

MINUTES

MONTANA HOUSE OF REPRESENTATIVES  
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Chairman Norm Mills, on February 6, 1997, at  
3:17 P.M., in Room 104.

ROLL CALL

Members Present:

Rep. Norm Mills, Chairman (R)  
Rep. Chris Ahner, Vice Chairman (Majority) (R)  
Rep. David Ewer, Vice Chairman (Minority) (D)  
Rep. Ellen Bergman (R)  
Rep. Sylvia Bookout-Reinicke (R)  
Rep. Matt Brainard (R)  
Rep. Bill Carey (D)  
Rep. Matt Denny (R)  
Rep. Charles R. Devaney (R)  
Rep. Tim Dowell (D)  
Rep. Jon Ellingson (D)  
Rep. Antoinette R. Hagener (D)  
Rep. Sam Kitzenberg (R)  
Rep. Deb Kottel (D)  
Rep. Bob Lawson (R)  
Rep. Linda McCulloch (D)  
Rep. Wes Prouse (R)  
Rep. Liz Smith (R)  
Rep. Loren L. Soft (R)

Members Excused: Rep. Daniel W. McGee (R)

Members Absent: None

Staff Present: Bart Campbell, Legislative Services Division  
Debbie Thompson, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 338-1/23  
HB 351-1/24  
SB 77-1/23  
SB 121-1/23  
Executive Action: HB 322 DO PASS  
HB 317 DO PASS  
HB 316 DO PASS  
HB 318 DO PASS  
HB 351 DO PASS  
SB 77 DO CONCUR  
SB 121 DO CONCUR  
HB 248 DO PASS AS AMENDED  
HB 253 DO PASS AS AMENDED  
HB 315 DO PASS

HEARING ON 121

Sponsor: Sen. John Hertel {Tape: 1; Side: A; Approx. Time Count: 0-2.6.}

Proponents: Gordon Morris, MACO

Verne Peterson, Fergus County Commissioner {Tape: 1; Side: A; Approx. Time Count: 3.7-4.7; Comments: lessees version of maintenance does not always measure up; need to maintain county property.}

Sharon Haugan, Property Manager Lewis and Clark County {Tape: 1; Side: A; Approx. Time Count: 4.7-5.3; Comments: allows counties flexibility to manage the way they see fit.}

Opponents: None

Questions From Committee Members and Responses: {Tape: 1; Side: A; Approx. Time Count: 5.7-9.0; Comments: nominal financial impacts.}

Closing by Sponsor: Sen. Hertel closed {Tape: 1; Side: A; Approx. Time Count: 9.3; Comments: gives county commissioners latitude.}

HEARING ON HB 351

Sponsor: Rep. Sylvia Bookout, HD 71, **Exhibit 1**-Montana Environmental Health Association {Tape: 1; Side: A; Approx. Time Count: 10.4-14.0; Comments: read old law from 1947 Sanitarians; current federal guidelines and environmental control carry long list of responsibilities, shows need for name change.}

Proponents: Gordon Morris {Tape: 1; Side: A; Approx. Time Count: 14.1; Comments: professionals in the front lines, responsibility to the public.}

Melissa Tumeler, Board of Sanitarians {Tape: 1; Side: A; Approx. Time Count: 15.2-16.3.}

Laurel Rick, Lewis and Clark City County Environmental Specialist {Tape: 1; Side: A; Approx. Time Count: 16.4; Comments: need college degree, name change in line with duties.}

Opponents: Mitzi Schwab, **Exhibit 2** {Tape: 1; Side: A; Approx. Time Count: 17.2-18.6; Comments: differences between Sanitarians and Environmental Health Specialists, specialists lack registration and will cloud professional credentials of Sanitarians.}

Dennis J. Klukan, Office of The Public Health Officer, Kalispell, **Exhibit A**. (Testimony presented to Rep. Ewer)

**Questions From Committee Members and Responses:** {Tape: 1; Side: A; Approx. Time Count: 20.6-27.0; Comments: Rep. Bookout pointed out how easy it was to be a Sanitarian under the old law.}

**Closing by Sponsor:** Rep. Bookout closed.

**HEARING ON SB 77**

**Sponsor:** Senator Loren Jenkins, SD 45 {Tape: 1; Side: A; Approx. Time Count: 28.5; Comments: mutual aid between districts; immunity issue.}

**Proponents:** Jim Greene, Department of Military Affairs, **Exhibit 3** {Tape: 1; Side: A; Approx. Time Count: 32.1; Comments: "let's help" attitude; mutual aid agreements outdated; protects agencies whether help sent or not.}

Tim Murphy, Department of Natural Resources {Tape: 1; Side: A; Approx. Time Count: 34.8; Comments: will support fire season, helps outside of mutual aid agreements.}

Gary Hindoen, Department of Military Affairs

Charlie Hanson, Toole County Coordinator of Disaster and Emergency Affairs {Tape: 1; Side: A; Approx. Time Count: 36.3; Comments: may have agreements in neighboring areas but may have to go outside agreement area to cover an eventuality.}

Bill Reed, Missoula, Chief of Montana State Fire Chiefs' Association {Tape: 1; Side: A; Approx. Time Count: 37.6; Comments: one of few HAZMAT teams; bill would help when responding to smaller departments.}

Pat Clinch, Montana Council of State Firefighters {Tape: 1; Side: A; Approx. Time Count: 38.4; Comments: agencies collectively work on disasters; undermanned; rapid response is in the best interest of all Montana.}

Tim Bergstrom, Montana State Firemans' Association {Tape: 1; Side: A; Approx. Time Count: 39.3; Comments: discussed erratic fire on interstate; mutual aid responders-agreement vitally important.}

Doug Williams, Sheriff Choteau County, Fort Benton {Tape: 1; Side: A; Approx. Time Count: 40.7; Comments: fire resources, floods, chemical spills; let's help each other-neighbor thing.}

**Opponents:** None

**Questions From Committee Members and Responses:** {Tape: 1; Side: A; Approx. Time Count: 42.3-Side: B-16.0; Comments: Sen.Jenkins-not illegal now to help, just gives immunity; Mr. Greene-if no agreement, stick their neck out with liability; this bill covers

with mechanism to help without having written agreement ahead of time.}

**Closing by Sponsor:** Sen. Jenkins closed SB 77 {Tape: 1; Side: B; Approx. Time Count: 16.0; Comments: time is of the essence, ability to call for help to any outside areas, also protects those that can't respond.}

#### HEARING ON HB 338

**Sponsor:** Rep. Bob Lawson, HD 80 {Tape: 1; Side: B; Approx. Time Count: 19.1; Comments: adds \$5/per page, discussed additional fees, size of documents-special costs; recovers costs of services.}

**Proponents:** Robert Throssell, Montana Association of Clerk and Recorders {Tape: 1; Side: B; Approx. Time Count: 22.2; Comments: fee change addresses documents that are filed and kept forever; odd size documents require special storage.}

Sue Haverfield, Flathead County {Tape: 1; Side: B; Approx. Time Count: 24.5-28.0; Comments: discussed filing certificate of survey-permanent record; books \$200 each, fit 100 documents before too heavy to lift; copies stored off site, increased storage problems.}

Shelley Cheney, Gallatin County Clerk and Recorder {Tape: 1; Side: B; Approx. Time Count: 29.1-34.8; Comments: rate of renting floor space; reader printer costs; brought old book-1862, Territory of Montana recorder fees of \$5.00/5 cents additional pages-130 years increase only 45 cents.}

Betty Lund, Ravalli County Clerk and Recorder {Tape: 1; Side: B; Approx. Time Count: 34.9-38.4; Comments: statistics of neighboring states of Wyoming-\$50/Idaho \$100-to file plat/fee will offset storage problems.}

**Opponents:** Bill Spilker, Montana Association of Realtors {Tape: 1; Side: B; Approx. Time Count: 40.5; Comments: raising fees to surveyors unfair.}

**Questions From Committee Members and Responses:** {Tape: 2; Side: A; Approx. Time Count: 6.8-31.2; Comments: substantial increase, clarified; Sue Haverfield described document types.}

**Closing by Sponsor:** Rep. Lawson closed. {Tape: 2; Side: A; Approx. Time Count: 30.1-31.2; Comments: discussed possible technology updates; preservation, ability to work with odd sizes; storage; share cost of services with people utilizing those services.}

**EXECUTIVE ACTION ON HB 248**

**Motion/Vote:** Rep. Ewer moved DO PASS. Rep. Ewer moved the Amendment. {Tape: 2; Side: A; Approx. Time Count: 37-39.3} The question was called on the amendment. The motion carried unanimously. Rep. Ewer moved DO PASS AS AMENDED. The question was called.

**Vote:** The motion PASSED with three no votes by Reps. Ahner, Brainard and Denny.

**EXECUTIVE ACTION ON HB 253**

**Discussion:** Bart Campbell explained the amendments. {Tape: 2; Side: B; Approx. Time Count: 1.8-8.4.}

**Motion/Vote:** Rep. Devaney moved amendment. The question was called on the amendment. The motion PASSED unanimously.

**Vote:** Rep. Devaney moved DO PASS AS AMENDED. The motion PASSED with one no vote by Rep. Kottel on a voice vote.

**EXECUTIVE ACTION ON SB 121**

**Motion/Vote:** Rep. Ewer moved DO CONCUR SB 121. The question was called. The motion PASSED unanimously by voice vote. {Tape: 2; Side: B; Approx. Time Count: 10.7.}

**EXECUTIVE ACTION ON HB 315**

**Motion/Vote:** Rep. Ewer moved DO PASS HB 315. The question was called. The motion PASSED unanimously on a voice vote {Tape: 2; Side: B; Approx. Time Count: 12.0.}

**EXECUTIVE ACTION ON SB 77**

**Motion/Vote:** Rep. Ewer moved DO CONCUR. The question was called. The motion PASSED unanimously. Rep. Prouse will carry the bill.

EXECUTIVE ACTION ON HB 351

Motion/Vote: Rep. Bookout moved DO PASS HB 351. The question was called. The motion PASSED on a voice vote with two no votes by Rep. Dowell and Lawson.

EXECUTIVE ACTION ON HB 318

Motion/Vote: Rep. Ewer moved DO PASS HB 318. {Tape: 2; Side: B; Approx. Time Count: 17.8; Comments: fixing so not out of compliance; local control anyway.} The question was called. The motion PASSED on a roll call vote 15-3 with Reps. Bergman, Denny and Prouse voting no.

EXECUTIVE ACTION ON HB 322

Motion/Vote: Rep. McCulloch moved DO PASS HB 322. The question was called. The motion PASSED unanimously on a voice vote. {Tape: 2; Side: B; Approx. Time Count: 22.2-26.6.}

EXECUTIVE ACTION ON HB 316

Motion/Vote: Rep. Ewer moved DO PASS HB 316. The question was called. The motion PASSED on a roll call vote 9-7. {Tape: 2; Side: B; Approx. Time Count: 27.1.}

EXECUTIVE ACTION ON HB 317

Motion/Vote: Rep. Carey moved DO PASS. The question was called. The motion PASSED with one no vote by Rep. Brainard.

ADJOURNMENT

Adjournment: 6:00



REP. NORM MILLS, Chairman



DEBBIE THOMPSON, Secretary

NM/dt