBILE HOME PARK OWNER TO PAY THE REFUSE DISPOSAL DISTRICT FEE FOR EACH MOBILE HOME IN HIS PARK ON JANUARY 1 OF EACH YEAR. IN ADDITION HB630 ADDS AN ADDED RESPONSIBILITY TO THE REFUSE DISPOSAL DISTRICT TO COUNT EACH MOBILE HOME IN EACH MOBILE HOME PARK IN THEIR DISTRICT EACH YEAR -- A VERY TIME CONSUMING JOB IN BOTH COUNTING AND IN UPDATING ASSESSMENT ROLL RECORDS AS THE NUMBERS CHANGE FOR EACH MOBILE HOME PARK EACH YEAR.

THEREFORE, I HAVE PROPOSED AN AMENDMENT TO HB630, A COPY OF WHICH YOU HAVE BEFORE YOU, WHICH I BELIEVE WILL CORRECT THE PROBLEMS, STREAMLINE THE SYSTEM, AND BE FAIR TO EVERYONE. MY AMENDMENT IS AS FOLLOWS:

ON PAGE 1 DELETE LINE 6 STARTING WITH THE WORD "BASING" AND ALL OF LINES 7 AND 8. IN ITS PLACE ADD "FEE TO BE PAID BY THE REGISTERED OWNER OF EACH MOBILE HOME IN THE MOBILE HOME PARK."

ON PAGE 1 DELETE LINE 23 STARTING WITH THE WORD "BASED" AND LINE 24. IN ITS PLACE ADD "PAID BY THE REGISTERED OWNER OF EACH MOBILE HOME IN THE MOBILE HOME PARK."

I URGE THE COMMITTEE TO ADOPT HB630 WITH THE ABOVE NOTED AMENDMENTS.

THANK YOU.

Proposed Amendments  
Below

1st Legislature

APPROVED BY COMM.  
ON LOCAL GOVERNMENT

HOUSE BILL NO. 630  
INTRODUCED BY KOEHNKE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW RELATING TO THE DETERMINATION OF SERVICE CHARGES FOR REFUSE DISPOSAL DISTRICT FEES FOR MOBILE HOME PARKS; BASING-THE-FEE-ON-EACH-OCCUPIED-MOBILE-HOME-SPACE THE-NUMBER-OF-MOBILE-HOME-SPACES-OCCUPIED-ON-JANUARY-1; REQUIRING-THE-BESSEB-OF-THE-SPACE-TO-PAY-THE-FEE; AMENDING SECTION 7-13-232, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 7-13-232, MCA, is amended to read:  
"7-13-232. Determination of service charge. (1) The Except as provided in subsection (2), fees shall be based upon a family residential unit, and fees for commercial and industrial accounts shall be based on the comparison with a typical residential unit as to volume and type of waste produced.

(2) in-a-mobile-home-park-the-fee-shall-be-based-upon each-occupied-mobile-home-space-and-shall-be-paid-by-the individual-lessee-of-the-space FEES FOR MOBILE HOME PARK ACCOUNTS SHALL BE BASED-UPON-THE-NUMBER-OF-MOBILE-HOME-SPACES-OCCUPIED-ON-JANUARY-1.

(3) In no case shall the fee for disposal service

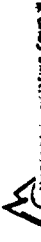
- 1 exceed one-half the total fee for both collection and disposal services."
- 3 NEW SECTION. Section 2. Effective date. (This act) is effective July 1, 1989.

-End-

Delete line 6 starting with "basing" and lines 7 & 8.  
ADD--"FEE TO BE PAID BY THE REGISTERED OWNER OF EACH MOBILE HOME IN THE MOBILE HOME PARK."

Delete line 23 starting with "based" and line 24.

ADD--"PAID BY THE REGISTERED OWNER OF EACH MOBILE HOME IN THE MOBILE HOME PARK."



SENATE LOCAL GOVERNMENT

EXHIBIT NO. 2

DATE March 14, 1989

BILL NO. HB 630

RIVERSHORE  
\*\*\*\*\*

Mobile Home Court  
3308 Lower River Road  
Great Falls, MT 59404  
(406) 453-8963

MARCH 1, 1989

Local Government Committee  
Montana State Senate

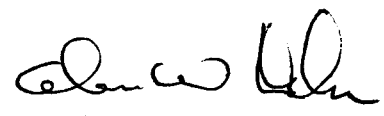
Sub: House Bill 630

LADIES &  
Gentlemen:

House Bill 630 has been introduced to correct missapplication of County Refuse Disposal fees with regard to rural mobile home courts. Although the law clearly states the fee will be charged against family units, defined as the residence of a single family, the former Attorney General held that the fee would be the responsibility of the owner of the land which the mobile home court occupies. House Bill 630 would correct the Attorney General's opinion so that each mobile home owner would pay the assessment along with the annual payment of his mobile home property tax.

However, there is more to the problem than missapplication of fees. The County does not provide for the collection of refuse, so the mobile home park owner must hire a private collection service to collect and dispose of the refuse. In the case of rural courts near Great Falls, this service is provided by Green's disposal service. Because Green's truck contains City refuse as well as County refuse, he is not allowed to use the County land fill. In fact, he uses his own land fill, so that court residents are charged for a service, use of the County land fill, they are unable to use.

Green charges \$12.28 per year for collection and disposal of refuse, compared to the County's charge of \$38.00 for use of its land fill only. The Bill should contain a provision allowing the resident to "opt out" of the district to avoid paying double for a service, as City residents are allowed to do.

Sincerely Yours, 

Glenn W. Decker  
3124 Lower River Road  
Great Falls, MT 59405  
Ph. 761-0362

3/14/89

Senator Ethel Harding  
Senate Social Government Committee  
State Senate  
Copfol

Dear Senators Harding & Committee Members  
as a Mobile Home Court owner in  
Cascade County, I wish to express my  
opposition to H B 630 in the present form  
& to indicate my support for amending  
this bill so that payment of refuse  
Disposal district fees are made by the  
mobile Home owner, rather than the  
mobile court owner. It is my understanding  
that such an amendment is being prepared  
& I fully support such an amendment.  
since I do not feel it right to make the  
whole Home trailer owner pay for the  
disposal of the garbage from the mobile  
homes within my court. The people who  
produce the garbage should pay for  
the disposal of their own garbage  
not me. Please pass H B 630 with  
with the amendment

Thank you Sincerely,  
Emery Rada (owner)  
Home Trailer Court

HB 630

3/14/89

To: Senators:

Fred Thayer - Mike Walker  
Jack Galt - Richard Manning  
Daryl Meyers - Jerry Noble

Subject: Amendment to House Bill 630

I am for the amendment to H.B. 630 to require that each owner or family unit pay their own taxes or assessment.

When no services are provided by the county, "pick up of solid waste", then no one should be assessed or charged for a service not rendered.

Garbage is being picked up by "Greens" and taken to their own disposal site and I am paying Greens for their services.

Thank you

Larry F. Pomeroy  
Traders Trace 150  
Great Falls, N.H.  
59405

452-9325