

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN NORM WALLIN**, on January 26, 1993, at 3:00 p.m.

ROLL CALL

Members Present:

Rep. Norm Wallin, Chairman (R)
Rep. Ray Brandewie, Vice Chairman (R)
Rep. Ellen Bergman (R)
Rep. John Bohlinger (R)
Rep. Dave Brown (D)
Rep. Tim Dowell (D)
Rep. Dave Ewer (D)
Rep. Stella Jean Hansen (D)
Rep. Jack Herron (R)
Rep. Ed McCaffree (D)
Rep. Sheila Rice (D)
Rep. Tim Sayles (R)
Rep. Liz Smith (R)
Rep. Randy Vogel (R)
Rep. Karyl Winslow (R)
Rep. Diane Wyatt (D)

Members Excused: None.

Members Absent: None.

Staff Present: Bart Campbell, Legislative Council
Pat Bennett, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 203, HB 156, HB 169, SB 8
Executive Action: HB 139, HB 203, HB 169

HEARING ON HOUSE BILL 203

Opening Statement by Sponsor:

REP. DON LARSON, HD 65, Seeley Lake, said HB 203 simply adds fire service areas to the list of entities that can enter into mutual aid agreements. Fire service areas were inadvertently omitted.

Proponents' Testimony:

Bruce Suenram, Chief, Fire Prevention Investigation Bureau, Department of Justice, explained that the omission of fire service areas was an oversight when this legislation was adopted. It omitted the ability for a fire service area to enter into a mutual aid agreement with other fire service areas, municipalities and fire districts. A fire service area is an area constructed with a fee placed on the structures in contrast to a fire district which is formed by petition and taxes are paid on the ground and the structures. Fire service areas generally provide all structure protection, where a rural fire district would provide all services. Mr. Suenram noted that the same amendment made in part 41 is also needed for part 21 and part 24 to allow a fee service area to enter into a mutual aid agreement with other fee service areas and/or a fire district in addition to the municipality.

Tim Murphy, Fire Chief, Department of State Lands (DSL), stated DSL supports HB 203. As stated on line 20, DSL is the state agency with fire protection services and is responsible for the natural resource protection in Montana. He said he also concurs with Mr. Suenram regarding the amendments.

Darryl Mariucci, Greenough Potomac Fire Department, stated they are the department affected by this fire service law and mutual aid agreements. He stated the department is very much in support of HB 203.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

REP. VOGEL asked Mr. Suenram how this change in law would benefit himself for instance. Mr. Suenram said that by correcting this inefficiency of fire service areas not being able to have mutual aid agreements, other fire service areas would be allowed to assist other fire service areas.

Closing by Sponsor:

REP. LARSON closed on HB 203 saying it was very important to rural areas to have this change in the law. Most rural areas have a fire service area covering up to 40 miles. He stated that his district recently had a fire that was 20 miles from the home fire station and was 20 miles from Seeley Lake. The Seeley Lake Fire Department was the first to arrive and came at their own expense due to no mutual aid agreement. This type of agreement could shorten the response time.

HEARING ON HOUSE BILL 156Opening Statement by Sponsor:

REP. MIKE KADAS, HD 55, Missoula, informed committee members of REP. DOWELL'S bill from last session which established the current smoking laws as they pertain to state agencies. This law prohibited smoking in state buildings and allowed for designated smoking areas. HB 156 takes that concept and requires local governments to utilize this law. It essentially provides city, county and school employees the same level of protection from having to breathe someone else's smoke. There is one exception allowing schools to designate smoke-free buildings.

Proponents' Testimony:

Mayor Tim Swanson, Bozeman, stated he came in support of HB 156 on behalf his Commission and citizens of Bozeman. There is a 100 year old note written by Mayor Bovart of Bozeman, Montana, which basically states there will be no smoking on the premises of city hall. This legislation would be supportive.

John Richardson, Disability Office, Department of Social and Rehabilitation Services, (SRS), stated he was for non-smoking, but feels the bill does not go far enough. There is a designated smoking area, however, smoke filters out of these areas. People who don't smoke are still affected by this smoke. Mr. Richardson stated he was in favor of this law, but if the devices they have to filter out the smoke don't work then the bill does not go far enough to protect those who don't smoke.

Gordon Morris, Executive Director, Montana Association of Counties (MACo), said MACo has been contacted by commissioners who are in support of HB 156. At the present time, there is also SB 100 being heard in the Senate. SB 100 allows for discretion regarding designated areas, whereas HB 156 makes it mandatory to have a smoking area. Mr. Morris suggested that there be some coordination of the two bills.

Jerome Anderson, representing the Tobacco Institute, stated the Institute supports the bill in its present form, however, there is a substantial difference of opinion over the form of the legislation currently in the Senate. He said in the present statute there is a provision allowing for the establishment of a designated area "suited by architectural design and functional purpose to be used as a smoking area." This gives discretion to a department head and they feel that is plenty of protection for everyone. Mr. Anderson also said they feel people should have the right to choose what they want to do.

Rex Manuel, representing Philip Morris Company, said the Company supports HB 156 and takes the same stand as the Tobacco Institute.

REP. TIM DOWELL, HD 5, Kalispell, asked to go on record as a proponent.

Opponents' Testimony:

Earl Thomas, American Lung Association (ALA), stated ALA does not like language that designates smoking areas in every building. In Montana 80% of the population are nonsmokers. With the recent data released by the Environmental Protection Agency about the effects of secondhand smoke, just designating an area does not provide protection from the smoke. He indicated ALA would like to see language giving the director the option of making the building totally smoke free. For the reasons stated, he requested a do not pass vote on HB 156.

Questions From Committee Members and Responses:

REP. SAYLES questioned REP. KADAS why, on page 2, line 4 after "subdivision" there is "may" and yet in other parts specifically lines 23 & 24, there is "shall." REP. KADAS replied that Sub A deals specifically with cafeterias as opposed to designating a specific room. REP. KADAS called on Debra Fulton to explain further.

Debra Fulton, Administrator, General Services Division, Department of Administration (DOA), explained that as the bill is written you are not required to designate a cafeteria but you may, if other conditions are met.

REP. DOWELL asked Mr. Richardson if he would tell the Committee what method of smoke removal is used and if it is effective. Mr. Richardson replied the department had a smoking-eating device which, when not in use makes a loud clicking noise. Each time the door of the designated room is opened or closed smoke comes out. Only five people at a time are allowed to go in, however, each will have up to three cigarettes. He stated that he has asthma and it is affected by the smoking. According to recent tests we have learned that secondary smoke causes cancer. Smoking has been completely banned on airplanes because of the confined area. Mr. Richardson said he did not see this as being much different. He continued by saying that he would like to live as long as possible and other people want this opportunity as well.

REP. EWER asked REP. KADAS about the size of a designated area in a cafeteria, and if a building is deemed unsuitable for smoking would this law allow precluding smoking in the building. REP. KADAS stated that these questions were addressed by current law and deferred the issue to Ms. Fulton.

Ms. Fulton replied the department's interpretation of existing law is that if the building does not have an area suited by architectural design and functional purpose, it is not necessary to designate a smoking area, and has so advised some agency directors. She stated the department was going out on a limb

because state law says that "agency directors shall" and then it goes on to say they may do it in areas which obviously are not architecturally suited by design and functional purposes such as corridors and cafeterias. She stated that the bill is confusing and that SB 100 which is being introduced by SEN. FORESTER attempts to clear up those issues but does not address local governments.

CHAIRMAN WALLIN asked about the status of SB 100. Ms. Fulton informed the Committee that SB 100 was heard in the Senate State Administration Committee and that the Committee is delaying executive action due to another bill being drafted by SEN. PIPINICH.

REP. BOHLINGER asked Mr. Thomas about the figures he presented regarding smokers and nonsmokers. Mr. Thomas said that the figures came from the State Health Department.

REP. BOHLINGER then asked Mr. Thomas if the figures can be verified, and if it is true that 20% of the people in Montana smoke, would the formula for designating space in a cafeteria require that 20% of the space be set aside. Mr. Thomas replied that he only knows the figures but does not know if that is what would be required by the bill.

REP. BOHLINGER restated his question and asked Mr. Anderson to respond. Mr. Anderson said that they do not agree the 80%-20% statistic is correct. In the polling done during the 1990 campaign it was closer to 68% nonsmokers, 32% smokers. The cafeteria must be determined by an estimate of the number of smoking and non-smoking individuals. Therefore, you would be required to set aside the same amount of space.

REP. BOHLINGER asked if it wouldn't be a better analysis to take an inventory on a regular basis to determine how many people in an office smoke. Mr. Anderson said the agency makes the decision and usually has a good idea of what is necessary.

REP. BROWN asked if the Health Department derives its percentages through a survey. Bob Moon, State Health Department, answered that the department interviews 99 Montanans per month, approximately 1,200 per year. Those interviewed are 18 years of age and older. At the last count there were 19.4% of Montanans who smoke.

REP. BROWN asked how many people, to date, have been interviewed. Mr. Moon said this analysis has been conducted by the Center for Disease Control since 1983, multiplied by 1,200 interviewed per year. Mr. Moon said that the statistics are scientifically valid since the interviews are done by random sample.

REP. BERGMAN asked REP. KADAS what the current law is regarding city/county buildings and why the state needs to be involved.

REP. KADAS replied there are some who do restrict it to a degree. The reason for the state to have this law is because there are employees and citizens in these buildings just the same as in state buildings. This is saying the state deems it reasonable to afford them that level of protection.

REP. BRANDEWIE asked REP. KADAS if at the present cities and counties have legislative authority. REP. KADAS replied that it is limited authority.

REP. BRANDEWIE asked if this law is adopted and the city and county have more restrictive non-smoking ordinances than what is allowed, then would they be required to loosen their regulations to comply with state law. Would it be possible for the city and county to keep the more restrictive no "smoking" if they so choose. REP. KADAS said they would have to provide a smoking outlet and the next step would be to not allow smoking at all.

REP. BRANDEWIE called on Gene Vukovich, Manager, Anaconda-Deer Lodge County to comment. Mr. Vukovich said they passed an ordinance which limits the places for smoking in the courthouse and facilities of the county. He said he was neither an opponent nor proponent and stated that cities and counties do get upset when the legislature passes down mandates indicating that they know more than the local entity. He said the residents of Anaconda-Deer Lodge County decided a long time ago that there should be local smoking areas in the facilities and have adopted laws to that effect.

REP. VOGEL stated this was restrictive language and yet we hear how cities and counties don't want to be restricted by state government. REP. VOGEL addressed Mr. Morris asking what it is that cities and counties want. Mr. Morris replied that the point in his testimony was that policies can be established for state law making it discretionary so that not every building will have to have a designated smoking area.

Closing by Sponsor:

REP. KADAS said he was under the impression that counties could not designate buildings as entirely smoke-free and they should have the same level of protection as the state. Referring to SB 100, he stated he supports the bill but does not believe it should be amended into HB 156. HB 156 addresses the issue of cities and counties having the same level of protection whereas, SB 100 deals with whether it should be discretionary.

HEARING ON HOUSE BILL 169

Opening Statement by Sponsor:

REP. DAVID EWER, HD 45, Helena, explained that HB 169 would increase the limits currently in effect in the competitive

bidding for projects. Current law states that any project of \$10,000 or more needs to be bid out. This law has not been amended for some time and inflation has taken a toll on everyone. With the limits in the new language, cities and towns would not have to go out for a minimum bid, for any project over the limit it would be necessary to get bids. The second change would address the purchase language which, under current law, says a city or town is precluded from borrowing or buying anything under \$10,000 and under this proposal it would be \$4,000. This statute would almost parallel current county law. REP. EWER stated that \$10,000 is quite a lot for counties and they have been burdened by not being able to finance necessary equipment. For instance, in Circle, the town council wanted to purchase a secondhand Catapillar tractor which cost \$8,500 for its landfill operation through the Board of Investment's Intercap program. Since the cost was not at \$10,000 they couldn't get the tractor; however had it been a county the purchase could have been made.

Proponents' Testimony:

Alec Hansen, Executive Director, Montana League of Cities and Towns, expressed support for HB 169 saying it was adopted unanimously as a legislative recommendation at the League's convention last spring in Lewistown. This bill would make the competitive bidding limits for cities and towns parallel with what is in effect for counties. The \$10,000 limits have been in effect since 1981. He spoke of a situation in Deer Lodge where the community wanted to purchase a police car. However, because the total cost exceeded \$10,000 it was necessary to go out for bid. This resulted in a high-volume dealer from out of town being able to come in at a lower bid. Cities and counties would like to keep business local. Therefore, the bill requests the same authority that was given to counties in 1991. **Mr. Hansen** assured the Committee that cities have very capable managers. Another concern addressed by the bill is the way the law has been interpreted by the bond counsel. Counties cannot participate in the Intercap Program or any project or acquisition over \$4,000 and for some reason cities are locked out between \$4,000 and \$10,000. There are many used vehicles that cities could acquire through the Intercap Program.

Shelly Laine, Director of Administrative Services, City of Helena, stated the Helena City Commission supports HB 69. The support is for all the reasons previously discussed, but most important, is that it would make all requirements the same for cities and counties. It would simplify the process and encourage cities and counties to participate in joint projects.

Al Sampson, Missoula, member of the League of Cities and Towns, supporting HB 169 said local vendors are not sure of the limits because they deal with both cities and counties. It would be helpful if these limits were the same.

Tim Swanson, Mayor of Bozeman, testified in support of HB 169.

After discussing this issue with city staff and the other commissioners, he said they concur with the testimony already heard. Due to inflationary effects since 1981, the \$10,000 has diminished to \$3,000 or \$4,000. This bill will save time and money and give the flexibility that is needed to streamline a form of government.

Opponents' Testimony:

Carl Schweitzer, Montana Contractor's Association, responding to the fact made that it would bring cities in par with counties, stated that two wrongs do not make a right. The Association is opposed to the specific portion where limits are being raised for the construction and maintenance of roads and bridges, but do not have a problem with the bidding for equipment or section 2 of the bill. EXHIBIT 1 When the legislature raises the limits it increases the amount the cities can compete with private enterprise. The building and maintenance of roads provides work for the free enterprise system, which is the direction the society would prefer. The taxes employees and businesses pay are what supports government, therefore, the Association would like to see the limits remain as they are.

Questions From Committee Members and Responses:

REP. WYATT asked Ms. Laine what is the policy on something costing \$9,999. Ms. Laine replied that typically, if under the limit, city staff is encouraged to have informal bidding. She stated that local governments are served best this way because the lowest price possible will be obtained.

REP. WYATT asked if a cost is above \$10,000 and there is only one supplier, what would happen. Ms. Laine replied the city is required to go out for bid.

REP. BRANDEWIE asked Mr. Vukovich if the public would be best served by professionals doing the construction rather than city or county maintenance people. Mr. Vukovich said he believed that to be true. There are many times when it is cheaper to have a professional construction firm because they already have the equipment. In many instances the government does not have the equipment or expertise. He stated that residents in his area are fortunate to have a consolidated city/county government and therefore, can come under either city or county statutes to choose what is the most suitable. He said he could see where cities would have problems that could be addressed by this bill.

Mr. Hansen stated that if the Committee wanted to keep it uniform with the statute for counties and stipulate \$20,000 for materials and supplies and \$25,000 for construction, the League would agree with that. He also stated that HB 169 was not about privatization; it deals exclusively with contracts. It does not say the city cannot use its own people to do the work. The Supreme Court has ruled on that issue. The city is able to do maintenance or

reconstruction projects using gasoline taxes and its own people. The point of the bill is so that when a city or town does contract and the cost is \$10,000 or more for supplies, or \$25,000 for construction, then it will be put out for a competitive bid.

REP. BRANDEWIE asked if a road project requiring crushed gravel and oil exceeds \$10,000, would it need to be put out to bid. Mr. Hansen said that was correct. However, if the city had an asphalt plant it could produce as much asphalt as needed.

REP. HANSON said counties have been operating under this law since 1981, and asked Mr. Morris if he has seen the loss of incentive to stay within the budget. Mr. Morris replied he had not heard of any horror stories.

REP. VOGEL asked Mr. Vukovich to respond to the bidding process. Mr. Vukovich informed the committee that in Anaconda-Deer Lodge residents would like to keep as much city and county work local as they can. The people employed by the local contractor are the ones paying taxes to start with. This provision allows that jobs up to \$45,000 can be awarded to local contractors.

Closing by Sponsor:

REP. EWER closed on HB 169 by saying that the repair limit was set at \$45,000 to address emergencies and if the Committee wished it could include the word "emergency" in that section.

HEARING ON SENATE BILL 8

Opening Statement by Sponsor:

SEN. FRANCIS KOEHNKE, SD 16, Townsend, stated SB 8 was drafted at the request of the Broadwater County Commissioners. Broadwater County was a fifth class county, but due to growth in the economy has been changed to a fourth class county. Current state law requires that fourth class counties have full-time commissioners. The Broadwater Commissioners do not want this requirement for three reasons: 1) they already have jobs; 2) they do not believe there is a need for full-time; and 3) there is not the money. If this bill is passed the commissioners will be saving Broadwater County money.

Proponents' Testimony:

Bob Davis, Broadwater County Commissioner, testified in favor of SB 8. EXHIBIT 2

Opponents' Testimony:

Tom Hardin, County Road Supervisor, Teton County, testifying against SB 8, expressed concern that if the bill passed people would request that commissioners work only part-time. He stated

that there is already the feeling that commissioners don't need to work four or five days per week. He said the law already allows for those who want to set their time accordingly, citing Lincoln County as an example. Mr. Hardin stated the Teton County Commissioners do not believe there needs to be a change in this law which would affect fourth and fifth class counties. In closing he submitted written testimony from the Teton County Commissioners. EXHIBIT 3

Informational Testimony:

Gordon Morris, Executive Director, Montana Association of Counties (MACo), said he was neither a proponent nor opponent but would be glad to respond to any questions the Committee chooses to ask.

Questions From Committee Members and Responses:

REP. DOWELL asked Mr. Morris if it was true that currently a fourth class county could have part-time commissioners. Mr. Morris replied no, that was not true. Under current law first, second, third and fourth class counties are required to have full-time commissioners and fifth, sixth and seventh class county commissioners are part-time.

REP. BROWN said it seemed clear to him that anywhere cutbacks can be made they should be, and asked Mr. Hardin if people should have the option to cutback to part-time commissioners. Mr. Hardin said they should. However, the law says that fourth class counties operate on a full-time basis, therefore, Teton County has been operating that way and it is working well.

REP. EWER asked Mr. Davis if he knew what Broadwater County's taxable valuation was compared to other fourth class counties and if there is a tremendous disparity between them. Mr. Davis replied that prior to being put into fourth class the taxable valuation break point was at \$15 million. However, with the net proceeds from a local taxpayer Broadwater County exceeds that amount.

Mr. Morris offered to bring the current classification information as of the 1992 tax year to the Committee for the hearing on Thursday, January 28, 1993.

Closing by Sponsor:

SEN. KOEHNKE closed on SB 8 by saying that though he felt sorry for Teton County, Broadwater County should not be penalized by being forced to spend more than is needed. He commended the commissioners for offering to save the county money. REP. MIKE FOSTER will carry SB 8 if it passes the Committee.

EXECUTIVE ACTION ON HOUSE BILL 139

Motion: REP. RICE MOVED THAT HB 139 DO PASS.

Motion/Vote: REP. RICE moved to adopt the amendment for HB 139. EXHIBIT 4 Motion carried 15-1 with REP. HANSON opposing.

Motion/Vote: REP. BOHLINGER MOVED THAT HB 139 DO PASS AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON HOUSE BILL 203

Motion/Vote: REP. BRANDEWIE MOVED THAT HB 203 DO PASS. Motion carried unanimously.

EXECUTIVE ACTION ON HOUSE BILL 169

Motion: REP. DOWELL moved to amend HB 169 on page 1, line 19, between "the" and "repair" insert "emergency."

Discussion: REP. DOWELL stated that the amendment will justify the \$45,000 limit for repair to deal with emergencies as they arise.

Mr. Campbell said that the bill would have allowed certain types of repair and maintenance under \$10,000 not to be put out for bid. If the word "emergency" is inserted counties would be required to put in for a bid regardless of the amount and suggested that the Committee include a clause which stating "in excess of" whatever amount it feels necessary, or in the case of an emergency \$45,000.

REP. DOWELL said that was his intent.

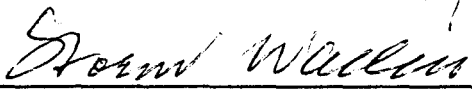
REP. BROWN said that REP. WYATT had called Great Falls and was informed that one city block of paving costs \$45,000 and the city cannot get contractors to bid on it. As a result the city must wait until they have three or four blocks needing repair/paving in order to put out the bid and get an interest from the contractors. In the meantime, streets remain in disrepair. REP. BROWN suggested that the Committee leave the bill as it is.

REP. SAYLES asked the Committee to postpone executive action until more information was obtained.

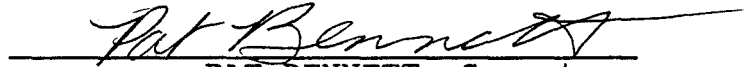
Vote: REP. DOWELL withdrew his motion. CHAIRMAN WALLIN advised that executive action on HB 169 would take place Thursday, January 28, 1993.

ADJOURNMENT

Adjournment: 5:30 p.m.



NORM WALLIN, Chairman



PAT BENNETT, Secretary

NW/pb

HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT

COMMITTEE

ROLL CALL

DATE

1-26-93

NAME	PRESENT	ABSENT	EXCUSED
REP. NORM WALLIN, CHAIRMAN	✓		
REP. RAY BRANDEWIE, VICE CHAIRMAN	✓		
REP. ELLEN BERGMAN	✓		
REP. JOHN BOHLINGER	✓		
REP. DAVE BROWN	✓		
REP. TIM DOWELL	✓		
REP. DAVID EWER	✓		
REP. STELLA JEAN HANSEN	✓		
REP. JACK HERRON	✓		
REP. ED McCAFFREE	✓		
REP. SHEILA RICE	✓		
REP. TIM SAYLES	✓		
REP. LIZ SMITH	✓		
REP. RANDY VOGEL	✓		
REP. KARYL WINSLOW	✓		
REP. DIANA WYATT	✓		

HOUSE STANDING COMMITTEE REPORT

January 27, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that House Bill 139 (first reading copy -- white) do pass as amended

Signed: _____
Norm Wallin, Chair

And, that such amendments read:

1. Title, line 7.

Following: "UTILITIES;"

Insert: "DETERMINING LIABILITY FOR DAMAGES INCURRED OR SUFFERED
BY LAND SURVEYORS;"

2. Page 2, line 1.

Strike: "give"

Insert: "obtain"

3. Page 2, line 2.

Strike: "notification to"

Insert: "approval from"

4. Page 2, line 4.

Following: "exposure."

Insert: "The governing authority is not liable for any damages
caused or suffered by the registered land surveyor or any
person under the supervision of the registered land
surveyor."

5. Page 2, line 6.

Following: "destruction"

Insert: ", and any public utility, municipal corporation, or
other person having the right to bury underground facilities
within the public street, alley, right-of-way, or utility
easement is not liable for any damages suffered by the
registered land surveyor or any person under the control of
the registered land surveyor"

HOUSE STANDING COMMITTEE REPORT

January 27, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that House Bill 203 (first reading copy -- white) do pass.

Signed: _____
Norm Wallin, Chair

Committee Vote:
Yes ____, No ____.

2111378C.Hss

DATE

1-26-93

H

HB 169

FALLS CONSTRUCTION COMPANY

CONTRACTORS — ENGINEERS

1001 RIVER DRIVE NORTH

PHONE (406) 727-5300

GREAT FALLS, MONTANA 59401

Skill Integrity
and Responsibility

January 25, 1993

Representative Ewer
House of Representatives
State of Montana
Helena, MT.

RE: House Bill 169

Dear Representative Ewer:

As Chairman of the Privatization Committee for the Montana Contractor's Association, I urge you AMEND H.B.169 to retain the \$10,000.00 limit on Construction, Repairs, and Maintenance.

When you allow Cities, Towns, and Counties to do construction work with their own forces, they will ultimately pay more:

1. There will not be a Performance and Payment Bond.
2. There will not be insurance. With cities and towns self insuring, a work comp claim or property damage claim could add \$100,000. to a project's "true cost" very easily.
3. There will not be the incentive to stay within the budget that a private contractor has. Remember that a private contractor reserves the right to lose money as well as make a profit.
4. There will not be the expertise available to properly coordinate the project.
5. There will not be any warranty.

Please remember that we live in a society that encourages free enterprise. It would be difficult for you to try to attract economic development interests to our State only to have the government be in competition against them.

Finally, government's income is derived from taxes paid on profit and the personal property of the private sector. If that side of the equation is strangled by allowing Government to do work with their own forces, deficit spending will get even more out of control.

Yours truly,

GUY F. HUESTIS, PRESIDENT
FALLS CONSTRUCTION CO.

EXHIBIT 2
DATE 1-26-93
SB8

BROADWATER COUNTY

Board of County Commissioners

406-266-3443

P. O. Box 489

TOWNSEND, MONTANA 59644

TOWNSEND

Mr. Chairman, Members of the Committee:

For the record, my name is Bob Davis, I am the chairman of the Broadwater County Commission. I rise in support of Senate Bill 8 today. At the request of our commission, Senator Koehnke introduced this bill. This bill came about as a result of one taxpayer paying large net proceeds taxes in our county, which forced us into a Class 4 status. Senate Bill 8 makes it optional for commissioners of fourth class counties to serve on a full time basis ~~rather~~^{er} than be paid at a per day rate. The population of Broadwater County is 3,318 as compared to other fourth class counties which range from 6,271 at Teton County to almost 12,000 at Custer County. As you can see, even the smallest populated mentioned is almost double the population of Broadwater County. The workload in Broadwater County does not warrant that we serve on a full time basis. In the interest of all of the taxpayers we feel that this bill would make a large savings both in money and time. For our commission to sit full time at the courthouse would cost in excess of \$100,000. We do not feel that the people of our county neither want nor need that kind of a situation. For these reasons we urge you to give favorable consideration to Senate Bill 8.

Thank you for your time and consideration.

TETON COUNTY
BOARD OF COUNTY COMMISSIONERS
P.O. BOX 610
CHOTEAU, MONTANA 59422
406-466-2151

January 25, 1993

Local Government
Chairman Wallin
Members of the Committee

Teton County Commissioners are in opposition of SB8 for the following reasons:

Don't fix it if it isn't broken. This bill was introduced in the interest of one county which may or may not be affected. We were made aware, by one of Broadwater County's Commissioners, that this county may or may not move up to a fourth class county.

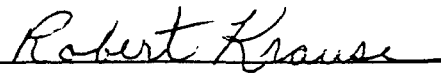
We feel that this job is whatever you want to make it. When you make it a part time position you will lose the dedication that this job deserves, such as the daily decisions that are needed to keep the county operating in a smooth and efficient manner.

The issues that the counties have to face deserve full time people. If commissioners are not full time, someone will do the job, in our cases before full time commissioners, it was the Clerk and Recorder, which was less than desirable situation for the general public.

If this bill passes, we will be defending our position at every turn, taking away time which would be better spent in taking care of county business.

TETON COUNTY BOARD OF COMMISSIONERS


Arnold Gettel, Chairman


Robert Krause, Vice Chairman


C. Albert Carlson, Member

Amendments to House Bill No. 139
First Reading Copy

Requested by Representative Grinde
For the Committee on Local Government

Prepared by Bart Campbell
January 25, 1993

1. Title, line 7.

Following: "UTILITIES;"

Insert: "DETERMINING LIABILITY FOR DAMAGES INCURRED OR SUFFERED
BY LAND SURVEYORS;"

2. Page 2, line 1.

Strike: "give"

Insert: "obtain"

3. Page 2, line 2.

Strike: "notification to"

Insert: "approval from"

4. Page 2, line 4.

Following: "exposure."

Insert: "The governing authority is not liable for any damages
caused or suffered by the registered land surveyor or any
person under the supervision of the registered land
surveyor."

5. Page 2, line 6.

Following: "destruction"

Insert: ", and any public utility, municipal corporation, or
other person having the right to bury underground facilities
within the public street, alley, right-of-way, or utility
easement is not liable for any damages suffered by the
registered land surveyor or any person under the control of
the registered land surveyor"

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Local Government COMMITTEE BILL NO. HB 169
DATE 1/26 SPONSOR(S) Rep. David Evers

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Shelly Laine - Helena	City of Helena	✓	
John Richardson	SRS DDB	✓	
Carl Schweitzer	MT Cont Assoc		✓
Jim Swanson	MAYOR BOZEMAN	✓	
Al Sampson	League of Cities & Cty of MSK	✓	

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ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Local Government COMMITTEE BILL NO. SB8
DATE 1/26/93 SPONSOR(S) Senator Francis Koehnke

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Bob Davis	Breadwater County	x	
Tom Harkin	Teton Co.		x
C. Albert Carlson	Teton Co.		X
Gordon Morris	MAHO		

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HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Local Government COMMITTEE

BILL NO. HB 203

DATE 1/26/93 SPONSOR(S) Rep Ron Larson

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
William J. Nelson Box 348 Greenough MT.	Greenough Potomac Fire Dept.	X	
D. Aaron McCormick ST. RT. BOX 299 Bonner 59823	Greenough Potomac Fire Dept.	X	
DARRYL MARIUCCI Box 909 BONNER 59823	GREENOUGH POTOMAC FIRE DEPT	X	
Tim Murphy DSL	STATE LANDS Dept	X	
Bruce Sweeney	Justice	X	

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HOUSE OF REPRESENTATIVES
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Local Government COMMITTEE BILL NO. HB 156
DATE 1/26 SPONSOR(S) Rep Mike Kadas

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Dudon M. ^{orris} REO	MACO	✓	
TIM SWANSON	MAJOR BOZEMAN	✓	
Paul Homer	American Lung Assn		✓
JOHN RICHARDSON	SRS DDB	✓	
JEROMIE ANDERSON	TOBACCO INST. w/o ^{amendment}		
Debra Fulton	DOH		

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