

MINUTES OF THE MEETING  
SENATE LOCAL GOVERNMENT COMMITTEE  
MARCH 12, 1981

The meeting of the Local Government Committee was called to order by Chairman George McCallum on the above date in Room 405 at 7:30 p.m.

ROLL CALL: Senator Van Valkenburg was excused, all other members were present.

CONSIDERATION OF HOUSE BILL NO. 693:

AN ACT PERMITTING FIRE DEPARTMENT RELIEF ASSOCIATIONS OF PURE VOLUNTEER FIRE DEPARTMENTS IN FIRST- AND SECOND-CLASS CITIES TO BE MANAGED UNDER THE SAME PROVISIONS AS RELIEF ASSOCIATIONS IN THIRD-CLASS CITIES AND TOWNS.

Representative Feda, District No. 4, said this bill lets local volunteer fire departments within incorporated cities maintain their own relief association.

Art Korn, secretary/treasurer of the Montana Volunteer Firemen's Association, said Glasgow is the only second-class city that has strictly all volunteer fire departments. The association supports this bill.

There were no opponents of the bill appearing before the committee.

Senator McCallum then called for questions from the committee.

Senator McCallum asked if Libby was a second-class city.

Mr. Korn said Libby was strictly a third-class city.

Senator Ochsner asked if this was for first- and second-class cities, why was Glasgow the only one included.

Representative Feda said Glasgow is the only second-class city that has completely volunteer fire departments.

CONSIDERATION OF HOUSE BILL NO. 704:

AN ACT TO PERMIT THE ESTABLISHMENT OF BUS STOPS IN PLACES IN WHICH STOPPING, STANDING, AND PARKING A VEHICLE ARE OTHERWISE PROHIBITED.

Representative Dussault, District No. 95, said this provides for an exemption to allow for bus stops where stopping by motor vehicles is otherwise prohibited. Local governments must have an ordinance establishing authority and where this occurs on streets or highways

under the Department of Highways' jurisdiction, it is subject to approval by the Department of Highways.

John Grew of the Missoula Urban Transportation District is requesting this legislation be passed. The bill has met with approval by the highway department and the safety division. They are requesting the effective date be immediate. They are in the process of installing bus stop signs at this time.

Dick Howell of the Transit Bureau of the Department of Community Affairs said there are communities that are putting in bus stops at the present time, this is not legally defined in the law. This is a step toward defining if bus stops will be allowed.

There were no opponents of the bill appearing before the committee.

Representative Dussault, in closing, said the problem occurring without the bill is the question of liability. Specific authorization has to be given to cover liability. She would like the bill amended to provide for an immediate effective date.

Senator McCallum then called for questions from the committee.

Senator Hammond asked what the need for this was.

Representative Dussault said this exemption is not specifically stated in the law. There is a question of liability for cities already doing this. In Billings they are doing this.

Senator Hammond said this bill was necessary then.

Representative Dussault answered that cities would probably go ahead and do it anyway and be liable in case of an accident. That would be the case or you would have people walking out in the street to load and unload.

Mr. Grew said in Missoula they have a parking commission that has responsibility for all downtown parking. They are not open to these people taking away parking for bus stops. This exemption enables them to establish bus stops without taking away parking spots.

Senator Hammond asked about intersections.

Mr. Grew said they wanted the bus stops at stop signs or immediately after passing through intersections.

Senator McCallum asked if we could strike (c) on line 20, page 1.

Representative Dussault said she did not think there would be a problem with that.

Senator McCallum asked if the city council designated bus stops through an ordinance or resolution.

Representative Dussault said in Missoula the city and county is involved.

Mr. Grew said there is not a problem with city governments in terms of streets directly under their purview but there could be with streets under the state's purview. They have been cooperative so far.

CONSIDERATION OF HOUSE BILL NO. 375:

AN ACT TO MAKE IT CLEAR THAT TRUSTEES OF FIRE DISTRICTS ESTABLISHED IN ANY UNINCORPORATED TERRITORY, TOWN, OR VILLAGE MAY ENTER INTO LEASES AND PURCHASE CONTRACTS AND MAY ESTABLISH RESERVE FUNDS TO PROVIDE FIREFIGHTING APPARATUS, EQUIPMENT, HOUSING, AND FACILITIES FOR THE PROTECTION OF THE DISTRICT.

Representative Anderson, District No. 16, said this bill allows rural and volunteer fire departments to purchase equipment they need. It allows rural fire departments to establish a reserve fund. Lines 10 through 17 on page 2 provide that the reserve fund would be interest bearing until it was utilized for the designated purposes. They wanted to establish a limit so on page 2, line 16 it provides that the total budgeted for the reserve fund would not exceed 33 1/3% of the total projected costs of such items. It is a good bill. Fire districts are already doing this but there are no statutes providing this.

Art Korn, secretary/treasurer of the Montana Volunteer Firemen's Association, spoke in support of the bill. (See attached Exhibit A.)

Robert Ellis, Montana Volunteer Firemen's Association and the Helena Valley Volunteer Fire District, said some departments are already doing this, their department is one of them. They formed a nonprofit organization to buy a truck and building. The Department of Community Affairs said they were staying within bounds and did not reprimand or question them. This bill makes it completely legal. They just obtained a loan from the Farmers Home Administration, it took them 18 months to get it. The Attorney General had approved the purchase but the county attorney turned them down.

There were no opponents of the bill appearing before the committee.

Senator McCallum then called for questions from the committee.

Senator McCallum asked Mr. Korn if at present the trustees of the board of rural fire districts set their own budgets and do not have to go to the voters for special levies.

Mr. Korn said when the trustees want an additional mill levy, they have to get a petition with 51% of the taxpayers' signatures.

Senator McCallum said he resides in a rural fire district and the trustees handle everything, they don't ask anyone.

Mr. Ellis said that was right, the trustees make up the budget and submit it to the county commissioners. The county commissioners hold a public hearing and if there are no protests, the budget is accepted. They must limit the mill levy increase to 5% over the previous budget. That law is on the books now.

Senator McCallum said the bill provides the total budgeted shall not exceed 33 1/3%. You just said the trustees could not increase the budget by more than 5% or it would have to go to a vote of the people.

Mr. Ellis said that was interpreted as the usable budget of that year.

Senator McCallum said the total to be budgeted shall not exceed 33 1/3%.

Mr. Korn said under this bill they could budget for two items, such as a truck and an additional house. The 33 1/3% can be for each item.

Senator Ochsner asked if the 33 1/3% would have to go to a vote of the people.

Senator McCallum answered no.

Senator Ochsner said if they were allowed to purchase four different items they could have any size budget they wanted.

Senator McCallum asked if they were to buy a piece of equipment, could they pay for it in three years or stretch it out for ten years.

Mr. Ellis said that would be placed before the county commissioners at budget time. It would be advertised so the people in the district could protest.

CONSIDERATION OF HOUSE BILL NO. 562:

AN ACT TO REVISE AND SIMPLIFY THE PROCESS  
OF ADDING CONTIGUOUS LAND IN AN UNINCORPOR-

ATED AREA TO A SEWER DISTRICT WHEN THE  
BOARD OF DIRECTORS DETERMINES THERE IS  
EXCESS CAPACITY.

Representative Thoft, District No. 92, said the safeguards are built into the bill on the bottom of page 2. Under present law they cannot take anyone into the district without an election which costs between \$900 and \$1000. There are about 12 unincorporated towns in this situation. He asked the committee to amend the bill to give an immediate effective date.

Thornton Mann, Victor Sewer District, said the intent of this bill is to alleviate hardship cases where people are on land that is contiguous with the district. The sewer is operating at less than 30% of capacity. They are not going to annex trailer courts or hotels, only homesites contiguous to the district.

There were no opponents of the bill appearing before the committee.

Senator McCallum asked if Victor was unincorporated.

Mr. Mann answered yes and since they were unincorporated their hands are tied.

Senator McCallum asked if they could take in one or a dozen.

Representative Thoft said as long as the land is contiguous and the owner wants to petition they may be taken into the district.

Senator Hammond asked if they would have the right to approve or deny anyone access.

Representative Thoft said the board has that discretion and also 40% of the members of the district at that time.

Senator Hammond asked who created the district.

Mr. Mann answered that it was created by a vote of the people in a given area.

Representative Thoft added there would be a lot of little towns in this position in the future.

DISCUSSION OF HOUSE BILL NO. 704: Lee Heiman of the Legislative Council explained they would never contemplate putting a bus stop in (a), (b), (c) or (e) on page 1. They could be amended out of that part of the bill and added to subsections (f) through (n) on pages 1 and 2. He said he would draft an amendment.

Senator McCallum said we also needed an amendment for an immediate effective date.

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Senator Ochsner asked where the bus stops would be if they will not be interfering with parking spaces.

Senator McCallum said they would only be there long enough to load or unload passengers.

There being no further business before the committee, the hearing was adjourned at 8:30 p.m.

  
Chairman George McCallum

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NAME: ART KORN DATE: 3-12-81

ADDRESS: 1916 SO WASH. ST BUTTE MONT 59701

PHONE: 723 4691

REPRESENTING WHOM? MONT STATE VOL FIREMEN'S ASSOC

APPEARING ON WHICH PROPOSAL: HB 375 & HB 693

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



NAME: B. A. Ellis DATE: 3/12/81

ADDRESS: 1735 Sierra rd Halea Mt

PHONE: 458-5586

REPRESENTING WHOM? Mt St Vol Firemans Assn

APPEARING ON WHICH PROPOSAL: HB 375

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Gary Gray  
Ilem Duaine  
Arthur J. Korn

Belt  
Butte  
Butte

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Vice President At Large  
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Hamilton  
Shelby  
Bozeman  
Stanford  
Roundup  
Glasgow  
Plevna

*EXHIBIT A*  
Vice-Pres. Dist. #1  
Vice-Pres. Dist. #2  
Vice-Pres. Dist. #3  
Vice-Pres. Dist. #4  
Vice-Pres. Dist. #5  
Vice-Pres. Dist. #6  
Vice-Pres. Dist. #7  
Vice-Pres. Dist. #8

## Montana State Volunteer Firemen's Association

From the Office of  
ARTHUR J. KORN, Sec'y-Treas.  
1016 So. Washington St.  
Butte, Montana 59701

### HB 375 LEASE-PURCHASE:

Would allow the majority of volunteer departments in the State to purchase good used or new equipment to upgrade their present fire protection. Most of the equipment now owned by a volunteer fire department, which was purchased or given to them some 20 or 30 years ago, is worn out or outdated, and cannot produce the necessary water pressure. Secondly, the majority of volunteer fire departments are experiencing a population growth within the last five years, and they must purchase additional equipment or more modern equipment to provide or maintain proper fire protection - this also means housing. A lot of the old station houses were just built for the old truck. They need a larger station for the additional trucks, along with space for meetings and, more important, training space is also needed. Also, the majority of volunteer fire departments now find that the old truck only carries a small amount of water, like 150 or 200 gallons of water, and they would like to purchase a tanker carrying at least 1,000 gallons of water, while other departments find they really need an additional truck with more hose lines, larger water streams, and larger pumpers.

The majority of fire departments that will come under this Bill probably have a mill levy of probably \$800 to a thousand or two, and if they wish to purchase any type of present-day equipment, it would be in the neighborhood of \$40,000. It is pretty hard to go to the taxpayer and ask for 40 mills, but by spacing it over a ten-year period, asking for four or five mills would be pretty well accepted by the taxpayer. In this way, they could purchase on the lease agreement, or put the money in interest bonds and purchase on a cash basis later on. This is not a countywide tax, only those residents within the boundaries of that fire district would be obligated to whatever increase would be mandated by the taxpayers and then approved by the county commissioners.

We sincerely hope your committee will pass HB 375.

*Dedicated to the Betterment of the Fire Fighting Service*

**It is not what this Association is doing for you, but what are you doing for the Association**