

January 19, 1977

The meeting was called to order at 10:00 a.m. by Chairman Brand, all members were present.

Dick Hargesheimer submitted his summary, see attachment #1.

HJR 7-Rep. Johnston, sponsor--This was submitted at the request of the volunteer firemen, and puts the issuance of fire permits under the chief of the fire department. At the present time the Department of Health issues the permits. Sometimes the fire department doesn't know a permit has been issued and when fires start, the department doesn't know about it.

ART KORN, Montana Volunteer Firemens' Association--This pertains to paid firemen also. The proper agency to be notified in this case is the fire department.

R. A. ELLIS, Montana Firemens' Association, Helena Volunteer Firemens' Association--There has been confusion a number of times. In the dash to get to a fire, it can be hazardous.

HENRY LOHR, Montana State Volunteer Firemens' Asso.--We would like some say as to conditions for burning, dry seasons, etc.

MIKE RHODES, State Air Quality Board--He felt this was a good step forward as to communications between agencies.

NO OPPONENTS

TURNER-Wouldn't this be improved if lines 8 and 9 were changed to read "without notification and approval", rather than "approval"? JOHNSTON-Yes, if conditions are hazardous, there should be no permit issued. BRAND-How many people besides Air Quality are notified? KORN-Just Air Quality and the Health Department, the sheriff in some counties has the authority to do it sometimes. If it is not a typical situation, the sheriff has to call Helena. RYAN-Isn't the sheriff called because he can notify the fire department if necessary - with his radio? KORN-In a lot of counties, you notify the man in charge of Health & Welfare. This bill is aimed at getting some uniformity into the state. The fire departments in a lot of rural areas are controlled by the sheriff, and he notifies the firemen. BARDANOUVE-Why are permits given for highly polluting fires? RHODES-The conditions are not always known.

The Chairman left to find the sponsors for HB 147, 150 and 175, so Vice Chairman Lien took over.

EXECUTIVE SESSION

HB 124-Mular moved to transfer the bill to the Local Government Committee, Kropp seconded the motion and it carried with Menahan voting no.

HJR 13-O'Connell moved DO PASS, Ryan seconded, and the motion carried unanimously.

HEARING REOPENED

HB 150-Rep. Bradley, sponsor--This bill would change the composition of the Historical Society, which is a 15 member board that defines historical policy and decision making in the state. The professional historians in the state want professional people on

on the board. This bill specifies that 5 of the 15 would be professionals - one an archeologist, one from MSU, and one from UM. They would be appointed by the governor as vacancies occur. The term "professional" is defined as "a person with extensive training and experience in an academic discipline or learned occupation." I did not want to limit it to Ph.D.'s, because there are people who don't have such degrees but who are proficient in the field. This is important for the state in historical preservation.

NO OPPONENTS

BRAND-Why do you want people from MSU and UM and not the other universities? BRADLEY-Because I am only proposing 5 slots. I have no objections, if you want to change these. Mostly, because the two main universities have good people, and I wanted no hostility between the two units. MENAHAN-There are professors at Western Montana College, such as Professor Davidson and Dr. Tash, who are just as good and very capable historians, but not as well known as Ross Toole. BRADLEY-That's why I drew this up, it seemed not really necessary to specify every school. My mandate about the two schools is simply to insure cooperation between the two units. RYAN-The governor will appoint these people; so we could have a doctor or lawyer or anyone else at the governor's whim - anyone of academic credential. BRADLEY-That is true, if you have a clarifying statement, this could be avoided. I do want it stated that one will be a person with archeological background. RYAN-Is there any objection to changing the wording to say the "greater schools in the state", or simply two members from the university system. BRADLEY-I would prefer that it state specifically two members from MSU and UM. Presently, they are just laymen with historical interest, but there are no professionals on it. MEYER-Will all of the board be professional? BRADLEY-1/3.

EXECUTIVE SESSION

HB 123-Meyer stated that he had a bill similar to this, and asked the committee to hold this until his came out - for possible consolidation. It was agreed to hold it.

HB 67-ROBBINS-Bardanouve would like to amend out the repealer which earmark the fire marshal fund. We sort of went along.

Bardanouve moved to amend HB 67 in the title, lines 8 and 9; striking: "; AND REPEALING SECTION 84-1902, R.C.M. 1947" - Meyer seconded, and the motion carried with Turner, Robbins, Smith and Lien opposing.

O'Connell asked if this wasn't fooling with the prime purpose of the section. ROBBINS-I think there are complications. The Appropriations Committee has to justify the budget, and I would agree. TOWER-I have a lot of sympathy for the Fire Marshal's position, and if you take out the repealer, it just turns it into a tax bill. If we take both parts out, the bill is just dead. KROPP-What are we doing? BARDANOUVE-Under the present system, the Fire Marshal budget is approved by the Attorney General; and in the past, the AG has put a pretty tight rein on him. Our position is that if a program is worthwhile, the Committee will give it to him. FEDA-Then the 1/4% is raised for the fire marshal, which goes into the General Fund and gets rebudgetted out. I don't agree. RYAN-If money is being raised for him, aren't we selling him a bill of goods? TURNER-I want it earmarked. ROBBINS-The 3/4%, he is getting now. (Reference attachment #6, 1-10-77) As Bardanouve pointed out, just because the money is earmarked, it doesn't mean they will get it all. The Appropriations Committee doesn't want a mandate about the amount of money raised - he has to justify his budget. If

we give him the raise, it doesn't guarantee he will get it. He convinced us that if he could get the 3/4, he could do most of what he wants. He won't be able to get the Advisory Council or do any local prevention; but with this increase, we stand the chance of raising insurance rates. The state isn't doing anything in local government as far as prevention. BARDANOUVE-The only difference is that with a legislative mandate, the 1/4% will be spent on the local level. I'm sure the appropriation request will be addressed to the marshal's problem. ROBBINS-If you approve the increase, the marshal is mandated to put money into prevention. It will be one of those things where we pass a bill and then don't fund it.

Turner moved DO NOT PASS, and Smith seconded.

FEDA-If these are earmarked for the bureau, and then don't get there, do they accumulate somewhere? BARDANOUVE-They will accumulate until a new program is presented to absorb it. BRAND-Say this 4% isn't enough for prevention, would you give him more money? BARDANOUVE-We would probably adjust his program. He is in a bad situation, because of his cars, and he feels that repairs would cost more than new cars. I assured him I would talk to the subcommittee. Whether this is passed or not, it won't change the 3/4%.

Robbins made a substitute motion of AS AMENDED DO PASS, O'Connell seconded, and the motion carried.

HEARING REOPENED

HB 147-Rep. Scully, sponsor--In previous situations, the school buildings in Gallatin County were limited in the length of their leases (no longer than 3 years); and if they leased it out, the money could only be used for maintenance of that building. This allows trustees to lease buildings for up to 99 years and use the money for any particular school purpose. I wish I knew why the previous language was inserted.

NO OTHER WITNESSES OR OPPONENTS

BARDANOUVE-My only concern is that 99 years is an awful long time. Maybe 50 years from now they might want something different. SCULLY-The language says that the lease can go up to 99 years. This is a standard term in real estate. MENAHAN-The reason for the 3 years is that so one school board cannot bind another. SCULLY-School boards go on a rotating cycle. MUALR-We still have staggered tenure that would hold the lease in force. TOWER-Can we also provide for the school to contract with private individuals to build new buildings? SCULLY-Yes, there are circumstances where recreational facilities exist through a working relationship between two entities. SMITH-When you lease for 99 years, can the owner sell the land? SCULLY-Yes, but they have to rescind the lease and pay the penalty. LIEN-We are leaving 99 years as an open end. The trustees have the discretion to write it as long as they want. SCULLY-I think when the school trustees lease a piece of property, they spend more time researching it than we do in session.

HB 175-Rep. Driscoll, sponsor--I am appearing as a member of the Legislative Audit Committee. This is part of a package - the bill was drawn up because of some unusual findings relative to deposit of state cash - we have found that different agencies who have to handle cash let it lie around because it is such a small amount, even though the law requires its deposit. The audit staff felt it would be better to have a more reasonable definition of how much could lay around before it should be deposited.

(He pointed out the changes in the statute made by the bill, and submitted a proposed amendment - see attachment #2) The bill specifies that they deposit each day that the amount of coin and currency exceeds \$100. Hopefully, they will adhere to this better. There is one more amendment to the statute that the bill includes - referring to 10 and 25 days - we couldn't understand why this was there and took it out. Whatever they have would be deposited each week.

NO OPPONENTS

LIEN-Would this have prevented the occurrence at the Department of Occupational Licensing? (Morris Brusett, Legislative Auditor, was present for questions) BRUSETT-They held the money for weeks and months, and this bill requires deposit. BARDANOUVE-If they aren't obeying it now, what will this do? BRUSETT-We think this is more practical, that the departments felt it was an undue cost to send people down for small deposits. The money is properly accounted for, and we are weighing the cost of depositing minor amounts versus the amounts of interest earned by such deposits. The department would be called before the Audit Committee to justify any failure to deposit.

EXECUTIVE SESSION

HB 129-O'Connell moved DO NOT PASS, with Robbins seconding.

O'CONNELL-If we could come up with a committee bill that would simplify the forms, then I would support it. BARDANOUVE-If we were to kill these, would that preclude us from bringing up a committee bill of the same subject? BRAND-I'm not sure. MULAR-We could hold one bill over. ROBBINS-If there is another bill coming, the committee can come out with a committee bill, but it has to be a 3/4 vote.

O'Connell's DO NOT PASS motion carried 9 - 6, with Kanduch, Kropp, Meyer, Smith, Tower and Turner voting no.

HB 137-O'Connell moved DO NOT PASS, with Mular seconding.

Menahan made a substitute motion of DO PASS, and Feda seconded.

BRAND-I propose that we draw up a resolution asking that the forms be simplified. LIEN-I am still worried about the fact that we are mandated to do something about this. What if we can't get a 3/4 vote of the committee to go along, then we are stuck. KROPP-I think in all fairness to the sponsor, we should act on them. I think HB 137 is legitimate, and should be acted on. ROBBINS-I think we should act on the bill. We can bring it out on the floor with 24 hours notice. BARDANOUVE-Sometimes this is done as a gentlemens' agreement. You take a consensus of the committee, and you know the committee's feelings. LIEN-This is the only vehicle that contains some things I like. I can't vote yes as it is, but I want it.

Menahan's motion of DO PASS carried, with Brand, Bardanouve, Kanduch, Lien, Mular, O'Connell and Robbins voting no.

HB 185-Feda moved DO NOT PASS, Turner seconded, and the motion carried unanimously.

HJR 8-O'Connell moved DO PASS, Ryan seconded, and the motion carried unanimously.

HJR 7-O'Connell moved DO PASS, Kropp seconded, and the motion carried unanimously.

HB 147-Menahan moved DO PASS, Bardanouve seconded, and the motion carried unanimously.

HB 150-Robbins moved DO PASS, seconded by Menahan.

BARDANOUVE-If we designate 5 professionals, should we designate the schools? I don't want to bind the governor. BRAND-Why couldn't it say a professional employed by the university system?

Menahan moved to amend page 2, line 21 as stated by Brand, and Bardanouve seconded.

TURNER-Don't you think we could have had a joint resolution on this? I think the bill is uncalled for. KANDUCH-She specified that the two universities had something to contribute to this society, but the other 3 appointees could be from the other schools. I suggest we leave this in and say no more than one from any school.

Kanduch moved to supersede Menahan's motion and to amend the bill to specify no more than one from each university. Robbins seconded, but the motion was defeated.

O'Connell moved to amend by striking all of the language following "archeologist" on lines 21, 22, and 23; Bardanouve seconded, and the motion passed with Robbins and Turner voting no.

Robbins moved AS AMENDED DO PASS.

LIEN-I don't like qualifying in terms of professionals. I think they have all the expertise they need. I think the bill is unnecessary and would like to see a DO NOT PASS. TURNER-I think it is an ego trip.

Turner moved DO NOT PASS, O'Connell seconded, and the motion carried with Bardanouve, Menahan, Mular and Robbins voting no.

HB 175-Mular moved to amend (see attachment #4), Ryan seconded and the motion carried. Feda moved DO PASS, Menahan seconded, and the motion carried unanimously.

MEETING ADJOURNED - 11:50 a.m.

Joe Brand, Chairman

Anita C. Sierke
Anita C. Sierke, Secretary