

## LOCAL GOVERNMENT COMMITTEE

Chairman, Kathleen McBride, called the Local Government Committee to order on February 5, 1983, at 2:30 p.m. in Room 224A of the Capitol Building, Helena, Montana. All members were present except Rep. Neuman, who was excused.

### SENATE BILL 63

SEN. JEAN TURNAGE, District 13, sponsor, opened by saying this bill addresses a concern of rural fire companies. It provides that a fire department which has a budget of less than \$20,000 shall file with the County Commission an itemized account of all expenditures and if the Commission requests it, they will be audited by the Department of Administration. The most important section is on page 3, line 6. The reason for this section is that there is no place in the code that states just what the duties of a fire company are.

#### PROPOSERS:

DAVE FISHER, Montana Volunteer Firemen's Association, said this bill was proposed by their association and, therefore, support it 100%.

CLEM DUAIME, Montana Volunteer Firemen's Association, said he would like to go on record as supporting SB 63.

OPPOSERS: none

#### QUESTIONS:

REP. SANDS: Would this bill authorize insurance when a fireman is driving to the job? Sen. Turnage: They do a great service for the state and I don't think it's unreasonable in this case.

### HOUSE BILL 254

REP. GENE ERNST, District 47, sponsor, opened by saying this bill deletes the requirement that certain districts must be audited by the department of administration. He said it is the same legislation that Sen. Turnage just presented. The volunteers are upset by the cost of audits.

#### PROPOSERS:

R. A. ELLIS, Montana State Volunteer Firemen's Association, Helena, said they would like to have the irrigation district removed as they have to be audited anyway so this would be of no use to them.

GARY SPEATH, Representative of District 71, said small fire companies like Red Lodge, Bridger and Joliet spend 1/10 of their income for the audit. He said he would support either SB 63 or HB 254 so we can take away audits from small fire departments.

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Local Government Committee

OPPONENTS: NONE

REP. ERNST, in closing, said there are provisions for checks and balances and they must send an itemized account of their expenditures to the county commission.

QUESTIONS:

REP. KADAS: Mr. Ellis, how much money are you dealing with in the irrigation district? Mr. Ellis: In excess of \$100,000. We need liability insurance in excess of \$3 million and to get it, we need an audit.

HOUSE BILL 129

REP. LES KITSELMAN, District 60, sponsor, opened by saying this bill will provide more authority to cities and counties to organize their planning either collectively or individually. What works well for one community doesn't necessarily work well for another - this will grant them the privilege of taking care of their own needs. This would affect self-governed cities and counties.

PROPONENTS:

AL THELAN, City Administrator of Billings, said they are trying to find flexible ways to serve cities and counties and this bill moves in that direction. Most other states don't restrict zoning and planning. They do restrict platting requirements.

GUS BYRON, Planning Director, Lewis & Clark County, said they support this bill because Helena would like to have the flexibility in its planning and zoning that the bill provides. Subdivisions would be exempted.

AL HANSEN, Montana League of Cities and Towns, said they support HB 129.

OPPONENTS: none

REP. KITSELMAN, in closing, said this has nothing to do with environmental issues, it's strictly to allow flexibility...

QUESTIONS:

REP. SANDS: I have a bill in that would change the requirements for zoning. If there is a protest by 20% of the people in the neighborhood, they cannot change the zoning. I would presume that if this bill passes that zoning law will no longer apply to any city that has self rule? Mr. Thelan: If this bill passes, then the city would have the right to set up its own "process" for handling these situations.

HOUSE BILL 431

REP. BRENT BLISS, District 10, sponsor, said he would like to request the committee to table 431. After reviewing the law, they decided they did not need this bill.

HOUSE BILL 306

REP. ERNST, District 47, sponsor, opened by saying this is a local government revenue savings bill. They object to the printing requirement of their audit. They will put an ad in the paper that says they have been audited and if you want copies they will give you one. The city of Winifred's audit cost \$300 and we wish we could spend that money to better use.

PROPOSERS:

REP. BERTELSEN is in support of HB 306 and finds this situation aggravating many school districts.

WAYNE BUCHANAN, Montana School Board Association, said he has received a number of calls over the years about the expense of this audit. It runs \$300 to \$500 to print this audit. The costs for school districts is \$250,000 - \$300,000 to publish these statewide. I might suggest an amendment that they send a copy of the audit to the local press and if they would like to print sections of it, they could.

R. A. ELLIS, Helena, said this is money that could be spent in our district for better use.

DAVE FISHER, Montana Firemen's Association, said they support this bill.

OPPOSERS:

VERLE RADEMACHER, Montana Press Association, Editor, Meagher County News, White Sulphur Springs, said they have no objection to the firemen being excluded because they have checks and balances, but they do object to school districts being excluded from these published reports. If you cut it out, it will hamper the public's right to know. The desire is to eliminate publication entirely. School districts handle a large amount of money and this is the only accounting they make for these funds. Newspapers give free publicity every day of the week and it won't kill them to pay for this one audit.

REP. McBRIDE: We will leave the hearing open at the request of a person who could not be here today but will testify on Tuesday.

QUESTIONS:

REP. PISTORIA: I have never seen a school district audit published

but I think they should because they have so much money to spend.  
REP. HANSEN: The fact that they are published would make them keep better records.

MR. BUCHANAN: You have to go through the whole audit before you find anything interesting. I have never talked to a single administrator who has ever been questioned on it.

REP. HAND: How much of an impact would this have on a newspaper?

Mr. Rademacher: A small impact, however, my district doesn't pay \$300 - \$500 for publication. It may cost in the neighborhood of \$100.

REP. McBRIDE: Mr. Rademacher, do you have any comments on Mr. Buchanan's suggestion that the statute specifically state that a copy would be sent to the local newspaper, and, therefore, no denial of any information would be claimed, and it would be left up to the local newspaper if you would like to publish parts of it?

Mr. Rademacher: I am in a business that gives away half to two-thirds of my business which is news. I spend many hours covering school board meetings, sporting events, etc. and this is the only thing that the school board is required to do in my newspaper. I feel I give alot to the schools and a small publication like this is not out of line.

#### EXECUTIVE SESSION:

#### HOUSE BILL 162

REP. McBRIDE: There is some question as to what the implications of the repealer are. I will entertain a motion to table.

REP. SWITZER: I move to TABLE HOUSE BILL 162.

Question: Motion carried unanimously.

#### HOUSE BILL 319

REP. McBRIDE: Does the sub-committee on HB 318 & HB 319 have a report?

REP. SCHYE: We are going to use the amendments passed out today. (Exhibit #1)

REP. DARKO: I move the amendments. Question: Carried unanimously.

REP. DARKO: I move HOUSE BILL 319 DO PASS AS AMENDED.

Question: Motion carried unanimously.

#### HOUSE BILL 318

REP. SALES made the motion that HOUSE BILL 318 DO PASS.

Question: Motion carried with Rep. McBride voting no.

#### HOUSE BILL 431

REP. KEENAN: I move to TABLE HOUSE BILL 431.

Question: Motion carried with Rep. Kadas & Rep. Holliday voting no.

#### HOUSE BILL 254

REP. ERNST: At the request of Sen. Vinger, I move to TABLE HOUSE BILL 254 and he will carry SB 63.

Question: Motion carried unanimously.

SENATE BILL 63

REP. BERTELSEN: I move DO PASS SENATE BILL 63.

REP. SANDS: Is it right to provide insurance for someone driving to a meeting? Are we extending insurance in ways that we may not be able to control?

REP. SWITZER: Volunteer firemen need insurance because they sometimes need to drive fast.

REP. SANDS: When they are driving to a meeting?

REP. HAND: We can address that by saying firemen do give a lot of time without pay.

Question: Motion that SENATE BILL 63 DO PASS carried unanimously.

HOUSE BILL 129

It was decided committee members should talk to their county governments before voting on this bill, particularly those with self-government.

HOUSE BILL 367

REP. SWITZER: I move DO NOT PASS HOUSE BILL 367.

REP. BERGENE: I think the concept of this bill is interesting. There would have to be a study commission of people who really understand the situation. Many people are concerned about this.

REP. HANSEN: Strangely enough, I did an about-face on this. People in the city are certainly for it.

REP. PISTORIA: I did not get any letters from Great Falls, but I did get 13 letters from towns which stand against it.


REP. KADAS: I think it's a good bill. I think we should encourage local governments to take power.

Question: Motion carried 10 - 8. (Roll Call Vote Attached)

The hearing adjourned at 4:30 p.m.



REP. KATHLEEN McBRIDE, CHAIRMAN



Linda Palmer, Secretary

## AMEND HOUSE BILL 319 AS FOLLOWS:

1. Page 1, line 19.

Following: "services to"

Strike: "rural"

2. Page 1, line 24.

Following: "part 1"

Insert: "or chapter 13, parts 1 and 2"

3. Page 2, line 6.

Following: "organization"

Insert: "and training"

4. Page 3, line 15.

Following: "property"

Strike: "or"

Insert: "and"

5. Page 4, line 4.

Following: "with the"

Strike: "consent"

Insert: "concurrence"

6. Page 4, lines 17 through 18.

Following: "duties."

Strike: "The county rural fire chief shall be the chairman of the fire council."

Insert: "The rural fire council shall include members to be appointed from the various rural fire districts and volunteer fire companies throughout the county. The council members shall elect a chairman and a secretary of the council."

## VISITOR'S REGISTER

HOUSE LOCAL GOVERNMENT

COMMITTEE

BILL HOUSE BILL 306

DATE 2-5

SPONSOR ERNST

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

# VISITOR'S REGISTER

HOUSE LOCAL GOVERNMENT

COMMITTEE

BILL HOUSE BILL 129

DATE 2-5

SPONSOR KITSELMAN

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



## VISITOR'S REGISTER

# HOUSE LOCAL GOVERNMENT COMMITTEE

BILL HOUSE BILL 431

DATE 2-5

SPONSOR BLISS

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITOR'S REGISTER

HOUSE LOCAL GOVERNMENT

COMMITTEE

BILL HOUSE BILL 254

DATE 2-5

SPONSOR ERNST

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITOR'S REGISTER

HOUSE LOCAL GOVERNMENT

COMMITTEE

BILL            SENATE BILL 63

DATE 2-5

SPONSOR                      TURNAGE

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

# STANDING COMMITTEE REPORT

February 5,

19 63

MR. **SPEAKER**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **SENATE** Bill No. **63**

third reading copy (blue color)

A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING THE DUTIES OF A  
VOLUNTEER FIREFIGHTER FOR THE PURPOSE OF DISABILITY PAYMENTS AND  
EXEMPTING CERTAIN FIRE DISTRICTS FROM AUDITS CONDUCTED BY THE  
DEPARTMENT OF ADMINISTRATION; AMENDING SECTIONS 2-7-503, 19-12-502,  
AND 19-12-504, MCA."

Respectfully report as follows: That **SENATE** Bill No. **63**

**BE CONCURRED IN**  
**XXXXXX**

*Rep Ernst -  
Carrying on Senate*

# STANDING COMMITTEE REPORT

FEBRUARY 12

83

19.....

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 129

first reading copy ( white )  
Color

"AN ACT TO AMEND AND CLARIFY TERMINOLOGY IN SECTION 7-1-114, MCA,  
RELATING TO MANDATORY PROVISIONS AFFECTING A LOCAL GOVERNMENT WITH  
SELF-GOVERNMENT POWERS."

Respectfully report as follows: That HOUSE Bill No. 129

DO PASS

# STANDING COMMITTEE REPORT

FEBRUARY 12

19 83

MR. **SPEAKER**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **HOUSE** Bill No. **396**

**first** reading copy ( **white** )  
color

**A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW CERTAIN LOCAL GOVERNMENT ENTITIES TO RESTRICT AUDIT REPORT PUBLICATION TO A STATEMENT CONCERNING AVAILABILITY; AMENDING SECTION 2-7-521, MCA."**

Respectfully report as follows: That **HOUSE** Bill No. **396**

## **BE AMENDED AS FOLLOWS:**

1. Page 1, line 14.

Strike: "annual"

2. Page 1, line 16.

Strike: "annual"

3. Page 2, line 2.

Following: "request."

Insert: "A copy of the audit report must be sent to the newspaper publishing the statement."

## **AND AS AMENDED**

**DO PASS**