

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

February 12, 1985

The eleventh meeting of the Local Government Committee was called to order at 12:30 p.m. on February 12, 1985 by Chairman Dave Fuller in Room 405 of the Capitol Building.

ROLL CALL: All members were present.

ACTION TAKEN ON SENATE BILL 130: Karen Renne explained the proposed amendments to SB 130 to include sections of the code in the bill that were not originally included. The amendments would standardize all notices at the county level.

Senator Fuller asked about including sheriffs' notices in the bill. Karen Renne said it did not fit in this bill.

Senator Regan moved to strike the proposed amendment including sheriffs' notices (amendment no. 13). The motion passed unanimously.

Senator Regan moved to strike proposed amendment no. 6. The motion passed unanimously.

Senator Story moved to strike proposed amendment no. 10. The motion passed unanimously.

Senator Regan moved the Committee adopt the remaining proposed amendments. The motion passed unanimously.

Senator Mohar moved the Committee recommend a DO PASS on SB 130 as amended. The motion passed unanimously.

FURTHER CONSIDERATION OF SENATE BILL 204: Senator McCallum said Senator Halligan's all purpose mill levy bill had passed. Karen Renne explained that counties would be able to choose to use the all purpose mill levy or this bill. This bill would not be affected by the all purpose mill levy.

The issue with this bill is whether the two mill levy in the bill would be permissive or voted or both.

Senator Eck stated she thought the people could petition for a vote without having to have it specifically written into this bill. She then found in the Code that the people cannot petition for a vote for this purpose.

Senator Regan moved the Committee adopt the proposed amendments of Senator Mazurek to add "cultural facility" to SB 204. The motion passed unanimously.

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Senator Regan moved the Committee adopt a proposed amendment to change "may" to "shall" on Page 2, line 20. The motion passed with Senators Story and McCallum voting no.

Gordon Morris, Executive Director of the Montana Association of Counties, submitted a memo regarding SB 204. The memo is attached as Exhibit A to these minutes.

Senator Mohar suggested talking with Senator Mazurek to see exactly what he wants this bill to do before acting any further.

ACTION TAKEN ON SENATE BILL 62: Karen Renne explained the amendments that have been adopted. The amendments would remove the option for police forces to join the Public Employees Retirement System and would make it mandatory that they either join the statewide police retirement system or form a retirement system of their own.

Larry Nachtsheim, Administrator of the Public Employees Retirement System, explained that they originally thought there were only sixty police officers under the Public Employees Retirement System and that the fiscal impact of SB 62 would be forty thousand dollars. After further study of the bill, they have found that there are one hundred six police officers under the Public Employees Retirement System and that the fiscal impact would be four hundred thousand dollars. He asked if the Committee would like them to study the bill over the next two years and come back in the next session.

Senator McCallum moved that the Committee recommend a DO NOT PASS as amended on SB 62. The motion passed with Senator Mohar voting no. Senator McCallum will carry the Adverse Committee Report.

Senator Fuller said he will write a letter to Larry Nachtsheim regarding a study being done on this bill for the next legislative session.

Senator Fuller left temporarily to present a bill at another committee meeting. Senator Mohar assumed the chair.

CONSIDERATION OF SENATE BILL 187: Senator Tom Towe, District #46, is the sponsor of this bill. This bill was introduced at the request of the Public Employees' Retirement Board. The purpose of the bill is to clarify the amount and payment of retirement benefits to law enforcement officers who have service credits in both the sheriffs' and municipal police officers' retirement systems, revise the method of calculating a service retirement allowance based on more than twenty five years of service, and defining the benefit available to beneficiaries upon the death of certain members under the sheriffs' retirement system.

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PROPONENTS

Larry Nachtsheim, Administrator of the Public Employees' Retirement System, spoke in favor of the bill. He said the bill would clarify beneficiaries and save their division time in dealing with this problem.

OPPONENTS

There were no opponents to SB 187.

Questions from the Committee were called for.

Senator Story asked if the amount of death benefits would be increased by this bill. Mr. Nachtsheim said death benefits would not be increased.

Senator Regan said she felt an effective date in the bill was not necessary.

Senator Eck asked why the police have a far better retirement system than sheriffs. Mr. Nachtsheim explained that the police system was started long before the sheriffs' system and a different formula for calculation of benefits is used. The police and firemen systems get a match from the State insurance while the sheriffs' system does not.

The hearing was closed on SB 187.

CONSIDERATION OF SENATE BILL 188: Senator Tom Towe, District #46, is the sponsor of this bill. The bill was introduced at the request of the Public Employees' Retirement Board. The purpose of the bill is to clarify the manner in which benefits are paid to a police officer's spouse or dependent child under the municipal police officers' retirement system.

PROPONENTS

Larry Nachtsheim, Administrator of the Public Employees Retirement System, spoke in favor of the bill. He said this bill simply rearranges language to clarify the death benefit definition.

OPPONENTS

There were no opponents to SB 188.

Questions from the Committee were called for. There were no questions from the Committee on SB 188.

CONSIDERATION OF SENATE BILL 241: Senator Ted Neuman, District #21, is the sponsor of this bill. The bill was introduced to permit a county to assess a fee on improved property not receiving certain organized fire protection for general fire control activities.

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PROPONENTS

Richard Maddox, Chief of the Whitefish Fire Department, spoke in favor of the bill. He said they have been working a system similar to this for thirty years and that it has worked very well. He also said they have become a financially sound fire department.

Tom O'Hara, representing the Cascade County Rural Fire Department, spoke in favor of the bill. He said they have a difficult time getting or maintaining equipment because of the cost. It is also difficult to deliver training to volunteer fire fighters because they do not have the time. This bill would be an alternative to local funding and would spread the cost of doing business to those people who are receiving services. The bill could also lower insurance rates. Mr. O'Hara submitted letters of support from the Cascade County Sheriff, the Gallatin County Fire Department, and the Rae Volunteer Fire Department in Bozeman. The letters are attached as Exhibit B to these minutes. .

Dick Gasvoda, Cascade County Commissioner, spoke in favor of the bill. He said the problem is providing the services required with very limited dollars.

John Scully, representing the Sheriffs and Peace Officers Association, spoke in favor of the bill. He said his only concern is whether a flat fee can be charged or if it must be considered a tax.

Albert Curtis, representing the Vaughn Volunteer Fire Department, spoke in favor of the bill. He said large land owners are becoming very upset because of being charged more than anyone else.

OPPONENTS

Sandra Whitney, representing the Montana Tax Payers' Association, said she had a question as to whether this bill would allow county governments to become fire departments themselves.

Questions from the Committee were called for.

Senator Regan asked how a private fire company who is furnishing a service fits into this bill. Mr. Maddox said county commissioners are allowed to contract for services.

Senator Story expressed concern that there is a fifteen thousand dollar limit on contracting. Lyle Nagel, representing the Montana State Voluntary Firemen's Association, said that, while there is a fifteen thousand dollar limit on taxes in the bill, the amount you could raise in fees would not be limited.

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Senator Crippen asked how a flat fee would work when there are so many different types of fire hazards depending on the type of building. Mr. Maddox said Whitefish uses a flat fee of twenty dollars for each farm resident, fifty dollars for commercial property, and one hundred fifty dollars for a large ski resort.

Senator McCallum expressed concern about the flat fee being added onto peoples other taxes.

Mr. Curtis said people will save much more on their fire insurance premiums than the cost of any fees which would be levied.

The hearing was closed on SB 241.

CONSIDERATION OF SENATE BILL 244: Senator George McCallum, District #26, is the sponsor of this bill. The bill was introduced to delete some accounting requirements of the county treasurer relating to school district budgeted funds.

PROPONENTS

Charles Gravely, representing the county treasurers of Montana, said there is a duplication in keeping track of school district budgeted expenditures for each budgeted fund. The county would still keep a separate accounting of the receipts and cash balances for each budgeted fund. The record the treasurer keeps of expenditures is an exact duplication of what school districts keep. He said auditors do not look at the county records of expenditures for school districts.

OPPONENTS

Sandra Whitney, representing the Montana Taxpayers' Association, said it is the duty of the county treasurer to notify shcool districts if cashing a warrant will cause them to over-spend their budget.

Charles Gravely said this bill does not remove that responsibility from the treasurer.

Questions from the Committee were called for.

Senator Crippen asked what the reason for the requirement was in the first place. Mr. Gravely said it was placed there as a check and balance for over expenditure of funds by school districts. He said the county treasurer would still be keeping track of everything necessary, but not a separate record of expenditures.

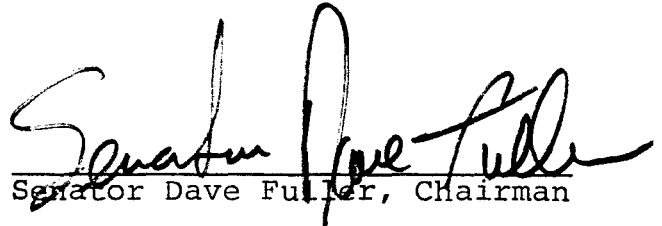
The hearing was closed on SB 244.

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ACTION TAKEN ON SENATE BILLS 187 and 188: Senator Regan moved to amend both SB 187 and SB 188 to remove the effective dates from the bills. The motion passed with Senator Mohar voting no.

Senator McCallum moved that the Committee recommend a DO PASS as amended on SB 187 and SB 188. The motion passed unanimously.

The meeting adjourned at 2:30 p.m.


Senator Dave Fuller, Chairman

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ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

49th
~~XXXX~~ LEGISLATIVE SESSION -- 1985

Date 02-12-85

SENATE
 SEAT
 #

	NAME	PRESENT	ABSENT	EXCUSED
13	Senator Crippen, Bruce	✓		
18	Senator Eck, Dorothy	✓		
11	Senator Harding, Ethel	✓		
47	Senator Hirsch, Les	✓		
4	Senator McCallum, George	✓		
28	Senator Mohar, John (V.Chair)	✓		
4	Senator Pinsoneault, Dick	✓		
19	Senator Regan, Pat	✓		
21	Senator Story, Pete	✓		
43	Senator Fuller, Dave (Chair)	✓		

Each day attach to minutes.

DATE _____

COMMITTEE ON

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
TOM OLARA	CASCADE COUNTY RURAL FIRE	241	✓	
DICK GASVODA	CASCADE Co. Commission	241	✓	
R.A. Ellis	West Helena Lake PD.	241	✓	
JAMES LOFFYUS	MT FIRE DIST ASSN	241	✓	
Bruce Sorenson	Insla Rural Fire Dist	241	-	
Gerald A. Murolo	Gore Hill VFD Cascade ^{Co.}	241	✓	
Albert B Curtis	Vaughn VFD fire	241	✓	
Richard Madenx	White Fish Fire Dept.	241	✓	
Lyle Nagel	Mout. Vol Firemen Assn	241	-	
Nathan Whitely	Montana			
Michael Hunt	MT. ST. FIREMANS ASSOC			
Sch. Sullivan	Bozeman Mont	241	✓	
Hudson Jensen	A FSCME	187	✓	
" "	" "	188	✓	
Pam Middleton	PERD	187 188	✓	

STANDING COMMITTEE REPORT

Page 1 of 5 Pages

February 14 19 85

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on.....

SENATE BILL

having had under consideration..... No. 130

FIRST

WHITE

reading copy ()
color

PROVIDING STANDARD NOTICE PROVISIONS FOR LOCAL GOV. EXCEPT
CITIES AND TOWNS

SENATE BILL

Respectfully report as follows: That..... No. 130

1. Title, line 9.
Following: "7-11-228,"
Insert: "7-12-2105,"
2. Title, line 10.
Following: "7-13-202,"
Insert: "7-13-2205,"
Following: "7-13-2345,"
Insert: "7-13-2506,"
3. Title, line 12.
Following: "7-22-2212,"
Insert: "7-22-2406,"
Following: "7-33-2107,"
Insert: "7-34-2107,"

(continued)

XXXXXX
DO NOT PASS

XXXXXXXXXX
DO NOT PASS

CONTINUED

~~SENATOR JAMES HILLMAN~~

Chairman.

February 14

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19.....

4. Page 15, line 12.

Following: line 11.

Insert: "Section 16. Section 7-12-2105, MCA, is amended to read:

"7-12-2105. Notice of resolution of intention to create district-hearing. (1) Upon having passed the resolution of intention pursuant to 7-12-2103, the board of county commissioners must give publish notice of the passage of such resolution of intention as provided in [section 1].

(2) ~~The notice must be published for 10 consecutive days in a daily newspaper or in two issues of a weekly newspaper published nearest to the place where such improvement district is to be created.~~ The board shall also cause a copy of such notice to be posted in three public places within the boundaries of such special improvement district. A copy of such notice shall be mailed as provided in [section 2] to every person, firm, or corporation or the agent of such person, firm, or corporation owning real property within the proposed district listed in his name upon the last completed assessment roll for state, county, and school district taxes, ~~at his last known place of residence; upon the same day such notice is first published or posted.~~

(3) Such notice must describe the general character of the improvement or improvements so proposed to be made or acquired by purchase, state the estimated cost thereof, and designate the time when and the place where the board will hear and pass upon all protests that may be made against the making or maintenance of such improvements or the creation of such district. The notice shall refer to the resolution on file in the office of the county clerk for the description of the boundaries. If the proposal is for the purchase of an existing improvement, the notice shall state the exact purchase price of such existing improvement."

Renumber: subsequent sections

(continued)

CONTINUED

February 14

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19.....

5. Page 17, line 15.

Following: line 14

Insert: "Section 20. Section 7-13-2205, MCA, is amended to read:

"7-13-2205. Notice of petition--hearing required. (1)
The text of the petition referred to in 7-13-2204 shall be published as provided in [section 1] ~~once each week for 2 consecutive weeks in a newspaper printed and published in every county in which said territory lies together with a notice stating the time of the meeting at which same will be presented:~~

(2) ~~The first publication shall be at least 2 weeks before the time at which the petition is to be presented.~~ When contained upon more than one instrument, one copy only of such petition need be published. No more than five of the names attached to said petition need appear in such publication of said petition and notice, but the number of signers shall be stated.

~~(3) With such publication there shall be published a notice of the time of the meeting of the board when such petition will be considered and that all persons interested therein may then appear and be heard."~~

Renumber: subsequent sections

6. Page 19, line 15.

Following: line 14

Insert: "Section 23. Section 7-13-2506, MCA, is amended to read:

"7-13-2506. Notice of petition and hearing. Upon receipt of a duly certified petition, the board of county commissioners shall cause the text of the petition to be published as provided in [section 1] ~~once a week for at least 3 consecutive weeks in a newspaper of general circulation within the county where the petition is presented.~~ If any portion of the proposed district lies in another county, the petition and notice shall likewise be published in that county. No more than five names attached to the petition shall appear in the publication and notice, but the number of signatures shall be stated. ~~With the publication of the petition, there shall be published a notice of the time of the meeting of the county commissioners when the petition will be considered, stating that all persons interested may appear and be heard. "~~

Renumber: subsequent sections

(continued)

CONTINUED

7. Page 24, line 6.

Following: line 5

Insert: "Section 31. Section 7-22-2406, MCA, is amended to read:

"7-22-2406. Notice of hearing on petition to create district. (1) ~~if addresses are known, the~~ The commissioners shall cause notice of the hearing provided for in 7-22-2403 to be mailed as provided in [section 2] to each nonresident owner and purchaser under contract for deed of taxable real and personal property within the proposed district.

(2) The commissioners shall cause notice to be posted in three public places within the district. Whenever the district is partly in one county and partly in another county, notice must be posted in each county but posting need not be in three places in each county.

(3) The commissioners shall also cause notice to be given of the time and place of the hearing and the methods of objection by publication ~~in a newspaper within or nearest to the district and as provided in [section 1], in each county if the district is partly in one county and partly in another county, in a newspaper in each county, if such newspaper exists. The publication must be for two weekly issues.~~

~~(4) Posting and first publication shall be at least 10 days before the hearing."~~

Renumber: subsequent sections

8. Page 25, line 15.

Following: line 14

Insert: "Section 33. Section 7-34-2107, MCA, is amended to read:

"7-34-2107. Notice of hearing. (1) A notice of the hearing required by 7-34-2106 shall be published ~~in a newspaper having general circulation in the territory within the boundaries of the proposed hospital district once each week for at least 2 weeks, the last publication to be at least 2 weeks before the hearing. If there is no newspaper having general circulation within the boundaries of the proposed hospital district, the notice of hearing shall be posted in at least three public places within the boundaries of the proposed district for 2 weeks before the hearing.~~

(continued)

CONTINUED

February 14

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~~(2) -- The act shall state the time, date, place, and purpose of the hearing, describe the boundaries of the proposed hospital district, and state that any person residing in or owning property within the proposed hospital district may appear in support of or in opposition to the petition at such hearing as provided in [section 1]. "~~

Renumber: subsequent sections

AND AS AMENDED

DO PASS

Senator Dave Fuller, Chairman

STANDING COMMITTEE REPORT

February 12

19. 85

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on

SENATE BILL

having had under consideration

No. **187**

FIRST

reading copy (**WHITE**)
color

**REVISING LAWS RELATING TO LAW ENFORCEMENT OFFICERS' RETIREMENT
SYSTEMS**

SENATE BILL

Respectfully report as follows: That

No. **187**

be amended as follows:

1. Title, line 13.
Following: "MCA;"
Insert: "AND"
2. Title, line 14.
Following: "MCA"
Strike: remainder of line 14 through "DATE"
3. Page 8, lines 2 and 3.
Strike: section 6 in its entirety

AND AS AMENDED

DO PASS

DO NOT PASS

Senator Dave Fuller

Chairman.

STANDING COMMITTEE REPORT

February 12

1985

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on.....

SENATE BILL

188

having had under consideration.....

No.....

FIRST

WRITE

reading copy ()

color

CLARIFY PAYMENT OF RETIREMENT BENEFITS TO DECEASED POLICE OFFICER'S SPOUSE

SENATE BILL

188

Respectfully report as follows: That.....

No.....

be amended as follows:

1. Title, lines 10 and 11.

Following: "MCA"

Strike: remainder of line 10 through "DATE" in line 11

2. Page 8, lines 19 and 20.

Strike: section 6 in its entirety

AND AS AMENDED

DO PASS

XXXXXXXXXX
DO NOT PASS

Senator Dave Fuller

Chairman.

LOCAL GOVERNMENT COMMITTEE
FEBRUARY 12, 1985
EXHIBIT A

MONTANA
ASSOCIATION OF
COUNTIES

1802 11th Avenue
Helena, Montana 59601
(406) 442-5209

TO: Senator Dave Fuller
Chairman, Senate Local Government Committee

FROM: *Gordon Morris*
Gordon Morris
Executive Director

RE: Senate Bill 204

DATE: February 11, 1985

There are currently only two counties levying for Civic Centers under the authority found in 7-16-201. They are:

Sheridan County	.54 Mills
Silver Bow County	3.72 Mills

There are three other counties that identify levies for Parks, Open Space or a combination thereof. The counties and their 1984 levies are:

Hill County	1.07 Mills	- Parks
Lincoln County	.54 Mills	- Parks
Missoula County	.67 Mills	- Open Space
Missoula County	1.26 Mills	- Parks & Recreation

I sincerely hope this will be helpful.

GM/mrp



LOCAL GOVERNMENT COMMITTEE
FEBRUARY 12, 1985
EXHIBIT B

RAE VOLUNTEER FIRE COMPANY

63 Lancelot lane
~~Box 1107~~ Bozeman, MT 59715

56241

February 11, 1985

Honorable Senators:

This is a letter of support, from the RAE volunteer Fire Company Board of Directors and firefighters, for Senate bill 241.

Fire protection in Gallatin County is approaching "Crisis" level. We are presently in litigation, which if we lose will put all subscription departments out of business. This will leave all the rural area around Bozeman with no fire protection. With this bill we will be able to fight all fires, through the funding by fee rather than taxes. As large landowners, at this time do not want the tax burden, so we have been forced into a subscription type department.

Please consider this letter the sentiments of 5 directors and 16 firefighters.

Ken Gilbertson
Chief of RAE Fire
Vice President RAE Board



56241

5817 Boxwood Dr.
Bozeman, Montana 59715

February 11, 1985

Montana State Senators
Helena, Montana

Dear Senators:

Gallatin County, with its' large agricultural lands, is presently required by law to place the brunt of fire district costs on large land owners. Because of this, many areas in Gallatin County have opted out of, or blocked formation of fire districts leaving two alternatives.

1. 'no fire protection at all
2. formation of subscription or private fire companys to provide protection to only those who pay yearly fees. Gallatin County has both.

In an average year in Gallatin County alone, one to two homes burn to the ground while a fire department watches, unable to help because of technicalities.

Senate Bill 241 could help save this needless waste in Gallatin County by providing an alternate means for a fire district to collect its' budget, namely the ability to levy fees for fire protection in lieu of property taxes.

The Gallatin County Fire Council Board of Directors urge you to support this bill.

Sincerely

William J. Weber
President



*Submitted by
Tom Okara*

CASCADE COUNTY

**325 2nd Avenue North
Great Falls, Montana 59401
(406) 761-6842**

February 11, 1985

TO: SENATE LOCAL GOVERNMENT COMMITTEE
CHAIRMAN SENATOR DAVE FULLER

RE: SB 241

Mr. Chairman,

As duly appointed Fire Chief of the Cascade County Rural Fire Department, I would like to take this time to go on record as supporting Senate Bill #241.

Without you and your committee's support of this much needed alternative funding bill, the Cascade County Rural Fire program could suffer badly in view of possible cut-backs in federal revenue sharing.

The volunteer firefighters of our county have spent many years building a much needed rural fire protection system, but face an uncertain future unless alternative funding is found.

I think you and your counterparts will find, after reviewing Senate Bill #241, that this bill does fill the voids in the rural fire protection law present today.

For these reasons, I sincerely solicitate your support in favor of Senate Bill #241.

Thank you for your consideration in this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Glenn G. Osborne".

GLENN G. OSBORNE
Sheriff of Cascade County

GGO:jbs



The Big Sky Country

MONTANA STATE SENATE

SENATOR DAVID (SPIKE) FULLER

ASST. MAJORITY WHIP

HOME ADDRESS:

1030 SIERRA ROAD WEST
HELENA, MONTANA 59601
HOME PHONE: (406) 458-9194

COMMITTEES:

LOCAL GOVERNMENT, CHRM.
LEGISLATIVE AUDIT
BUSINESS AND INDUSTRY
NATURAL RESOURCES
LONG RANGE PLANNING

February 22, 1985

Mr. Larry Nachtsheim, Administrator
Public Employees' Retirement System
Department of Administration
1712 Ninth Avenue
Helena, MT 59601

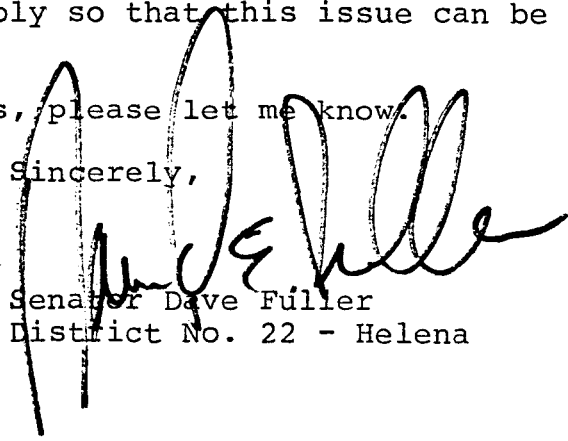
Dear Larry:

You will recall our discussion in the Local Government Committee regarding Senate Bill 62. This letter serves as the Senate Local Government Committee's formal request for you to analyze the issues and policy questions related to implementation of Senate Bill 62.

We are requesting that you submit a formal analysis to the 50th Legislative Assembly so that this issue can be considered at that time.

If you have any questions, please let me know.

Sincerely,


Senator Dave Fuller
District No. 22 - Helena