

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

March 6, 1979

The meeting of the Local Government Committee was called to order by Chairman George McCallum at 12:40 in Room 405 of the State Capitol Building.

ROLL CALL: All members were present with the exception of Senators Lockrem and Watt.

Dennis Taylor, staff researcher, was also present.

Many visitors were in attendance. (See attachment.)

CONSIDERATION OF HOUSE BILL 276: Representative Ralph Eudaily, of District 100, chief sponsor of House Bill 276, gave a brief resume. This bill is an act to consolidate the provisions relating to the fixing of municipal salaries; permitting the fixing of salaries by ordinance or resolution; and deleting the provision that a municipal officer may not receive an increase or decrease in pay during a term of office. This bill would make legal what many local governments have been doing illegally for a number of years because of conflicts and confusion within the statutes.

Bill Cregg, Missoula Mayor, spoke on the point of not being able to raise salaries during the term of office. Mr. Cregg stated his support of the bill.

Dan Mizner, of the League of Cities and Towns, stated his group's support of the bill. Mr. Mizner reported that 75 or 80 towns have very strong feelings about this.

Jim Jensen, representing the Montana Magistrates Association, stood in support of the bill.

With no further proponents Senator McCallum called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee. There were no questions or discussion from the Committee.

DISPOSITION OF HOUSE BILL 276: A motion was made by Senator Conover to give House Bill 276 a recommendation of "BE CONCURRED IN" from the Committee. Motion carried unanimously.

CONSIDERATION OF HOUSE BILL 327: In the absence of Representative Jay Fabrega, chief sponsor of HB 327, Dean Zinnecker, of the Montana Association of Counties, presented the bill. This bill is an act to amend section 15-8-104, MCA; eliminating the requirement that a county pay for audits conducted by the Department of Revenue, and providing that the costs of an audit

be paid by the department; and providing an immediate effective date. At the present time, counties are responsible for paying the Department of Revenue costs for conducting audits to determine taxable value of selected items. The Constitution states this function to be a responsibility of the State. The counties do not request the audits and the audit financing should be included as part of the overall State responsibility. Counties have no way to budget or control the costs. The fiscal analyst report shows that the fiscal effect would be around \$1100.

There were no proponents or opponents to the bill. There were no questions from the Committee.

DISPOSITION OF HOUSE BILL 327: A motion was made by Senator O'Hara to give House Bill 327 a recommendation of "BE CONCURRED IN" from the Committee. Motion carried unanimously.

CONSIDERATION OF HOUSE BILL 341: Representative Harold Gerke, of District 62, sponsor of House Bill 341, gave a brief resume on the bill. This bill is an act to delete the requirement that claims against the county be certified. This bill just deletes the requirement of claims having to be certified. This has been requested by the Legislative Audit Committee. Representative Gerke presented a sample claim to the Committee. (See attachment.)

Mr. Jim Northerly, of the Legislative Audit Committee, reported that there are other sections in the codes which cover criminal penalties for falsification of claims.

There were no proponents or opponents to House Bill 341. The meeting was opened to a question and answer period from the Committee. Some discussion was held.

DISPOSITION OF HOUSE BILL 341: A motion was made by Senator Thomas that House Bill 341 be given the recommendation of "BE CONCURRED IN" from the Committee. Motion carried unanimously.

CONSIDERATION OF HOUSE BILL 361: Representative Ernie Dasinger, of District 50, chief sponsor of the bill, gave a brief resume. This bill is an act to amend section 7-4-2108, MCA, to increase the expenses allowed a member of a board of county commissioners who resides 50 miles or more from the county seat and performs official duties in the county seat.

This bill attempts to allow the commissioners the same amount as the legislators receive when they are away from home on official business.

Dean Zinnecker, of the Montana Association of Counties, stated his support of the bill and said that he felt this would save the counties money in the long run.

There were no opponents to House Bill 361.

The meeting was opened to a question and answer period from the Committee.

DISPOSITION OF HOUSE BILL 361: A motion was made by Senator Rasmussen that House Bill 361 receive a "BE CONCURRED IN" recommendation from the Committee. Motion carried unanimously.

CONSIDERATION OF HOUSE BILL 610: In the absence of Representative James Azzara, of District 96, Jim Jensen, of the Montana Magistrates Association, presented the bill. This bill is an act to increase juror's fees in courts not of record. This bill would raise from \$7.50 to \$12 per day the amount received by jurors of courts not of record. This is just for justice of the peace courts. The amount was established at the present rate in the 1950's, other court juror's fees were raised during the last Legislature.

There were no proponents or opponents to the bill. The meeting was opened to a question and answer period from the Committee. Discussion was held.

DISPOSITION OF HOUSE BILL 610: A motion was made by Senator Peterson to give a "BE CONCURRED IN" recommendation from the Committee. Motion carried unanimously.

CONSIDERATION OF HOUSE BILL 392: Representative Kathleen McBride, of District 85, chief sponsor of the bill, gave a brief resume. This bill is an act to clarify the relationship between voluntary fire districts and fire departments and city-county consolidated local governments and providing an immediate effective date. Representative McBride stated this bill is merely a clarifying of the laws and removes the problems that occur without it.

Art Korn, secretary-treasurer of the Montana State Volunteer Firemen's Association, stated his group's support of the bill and urged passage of House Bill 392. Mr. Korn stated that this bill can be termed a mere house cleaning bill, to clarify uncertainty in the law arising out of certain consolidations of the city and county government which have occurred recently. Mr. Korn offered an amendment and written testimony. (See attachment.)

Dave Fisher, representing the Montana State Volunteer Firemen, stated his support of the bill.

Richard Tretheway, Fire Coordinator for Butte - Silver Bow, stood in support of the bill.

DISPOSITION OF HOUSE BILL 392: A motion was made by Senator Peterson that House Bill 392 receive a "BE CONCURRED IN" recommendation from the Committee. Motion carried unanimously.

CONSIDERATION OF HOUSE BILL 644: Representative Chris Stobie, of District 23, chief sponsor of HB 644, gave a brief resume. This bill is an act requiring the board of county commissioners to set county surveyor's fees by resolution. This fee is presently set by law.

There were no proponents or opponents to the bill.

DISPOSITION OF HOUSE BILL 644: A motion was made by Senator Story to give House Bill 644 a recommendation of "BE CONCURRED IN" from the Committee. Motion carried unanimously. Senator McCallum offered to carry the bill on the floor.

CONSIDERATION OF HOUSE BILL 559: In the absence of Representative George Johnston, of District 13, chief sponsor of the bill, John Bell gave a brief resume of the bill. This bill is an act to increase from \$2 to \$4 the fee a sheriff may charge for service of summons and complaint on each defendant; to provide that up to 25% of such fees collected shall be used to pay the sheriff's annual dues in the Sheriffs' and Peace Officers' Association and the remaining 75% of such fees shall be credited to the county's general fund. Mr. Bell stated that this is not tax money, only fee money. Mr. Bell showed a magazine which the sheriffs sell ads in for a source of revenue. The sheriffs do not like to take money from the Main Street Merchants.

Dale Dye, president of the Montana Sheriffs' and Peace Officers' Association, stated his support of the bill. Mr. Dye stated that this bill would allow the counties to pay the sheriff and deputies dues to the Association. These have always been funded through the sale of ads in their magazine. Mr. Dye stated that he feels the present method of funding this is degrading to the law enforcement program. The Sheriffs' and Peace Officers' Association funds the Yellowstone Boys' Ranch, Montana Teletype System, a Memorial Scholarship fund, and also the dog compound at Belt. This will increase the county general fund.

With no further proponents, McCallum called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee.

DISPOSITION OF HOUSE BILL 559: A motion was made by Senator O'Hara to give House Bill 559 a recommendation of "BE CONCURRED IN" from the Committee. Motion carried unanimously.

ADJOURN: With no further business the meeting was adjourned at 1:30. The next meeting will be held on Thursday, March 8, at 12:30 to consider House Bills 54, 399, 494, 498, 488, 442, and 476.


CHAIRMAN, Senator George McCallum

see Minutes

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
GEORGE MCCALLUM, CHAIRMAN	✓		
LLOYD LOCKREN, VICE CHAIRMAN			✓
MAX CONOVER	✓		
JESSE A. O'HARA	✓		
BOB PETERSON	✓		
A. T. (TOM) RASMUSSEN	✓		
PETE STORY	✓		
BILL THOMAS	✓		
ROBERT D. WATT			✓

Each Day Attach to Minutes.

STANDING COMMITTEE REPORT

March 6

1979

MR. President:

We, your committee on Local Government

having had under consideration House Bill No. 644

Stobie (McCallum)

Respectfully report as follows: That House Bill No. 644

~~DO PASS~~ BE CONCURRED IN

STANDING COMMITTEE REPORT

..... March 6 19 73

MR. **President:**

We, your committee on **Local Government**

having had under consideration **House** Bill No. **610**

Azzara (Peterson)

Respectfully report as follows: That **House** Bill No. **610**

~~X.DD.PASSX~~

BE CONCURRED IN

STANDING COMMITTEE REPORT

..... March 6 19 73

MR. ~~President~~

We, your committee on Local Government

having had under consideration House Bill No. 559

Johnston (O'Hara)

Respectfully report as follows: That House Bill No. 559

~~DO PASS~~ BE CONCURRED IN

STANDING COMMITTEE REPORT

March 6 19 79

MR. President:

We, your committee on Local Government

having had under consideration House Bill No. 392

McBride (Peterson)

Respectfully report as follows: That House Bill No. 392

~~DO PASS~~ BE CONCURRED IN

STANDING COMMITTEE REPORT

March 6 19 79...

MR. President:

We, your committee on Local Government

having had under consideration House Bill No. 361

Dassinger (Rasmussen)

Respectfully report as follows: That House Bill No. 361

~~DO PASS~~ BE CONCURRED IN

STANDING COMMITTEE REPORT

..... March 6..... 19 79.....

MR. President:.....

We, your committee on Local Government.....

having had under consideration House..... Bill No. 341.....

Gerke (Thomas)

Respectfully report as follows: That..... House..... Bill No. 341.....

~~DO PASS~~

BE CONCURRED IN

STANDING COMMITTEE REPORT

..... March 6 19 79

MR. **President:**

We, your committee on **Local Government**

having had under consideration **House** Bill No. **327**

Fabrega (O'Hara)

Respectfully report as follows: That **HOUSE** Bill No. **327**

DORASS: BE CONCURRED IN

STANDING COMMITTEE REPORT

March 6 19 79

MR. President:

We, your committee on Local Government

having had under consideration House Bill No. 276

Edaily (Conover)

Respectfully report as follows: That House Bill No. 276

~~XXXXXXXX~~ BE CONCURRED IN

SENATE

COMMITTEE

BILL _____

VISITORS' REGISTER

DATE _____

Please note bill no.

(check one)

NAME

REPRESENTING

BILL #

SUPPORT

OPP.

Frank M. ...

Mont. State ...

43276

X

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✓

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10550

✓

Bill ...

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ART KORY

Mont. St. ...

392

✓

Dave Fisher

Mont. State Vol. ...

H. B372

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✓

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✓

John Bell

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X

NAME: Paul W. Wiggins DATE: Nov 6 70

ADDRESS: Helena

PHONE: 402-8768

REPRESENTING WHOM? Mont. Cattle & Horse

APPEARING ON WHICH PROPOSAL: HR 276

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Gene Fisher DATE: 3/6/79

ADDRESS: 1908 d. Wash St. Butte, Mont.

PHONE: 792 - 8859

REPRESENTING WHOM? Montana Vol Emission Ass.

APPEARING ON WHICH PROPOSAL: H.B. 392

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

NAME: Dale J. [unclear] DATE: 11-1-1967

ADDRESS: Russell County

PHONE: 363-3033

REPRESENTING WHOM? Mont. State Univ. & Assoc. of Professors

APPEARING ON WHICH PROPOSAL: H5559

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: This Bill would...
to pay the benefit...
Thank you

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: ART R. [unclear] DATE: 3/1/77

ADDRESS: 1910 S. UAW 27 ST. ST. 54101

PHONE: 723-4641

REPRESENTING WHOM? MONT. STATE VOL. FIREMEN'S ASSOC

APPEARING ON WHICH PROPOSAL: P/B 392

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: REVIEW TESTIMONY FILED IN

COMMITTEE

3/1/77

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Bill Lewis DATE: 3/16/77

ADDRESS: 530 Milwaukee

PHONE: 721-41700

REPRESENTING WHOM? City of Milwaukee

APPEARING ON WHICH PROPOSAL: 453-2000

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Dr. Zimales DATE: 3/1/68

ADDRESS: Ill.

PHONE: 442-5221

REPRESENTING WHOM? Ill. Assoc. of Teachers

APPEARING ON WHICH PROPOSAL: H/B 327 H/B 361

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Maxin Carter	Laurel	President
Ed Mitch	Out Bank	Vice-Pres. at Large
Arthur J. Kohn	Beulevard	Secretary-Treasurer

Leith Grice	Members	Vice-Pres.	Dist. #1
Lloyd Greenup	Hamilton	Vice-Pres.	Dist. #2
Gary Gray	Felt	Vice-Pres.	Dist. #3
Jim Halle	Belgrade	Vice-Pres.	Dist. #4
Ben Crowder	Malta	Vice-Pres.	Dist. #5
Bill Storts	Roundup	Vice-Pres.	Dist. #6
Ed Hinson	Wolf Point	Vice-Pres.	Dist. #7
Arlin Anderson	Fleeva	Vice-Pres.	Dist. #8

Montana State Volunteer Firemen's Association

From the Office of
ARTHUR J. KOHN, Sec'y-Treas.
 1916 So. Washington St.
 Butte, Montana 59701

February 23, 1979

The Montana State Volunteer Firemen's Association supports and urges passage of House Bill 392 with the amendments attached. This bill can be termed a mere house cleaning bill, to clarify uncertainty in the law arising out of certain consolidations of city and county government which have occurred recently.

An example is the consolidation of the governments of the City of Butte and Silver Bow County. In that case, the consolidation was accomplished by adoption of a charter, and the proponents of the charter assured volunteer firemen that the operation of volunteer fire departments and the rights of volunteer firemen, including such things as pension rights of volunteer firemen, insurance, worker's compensation, etc., would not be affected. It was recognized that continuation of volunteer fire departments is an effective means of continuing competent fire protection at an economical cost.

The Butte-Silver Bow Charter provides: "Section 7.03-Fire Departments.

"(d) Except as otherwise provided by this charter or until changed by ordinance, the organization of existing volunteer fire departments within the county shall be governed by the applicable sections of state law.

"(e) The disability, death, insurance and pension benefits of volunteer firemen shall continue to exist according to Sections 11-2022, 11-2023 and 16-5115.3 (5) and (6) of the revised Codes of Montana, 1947, which provides in part that this unit of local government shall have the status of a county; however, the council of commissioners may establish by ordinance an additional pension or retirement system."

However, the question has been raised that regardless of provisions of the Butte-Silver Bow Charter, or the appropriate provisions of other documents establishing a city-county consolidation, the newly consolidated area constitutes and incorporated area and therefore no longer falls within the provisions of Parts 21 and 23, Chapter 33, Title 7 of the Montana Codes, which refers to "unincorporated" areas. The proposed amendment would carry out the intention of the consolidator and would preserve the operation of volunteer fire departments and the rights of volunteer firemen by making clear that for the purpose of Parts 21 and 23, the term "unincorporated" is expanded to include

Dedicated to the Betterment of the Fire Fighting Service

areas formerly unincorporated but which now may be deemed incorporated by reason of consolidation of cities and counties.

We believe that this amendment would merely clarify existing law and that it would not involve any additional expense of appropriation. We submit that the amendment deserves to be supported and ask for a do pass.

Art Korn
Arthur J. Korn, Secretary.

HB 327

DEPARTMENT OF REVENUE AUDITS

At the present time, counties are responsible for paying the Department of Revenue costs for conducting audits to determine taxable value of selected items. The Constitution - Article VIII, Section 5 - states this function to be a responsibility of the State. The counties do not request the audits and the audit financing should be included as part of the overall state responsibility.

Counties have no way to budget cost!

Counties have no control over costs!

Fiscal Analyst report show \$1100 as the fiscal effect.

Counties, cities, schools and the state all benefit from the audits.