

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
55th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON LOCAL GOVERNMENT**

**Call to Order:** By Chairman Norm Mills, on February 18, 1997, at 3:00 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. Daniel W. McGee (R)  
Rep. Wes Prouse (R)  
Rep. Liz Smith (R)  
Rep. Loren L. Soft (R)

**Members Excused:** None

**Members Absent:** None

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

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 461-2/12  
HB 463-2/10  
HB 508-2/10  
HB 556-2/14  
HB 291-2/17  
Executive Action: HB 508 PASS AS AMENDED 19-1  
HB 369 PASS AS AMENDED 16-4  
HB 291 PASS AS AMENDED 13-7  
HB 518 PASS AS AMENDED 18-2  
HB 461 PASS 13-7

Executive Action: HB 556 PASS 20-0  
Continued- HB 196 TABLE 11-9  
HB 463 TABLE 15-5  
HB 373 NO ACTION  
HB 420 OFF TABLE FAIL 16-4

### HEARING ON HB 461

**Sponsor:** Rep. Diana Wyatt, HD 43

**Proponents:** Jerry Sepich, Parks Department, Great Falls {Tape: 1; Side: A; Approx. Time Count: 5.1-6.9; Comments: discussed master plan; public values.}

Tim Magee, Budget Director, City of Great Falls {Tape: 1; Side: A; Approx. Time Count: 6.9-8.6; Comments: districts have tested procedures; people interested in maintenance at a higher level.}

Alec Hansen, Montana League of Cities and Towns {Tape: 1; Side: A; Approx. Time Count: 8.7-10.5; Comments: importance of funding for parks; difficulty competing for public funds.}

Nathan Tubergen, City of Billings

**Opponents:** None

**Questions From Committee Members and Responses:** {Tape: 1; Side: A; Approx. Time Count: 11.4-22.6; Comments: Magee-declining condition of public parks; I-105 frozen tax levy; inconsistency with volunteers/Bookout-older citizens may not be able to afford the assessment/Smith-inmate labor/Wyatt-current use of community works personnel in garbage removal; composting trees with Dutch Elm disease takes a person qualified to use mechanical equipment, contracting.}

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

### HEARING ON HB 508

**Sponsor:** Rep. Charles Devaney, HD 97 {Tape: 1; Side: A; Approx. Time Count: 25.0-27.5; Comments: explained existing role; accounting standards.}

**Proponents:** Alec Hansen, Montana League of Cities and Towns {Tape: 1; Side: A; Approx. Time Count: 28.7; Comments: 128 cities and towns support the bill.}

Ken Weaver, Local Government Center, Montana State University, Bozeman {Tape: 1; Side: A; Approx. Time Count: 30-32.4; Comments: significant importance for budget flexibility.}

Merle Gamrod, Bozeman Finance Director {Tape: 1; Side: A; Approx. Time Count: 32.5; Comments: guidelines for small communities when developing a budget.}

Nathan Tubergen, Director of Finance and Administrative Services, Billings

Scott Turner, Finance Director, Yellowstone County **Exhibit 1**-letter {Tape: 1; Side: A; Approx. Time Count: 33.9-35; Comments: alternative accounting adopted; important for flexibility, as amended.}

Tim Magee, Great Falls Budget Director {Tape: 1; Side: A; Approx. Time Count: 35.4-37.8; Comments: discussed variations in the law; this bill attempts one clear path on how to do budgeting.}

Tim Burton, Chief Administrative Officer, Lewis and Clark County {Tape: 1; Side: A; Approx. Time Count: 37.8-38.3; Comments: streamlines budget process in Title 7.}

**Opponents:** None

**Questions From Committee Members and Responses:** {Tape: 1; Side: A; Approx. Time Count: 38.7-Tape: 1; Side: B-2.8; Comments: Devaney-capital improvement projects on-going, gives city more latitude especially with large capital expenses.}

**Closing by Sponsor:** Rep. Devaney closed {Tape: 1; Side: B; Approx. Time Count: 1.7-2.8; Comments: would reduce 92 pages of code to 7 or 8 pages; retains public input and participation.}

#### HEARING ON HB 556

**Sponsor:** Rep. Ed Grady, HD 55 **EXHIBIT 2**

**Proponents:** Gayla Wortman-Hall, Lewis and Clark Conservation District {Tape: 1; Side: B; Approx. Time Count: 4.8-6.0; Comments: Conservation District Supervisor would take their place on the city-county planning boards; problem with surge of growth.}

Jim Elliot, Supervisor Lewis and Clark Conservation District {Tape: 1; Side: B; Approx. Time Count: 6.3; Comments: saves time to have a member from the conservation district on the board.}

Mike Volesky, Montana Association of Conservation Districts {Tape: 1; Side: B; Approx. Time Count: 7.4; Comments: no provision in the law for membership presently.}

Tim Burton, Lewis and Clark County Commission {Tape: 1; Side: B; Approx. Time Count: 8.8; Comments: advisory group on subdivision and platting needed.}

Opponents: None

Questions From Committee Members and Responses: {Tape: 1; Side: B; Approx. Time Count: 11.1-12.}

Closing by Sponsor: Rep. Grady closed.

### HEARING ON HB 463

Sponsor: Rep. Peggy Arnott, HD 20 {Tape: 1; Side: B; Approx. Time Count: 15.0-16.3; Comments: qualifications of County Auditor; grants special audits, recovery issue.}

Proponents: Leo Hudetz, Yellowstone County Auditor {Tape: 1; Side: B; Approx. Time Count: 16.5-22.3; Comments: independence of auditor issue; significance of expertise.}

Susan Reed, Missoula County Auditor {Tape: 1; Side: B; Approx. Time Count: 22.4-27.3; Comments: provides safety, minimize potential for fraud; audits reduce costs.}

Joyce Schmidt, Gallatin County **EXHIBIT** 3-(13 pages) {Tape: 1; Side: B; Approx. Time Count: 27.6-30.6; Comments: CPA requirements.}

Tom Harrison, Montana Society of Certified Public Accountants

Opponents: Gordon Morris, MACO **EXHIBIT** 4-County Auditor list {Tape: 1; Side: B; Approx. Time Count: 32.7-37.6; Comments: auditors nothing but low level clerics, do nothing other than audit for compliance of claims; county must conduct 2 year audits by law; creates a new position; they don't save the county money, it is the external auditor who does.}

Tim Burton, Lewis and Clark County {Tape: 1; Side: B; Approx. Time Count: 37.8; Comments: disagree with change in 2 year residency; qualifications-let voters decide; Lewis and Clark County contracts for auditor services; need independent audits.}

Bob Lindgren, Lewis and Clark County Auditor {Tape: 2; Side: A; Approx. Time Count: 1.6-3.4; Comments: oppose.}

Robert Throssell, Montana Association of Clerk and Recorders {Tape: 2; Side: A; Approx. Time Count: 3.5; Comments: would add additional requirements.}

Questions From Committee Members and Responses: {Tape: 2; Side: A; Approx. Time Count: 4.0-25.6; Comments: Rep. Ellingson to Susan Reed-examples of saving money in Missoula County; Prouse to Lindgren objections-CPA narrow scope on numbers; Arnott-combination of Clerk and Recorders may be a problem; Prouse to

Throssell-concern about independence; Kottel to Reed-made a point about qualifications.}

Closing by Sponsor: Rep. Arnott closed.

#### HEARING ON HB 291

Sponsor: Rep. Charles Devaney, HD 97 {Tape: 2; Side: A; Approx. Time Count: 29.4-32; Comments: need to change qualification and rule for volunteer ambulance-reason-run out of folks that qualify in certain rural areas.}

Proponents: Gordon Morris, MACO EXHIBIT 5-Resolution {Tape: 2; Side: A; Approx. Time Count: 32.0-37; Comments: basic life support better than no ambulance; issue for rural Montana.}

Mike Mathew, President Montana Association of Counties {Tape: 2; Side: A; Approx. Time Count: 37.0; Comments: issue from rural Montana-would loose volunteers; services of bigger communities often too far to be a benefit.}

Opponents: Drew Dawson, Department of Health EXHIBIT 6 {Tape: 2; Side: A; Approx. Time Count: 41; Comments: standard of care; difficulty in compliance-grant 6 month waiver for time to bring up to standard; only 13 areas need waiver; don't lower standards for the other 110; goal to improve emergency services in the state.}

Questions From Committee Members and Responses: {Tape: 2; Side: B; Approx. Time Count: 2.6-15.2; Comments: Dowell-driver requirements; law gives department rule making authority; Dawson-lower standard of care.}

Closing by Sponsor: Rep. Devaney closed {Tape: 2; Side: B; Approx. Time Count: 13.3-14.7; Comments: bending of rules; ambulance may not be granted waiver; helps solve problem in rural areas.}

#### EXECUTIVE ACTION ON HB 291

Amendments: Rep. Devaney moved the amendment.

Motion: Rep. Smith moved Do Pass HB 291.

Discussion: {Tape: 2; Side: B; Approx. Time Count: 16.5; Comments: Rep. Prouse-need the ambulance, not the rules; Rep Carey-EMS Association can't support the bill as it lowers level from national standards; Bookout-for volunteer people \$250 for training difficult.}

Motion/Vote: The question was called on the amendment. The motion PASSED with one No vote by Rep. Ewer.

Rep. Devaney moved the bill as amended.

**Discussion:** {Tape: 2; Side: B; Approx. Time Count: 21.9-26.5;  
Comments: Rep. Ewer said it was a problem that was not broke, law  
is to try to raise standards; levels of training discussed;  
difficulty of having all volunteers.}

**Vote:** The question was called on the bill as amended. The  
motion PASSED 13-7.

#### EXECUTIVE ACTION ON HB 369

**Motion:** Rep. Brainard moved DO PASS HB 369. Rep. Brainard moved  
the amendments.

**Amendments:** Bart Campbell explained the amendments.

**Discussion:** {Tape: 2; Side: B; Approx. Time Count: 34.7-40.7;  
Comments: Alec Hansen commented on the amendment-building code  
section gone, wholly surround issue gone, need to retain the  
power of the mayor; key element 300 or fewer parcels annexation  
issue; same protest features; 300 or more parcels require public  
vote; Railroad still in the law, no change proposed there.}

**Motion/Vote:** The question was called on the amendments. The  
motion PASSED unanimously. Rep. Ahner moved DO PASS AS AMENDED.

**Vote:** The question was called. The motion PASSED 16-4.

#### EXECUTIVE ACTION ON HB 508

**Amendments:** Rep. Devaney moved the amendments in the handouts  
plus the 3 part amendment. Bart Campbell explained the  
amendments plus the conceptual amendment.

**Motion:** The question was called. The amendments passed  
unanimously. Rep. Devaney moved the bill as amended. The  
question was called. The motion PASSED 19-1.

#### EXECUTIVE ACTION ON HB 196

**Motion:** Rep. Hagener moved HB 196.

**Discussion:** {Tape: 3; Side: A; Approx. Time Count: 16.3;  
Comments: Denny-broad rule making authority.}

**Motion/Vote:** Rep. Denny moved to TABLE HB 196. The question was  
called. The motion to TABLE PASSED 12-8.

EXECUTIVE ACTION ON HB 461

Motion/Vote: Rep. Bergman moved DO PASS HB 461. The question was called. The motion PASSED 13-7.

EXECUTIVE ACTION ON HB 556

Motion: Rep. Bergman moved DO PASS HB 556.

Discussion: {Tape: 3; Side: A; Approx. Time Count: 24-25.7;  
Comments: Ahner-no provision in statute.}

Motion/Vote: The question was called. The motion PASSED unanimously on a voice vote.

EXECUTIVE ACTION ON HB 518

Amendments: Rep. Hagener moved the amendments. Rep. Ewer moved to amend the amendments. Bart Campbell explained the conceptual amendment. The question was called on the amendments with the conceptual added. The motion PASSED unanimously.

Motion: Rep. Devaney moved the bill as amended. The question was called. The motion PASSED 18-2 with Reps. Prouse and Smith voting no.

EXECUTIVE ACTION ON HB 463

Amendments: Rep. Ahner moved the amendments.

Motion: Rep. Brainard moved DO PASS.

Discussion: {Tape: 3; Side: A; Approx. Time Count: 38.3-40.6;  
Comments: Dowell-doesn't like grandfathering, opposes amendment;  
Brainard-clause used acknowledges length of service.}

Motion/Vote: Rep. Ewer moved to amend the amendment. {Tape: 3;  
Side: A; Approx. Time Count: 1.9-5.3; Comments: Prouse-elected by  
the people-qualifications different.}

Vote: The question was called on the amended amendment. The motion PASSED 16-4

Discussion: {Tape: 3; Side: A; Approx. Time Count: 5.3; Comments:  
Bergman-changing qualifications of other elected officials  
possible.}

Motion/Vote: Rep. Bergman moved to TABLE HB 463. The motion PASSED 15-5.

EXECUTIVE ACTION ON HB 373

Discussion: {Tape: 3; Side: A; Approx. Time Count: 13.6-15.9;  
*Comments: Rep. Hagener said it was time to allow counties more power; she discussed the rabies problem; Ewer-no time to fix the problems in the bill.*}

Motion/Vote: No action taken.

EXECUTIVE ACTION ON HB 420

Motion: Rep. Bergman moved to take HB 420 off the TABLE.

Discussion: Rep. Ewer said he would resist the motion. Rep. Dowell said the bill was extremely flawed.

Motion/Vote: The question was called. The motion FAILED 16-4.

ADJOURNMENT

Adjournment: 7:12 P.M.



REP. NORM MILLS, Chairman



DEBBIE THOMPSON, Secretary

NM/dt