

January 24, 1977

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

Hargesheimer submitted his summary, see attachment #1.

HB 211-Rep. Dussault, sponsor--This bill provides for interlocal agreements to create and finance park districts in an urban district or county by taxation. It is possible now to establish park districts, but the whole county is taxed for a park that exists only in Missoula. So, this just allows financing from those who would benefit most directly. Protection for the public comes under 16-906 - that all commission meetings shall be open, so any action would be public; and 16-1903 - provides for public review of all proposed budget expenditures and sources of revenue. So the public has the option to comment.

EVAN DENNY, President, Missoula Planning Board--We have been engaged for four years in acquiring land for public use, and are attempting to derive the best urban park system yet in Missoula. We need a tool to derive this without it being financed county-wide.

GARY KRYSZAK, Missoula Parks and Recreation Department--Half of our urban population wants a park system, but can't finance them. There's no way to keep the district up. These people need and want this very badly. Our city parks are well developed, but not the county ones.

STEVE TURKIEWICZ, Montana Association of Counties--We see this as a viable solution and support it.

OPPONENTS

ED NELSON, Montana Taxpayers Association--I'm not sure I'm an opponent, but at this time the counties can't levy taxes. How do you get the impact from the cities? Do they get the chance to vote? Is there any limit to the tax? Is there a limit to the indebtedness? I suggest that you check Title 16. HB 122 would cover this and provide for the same authority, but nobody is taking bets on that.

MULAR-What would the taxing jurisdiction be? DUSSAULT-Taxes would be levied on property in the area. If you read the interlocal codes, everything has to be stated. The intent is what is important. The people adjacent to the park are the ones who benefit. SMITH-Do people vote? DUSSAULT-There's no provision for a vote; but they can do so at a public meeting, when the budgets are heard. O'CONNELL-What happens in low income areas? KRYSZAK-We have county-wide recreation plans. The intent would be to create a district. The area outside the site would be taxed on a lump sum basis.

LIEN-How far out of town can you go? A city could force an interlocal agreement on county people. DUSSAULT-It could not go county wide because this addresses urban areas.

FEDA-Couldn't this be handled through the planning board? DUSSAULT-No, they lack the authority to tax at a county level. We want to tax at a district level.

BRAND-After you make the determination, it has to be submitted to the Attorney General, have any of these be turned down? TURKIEWICZ-No, he just reviews it for technical content.

TOWER-Would there be any problem if you didn't let it be a majority vote?

DUSSAULT-What you might do is amend it to have a specific notice of meeting for creation of the district. Any commissioner who had heavy opposition would not go ahead.

MULAR-There was a statement made about limited indebtedness; what is the 3% a percent of? DUSSAULT-I believe that is county wide. MULAR-I think we could use a pro rata feature.

HJR 14-Rep. South, sponsor--This is self-explanatory--there have been no substantive revisions since 1921, so this asks that we have a study.

DAVE WANSENRIED, Deputy Director, Commission on Local Government--We have been looking at all local government laws, and consequently election laws. County Court houses feel elections laws are in disarray. Since 1921 there's been no overview done. They have worked with us on one very small part to straighten this out.

JO ANN WOODGERD, Deputy Secretary of State--We have been up here every session for the last three asking for this. There was a general revision in 1969, but it was done with too little assistance and too little time. I feel that the Legislative Council can do a better job than in 1969, but I feel it should require participation with the state offices involved and the political parties.

HELEN KOVICH, Lewis & Clark County Clerk & Recorder--All of these problems are so tremendous. If these laws were written in plain english instead of law book language, it would be very helpful.

STEVE TURKIEWICZ, Montana Association of Counties--We support this, and feel that it is desperately needed.

NO OPPONENTS

HB 275-Rep. Mular, sponsor--In this bill, reports of volunteer fire departments go from quarterly to annually. They are well established in the state and they don't really need to report every 3 months.

ART KORN, Montana Volunteer Firemens' Asso.--This will not take any work away from the clerk and recorder. Instead of filing every 90 days, they would file once a year at the same time that they file with PERS - it would be much easier.

HENRY LOHR, Montana Volunteer Firemens' Asso.--This would do away with lots of paper work.

AL SAMPSON, Montana State Firefighters' Asso.--We see no objection, and support.

BARDANOUVE-When you do file this report what does it do? KORN-At first it was so that volunteer firemen wouldn't have to pay the \$2 poll tax; but now, in case of injury the insurance company can go to the clerk & recorder and get the information they need. BARDANOUVE-So it is reference in case of insurance claims? KORN-Yes. BARDANOUVE-What does it contain? KORN-The chief makes a list of active firemen and takes it to the clerk and recorder.

HB 224-Due to the absence of the sponsor, witnesses were asked to hold their testimony until the sponsor could be present.

Chairman Brand turned over the chair to Lien in order to speak on the next bill.

HB 235-Rep. Brand, sponsor--This requires that fire chiefs be notified of proposed inspections.

ART KORN, Montana Volunteer Firemens' Asso.--This is another bill we discussed at our

convention. We have found that we want a qualified man to make these inspections. The liquor inspector has been asked to do these, and he is not a qualified person. We request that the Fire Marshal designate who can do it, and that the chief be allowed to accompany him.

AL SAMPSON, Montana State Firefighters' Asso.--We support this, we have had the same problem. We feel the fire department should be notified of inspections as a matter of courtesy. PENTTILA-I would appreciate making some remarks. The reason the liquor inspectors are involved, is that in certain areas I have never been staffed to make such inspections. So, when we started the hotel program, we tried to indoctrinate some liquor inspectors to give us a hand. They know a few menial things, and when they find something wrong, we are notified. The reason we did this was because when the liquor control was moved to the revenue department, they formed an inspection group to comply with the liquor laws, and I called and said that if they were going to do this would they check for a few other things. We aren't making fire inspections, only checking minimal things. They said it was impossible to get in touch with the fire chief in most rural areas. If we are going to have to have qualified people, then it will take a fiscal note. This way, we have people checking on the main things we need to look for. We can require that they write out a report and mail it to the fire chief or leave it for him. But, the chiefs are not always available.

HENRY LOHR, Montana Volunteer Firemens' Asso.--We would just like to know what's going on. If they can't get in touch, then send a report.

R. A. ELLIS, Montana State Volunteer Firemens' Asso.--We support. In rural areas, we are getting more industry. We would cooperate in any way we could.

MULAR-Lines 18 through 23 - if the fire marshal has requested another agency to do it, I see no reason why the chief couldn't be notified. LIEN-What if the fire chief is a tavern owner? Won't he be getting three days' notice for a liquor inspection? MULAR-I think the bill addresses itself to fire inspection. BRAND-Line 24 - the Fire Marshal wants to amend this - so it would have to be deleted. Would you support this? KORN-Sure, at least you are notified. BRAND-What about inspection of state buildings. PENTTILA-With state buildings, our office inspects them, and we make it a point to notify the local department, but they usually don't go.

EXECUTIVE SESSION

HB 224-Bardanouve moved to pass this until the sponsor could be there, the motion carried unanimously.

HJR 14-Mular moved DO PASS, Bardanouve seconded.

BRAND-Couldn't we amend it to request the aid of state and local election offices in conducting the study? HARGESHEIMER-There's no problem to writing such an amendment. We usually involve everybody. In '69 we didn't have a council staff, but now we have an adequate number of people.

O'Connell moved to amend in such a way as to request the aid of state and local governments, Mular seconded, and the motion carried unanimously.

Mular moved AS AMENDED DO PASS, Bardanouve seconded, and the motion carried with Feda voting no.

HB 211-Bardanouve moved DO PASS, O'Connell seconded.

MULAR-There was some question about public notice and the sponsor suggested a specific amendment. What's to prevent local government from dipping into local funds for contiguous districts? KROPP-I have the same problem. How much people could be taxed. ROBBINS-Why don't we hold this until the next meeting? BRAND-I entertain a subcommittee with the sponsor.

Lien moved that a subcommittee be appointed to work with Dussault - the motion carried with Ryan voting no. Chairman Brand appointed Ryan as Chairman, with Mular and Kropp.

HB 235-LIEN-If this passes, it will remove all liquor inspectors from doing the inspections. The Department of Revenue will not give prior notice to tavern owners for liquor inspections. BARDANOUVE-If the liquor inspectors are to be involved, I think we should upgrade them. ROBBINS-I agree with Lien, this is a tip off to bars, and the department won't go along with it. BARDANOUVE-This won't really correct the situation of not being able to find the fire chief. MULAR-No, the fire chief is notified, not the one being inspected.

Mular moved to amend page 1, line 19 - Strike: "notification", Insert: "submit to"; and line 20 - Strike: "before commencement", and Insert: "after the".

MULAR-The intent is just to get a copy of the report. LIEN-There has been a problem of the local people getting the report. What the firemen want is to have a report and notify the department. I hate to see the liquor inspector removed from this position. I think the report should be filed, but the liquor guys would not be able to do it.

BRAND-I entertain a motion that we write a committee bill.

Bardanouve moved DO NOT PASS, Feda seconded and the motion carried with Mular and Kanduch voting no.

Lien moved to have a subcommittee appointed to draft a committee bill, Mular seconded, but the motion failed to gain a 3/4 vote, and so the bill is dead.

HB 275-O'Connell moved DO PASS, Bardanouve seconded, and the motion carried unanimously.

MEETING ADJOURNED - 11:50 a.m.

Joe Brand, Chairman

Anita C. Sierke
Anita C. Sierke, Secretary