

HOUSE OF REPRESENTATIVES  
PROCEEDINGS OF THE  
LOCAL GOVERNMENT COMMITTEE  
February 7, 1979, 5:00 pm

The meeting was called to order at 5:00 pm by Chairman Hershel Robbins. The secretary called the roll and found a quorum of members present, absent were Representatives Hurwitz, Kemmis, Oberg, South and Waldron.

Chairman Robbins then announced that some members had bills in other committees and would be leaving the meeting and returning during the discussion.

HOUSE BILL 382: Representative Menahan introduced the bill, and then introduced Bill O'Leary of Billings who would speak further for him on the bill. He explained this would make provisions for fire departments that have been in service for a number of years to continue for a certain length of time when an area is annexed. This would allow the private fire departments to continue their service and not have a great loss of revenue immediately, and perhaps make arrangements for selling equipment or service to the cities.

Chairman Robbins then called for Opponents: Ray Blehm, representing the Montana Fire Fighters Association, from Billings Fire Department as well, stated the bill as written would be opposed, and unless the cities picked up the three years annual subscribers cost, there possibly would not be any protection. He gave examples of these companies not providing service to all people in their areas.

Dave Goss of Billings also spoke as an opponent, stating that in areas being annexed, the task of delivering statements to everyone regarding protection and that even though they were annexed they might not have protection unless they were under the private service.

Dan Mizner of the Mont. League of Cities also spoke as an opponent to the bill. He felt rather than pass the bill that the cities could contract with the private companies and allow them to phase out in that manner.

Mr. O'Leary then gave closing remarks for Rep. Menahan. He stated that regarding people under private contracts, some of them have refused any type of protection, however insurance companies are now requiring people to have fire protection. He urged passing the bill.

HB 382 (cont.) There were then questions from the committee members. Rep. Gould inquired of a member of a private fire company if they had ever refused to respond to a fire call in their area, whether the people were a subscriber or not. Mr. O'Leary stated they had responded to a total of 296 calls in the past year and 114 of those were to homes not subscribers. Questions continued, with reference being made to a special fire in Billings where the home was left to burn. It was brought out the private company had protected a home next door that was not a subscriber and yet had let the home burn that was also not a subscriber. Response was that they must have consent of the owner, and it would break the contract with the remainder of the subscribers if the full equipment were committed to fight a fire that was not a subscriber. This discussion continued for some time. Chairman Robbins then suggested that further questions and problems be brought out at the executive session and hearing was closed on HB 382.

HOUSE BILL 392: Representative McBride presented the bill, stating she had amendments that would make a substantial change from the way the bill now reads. She stated this is intended to clarify that volunteer fire departments can remain in existence in incorporated areas. This would take place by allowing them to remain in effect and thus would not effect the retirement rights of the volunteer firemen.

Chairman Robbins then called for proponents. Art Korn of the Volunteer Firemen's Association stated they were in support if the rights of the volunteer firemen would not be in jeopardy. Dave Fisher also of the volunteer firemen's association spoke in support as well. He stated any changes would result in volunteers like himself who were about to retire not being able to receive their pension.

Bob McCarthy, Chief Deputy County Attorney of Butte-Silver Bow also spoke, stating it should be made clear that all rights of the volunteers would remain and they would also continue to exist as volunteers.

Dan Mizner of the League of Cities also spoke in support, stating he would like to see the committee consider the amendments and rewrite the bill.

Richard Ellis representing the volunteer fireman also spoke in favor as did Richard Tretheway of the same group. There were no opponents, and Rep. McBride gave closing remarks, stating the bill would try to maintain the volunteers that were in existence before. Hearing was then closed on HB 392.

Chairman Robbins then turned the meeting over to Vice Chairman Arlyne Reichert for purposes of hearing a bill he is sponsoring.

HOUSE BILL 118: Representative Hershel Robbins of District 46, Roundup, stated the bill would allow for the County Superintendent of Schools office to be consolidated in those areas that desire consolidation, and this is now only in three areas. The bill would not affect other offices. He stated the bill had been entered at the request of the school boards. Rep. Robbins then gave the results of a survey that had been taken of counties having over 25,000 population and there had been a 65% response. The survey included such items as how much time was devoted to actual performance of duties and how much time was spent visiting schools. Response was that 40% of time was spent visiting schools, 10% actual performance of duties. Rep. Robbins also stated letters had been received in favor of the bill, and some stating they didn't feel it had been needed. He then presented amendments which had been offered by the School Board Association and the League of Cities and Towns, as well as his own amendment, all of which are to be considered by the committee. He further explained this would affect the person whose office was consolidated, and that when services were contracted that person would still need to meet qualifications.

Vice Chairman Reichert then called for proponents. Mr. Robbins introduced Lyle Eggum from the Office of Public Instruction who spoke in support of the bill stating this would insure supervision of the teachers by a qualified person.

Dean Zinnecker of the Mont. Association of Counties also spoke in favor stating that it had been difficult in some areas to elect superintendents that had the teacher's qualifications, and stated he did have a minor amendment to offer.

Wilma Cox of the Montana Association of County Treasurers spoke in support of the bill as well.

There were no further proponents and opponents were called. Glennadine Terrell, Lake County Superintendent of Schools spoke, stating the survey didn't address all of the duties of a county superintendent. She stated the job is not just one room school supervision, but is also dealing with the public and they are concerned with the children in the county. They also work with the principals in preparing students for further education.

Margaret Brown of Bozeman then spoke, stating that with a greater work load now in the office, there should be a qualified person. The duties involve special education, and at least 40 teachers under supervision. This could be a difficult position for someone not qualified as there are many special education hearings to be held.

HB 118 cont.

Wallace Vinnidge, Supt. of Flathead, stated they have only 17 teachers and the consolidation might be possible, however he then quoted statutes that deal with the duties of the Supt. of Schools. He stated 20-3-207, MCA, states at least 4 months of time must go into supervision, and 20-3-210, RCM, deals with special duties, and 42-t-18-750 deals with special education. He then went into details of the hearings, stating the county attorney is paid at least \$40.00 per hour for a special hearing, of up to 40 to 60 hours annually, and that some hearings can cost at least \$2,000, with costs being paid from the county superintendent's office. They also had 9 teachers fired in their district and hearings had to be held for each of these. He stated other school superintendents also come to him for information on special programs. He urged a do not pass on this bill.

Carey Lund also a superintendent, stated they do care, and feel qualified persons should hold the office, noting that they would not be in office if they didn't care.

Leonard Sargent, executive director of the Montana School Boards Association spoke, stating he would like the record to reflect that he had proposed amendments to the bill. He felt the drafters had recognized the importance of having qualified people. His amendments are attached.

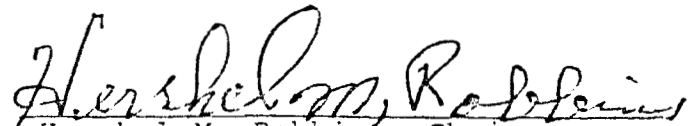
There being no further opponents, Rep. Robbins gave closing remarks, stating the bill is directed only at counties that have consolidated their county superintendent with other offices, and that he realized the problem with counties that have many rural schools. He stated some counties do not have the workload that others have. He stated that in counties that have consolidated the contracts have been given to persons that are qualified, at considerable savings to the counties in funds. He then called on Stan Zezotraski, the researcher from the council that had drafted the bill to give further explanation. He stated they had prepared the questionnaire, that it had gone to counties with less than 25,000 people, and was designed to highlight the duties that might have to be consolidated. He noted that at present except in unusual cases there is not much problem on the special education hearings, but it could in the future be a problem for all counties.

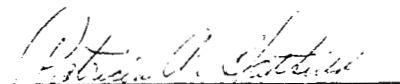
There were then questions from committee members. Rep. Azzara inquired if this couldn't be stated it could be done when it was clearly in the interest of the county. Rep. Vinger inquired if the hearing officer receives additional pay, answer was that they do not. Hearing was then closed on HB 118.

HOUSE BILL 366: Rep. Kessler stated he would like to clarify for members the fact that as amended HB 366 read differently, however the language omitted on second reading copy is still in the statutes, and this may have been misleading.

HOUSE BILL 46: Subcommittee report was given by Rep. Kessler on HB 46. Also present was Debbie Schmidt, researcher, who stated the subcommittee had carefully screened each page of amendments and testimony offered. Proposed amendments were then given to each member and are attached. Rep. Kessler then moved the amendments to HB 46, however members asked to study these prior to voting. Chairman Robbins then announced that on next Saturday HB 46 would be considered.

A meeting was announced for 12:30 pm Thursday, February 8 and 12:30 pm Saturday, February 10. The meeting was then duly adjourned at 8:15 pm.

  
Hershel M. Robbins, Chairman  
LOCAL GOVERNMENT COMMITTEE

  
Patricia A. Hatfield  
Committee Secretary