

MINUTES

MONTANA HOUSE OF REPRESENTATIVES  
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Chairman Darko, on January 31, 1989, at  
3:05 p.m.

ROLL CALL

Members Present: All

Members Excused: None

Members Absent: None

Staff Present: Lee Heiman, Legislative Council

Announcements/Discussion: Rep. McDonough said that HB 105  
would be ready for Executive Action by the next  
meeting.

HEARING ON HOUSE BILL 340

Presentation and Opening Statement by Sponsor: Rep. Thomas  
Lee, District 49, stated that the bill is to clean up a  
slight conflict between state and local law. Fireworks  
may be sold within the state with proper permits and a  
city or town has the authority to ban such sales.

List of Testifying Proponents and What Group They Represent:

Ray Blehm, State Fire Marshall  
Chuck Stearns, Missoula City Clerk, Finance Director

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Ray Blehm stated that the Fire Marshall has rulemaking  
authority over fireworks because they are Class C  
explosives. He supports the bill because it clarifies  
existing statutes.

Chuck Stearns said that he was representing the Missoula Fire Chief. They support the bill as a clarification measure.

Questions From Committee Members:

Rep. Nelson asked Mr. Blehm if this bill would enable a whole county to ban the sale of fireworks. Mr. Blehm said "No," but he would support such a move. Many counties requested such permission during this past fire season and he would like to see such language added.

Closing by Sponsor: Rep. Lee closed.

DISPOSITION OF HOUSE BILL 340

Motion: Rep. Good moved HB 340 DO PASS. Rep. Nelson seconded.

Discussion: Rep. Nelson asked how the bill could be amended to include counties and Lee responded that another section could be added to include counties.

Amendments and Votes: Rep. Nelson asked that the bill be amended to include counties. Rep. Wyatt seconded. The motion CARRIED with Rep. Hanson and Dave Brown opposing.

Recommendation and Vote: Rep. Good moved that HB 340 DO PASS AS AMENDED. Rep. Rehberg seconded. The motion CARRIED with Rep. Hanson and Dave Brown opposing.

HEARING ON HOUSE BILL 366

Presentation and Opening Statement by Sponsor: Rep. Barry Stang, District 52, stated that this bill represents a change over the present system which involves two or three different percentages. The counties would alleviate mistakes in making the fees uniform for all types of licenses issued. Only counties that issue licenses will be affected.

List of Testifying Proponents and What Group They Represent:

Cort Harrington, Montana County Treasurers Association

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Cort Harrington stated that the purpose of the bill was not to increase revenues but merely to make it easier on the county treasurer to collect these fees. This bill would make it a flat 5% fee to issue endorsements or drivers' licenses instead of the varying fees now being collected. Bigger counties would not be affected since only smaller counties issue licenses.

Questions From Committee Members:

Rep. Good asked Mr. Harrington where the 5% would go and how much money would be involved. Mr. Harrington responded that the fees go to different funds varying from the county general fund to the state general fund. The total amount involved statewide is estimated at \$15,000 but the treasurers are interested in a uniform figure more than increased revenue.

Closing by Sponsor: Rep. Stang stated that he has seen a printout showing the counties involved and the amounts. Rep. McDonough asked that the printout be made available to committee members.

DISPOSITION OF HOUSE BILL 366

Motion: Rep. Brooke moved HB 366 DO PASS. Rep. Good seconded.

Discussion: Rep. Good had an opportunity to discuss the printout with the sponsor and it satisfied her concerns.

Amendments and Votes: None.

Recommendation and Vote: The vote to recommend HB 366 DO PASS CARRIED unanimously.

HEARING ON HOUSE BILL 315

Presentation and Opening Statement by Sponsor: Rep. Bruce Simon, District 91, stated that the bill might be recognized by some members because it was passed from the House to the Senate last session where it died.

This is a local control issue - should the Legislature set county elected officials' salary or should the county officials have some discretion? All salaries within a particular county would be able to set up a salary commission who could consider factors affecting their particular county. The salary commission would be required to set salaries uniformly - all changes would be required to be uniform. All could be frozen or all would receive a raise. It is an attempt to eliminate politics in the county courthouse.

List of Testifying Proponents and What Group They Represent:

Rep. Tom Hannah, District 86

List of Testifying Opponents and What Group They Represent:

Tom Harrison, Montana Sheriffs & Clerks' Association  
Linda Stoll Anderson, Montana Association of Counties  
J. Henry Bodt, Montana Association of County School  
Superintendents  
Cort Harrington, Montana County Treasurers' Association  
Montana Clerk and Recorders Association  
Mike McGrath, County Attorney Association  
Julie Hacker, Missoula County Freeholders' Association  
Chuck O'Reilly, Montana Sheriffs'

Karen T. Bowers, Public Administrators

Testimony:

Rep. Hannah stands in support of the bill.

Tom Harrison, opponent, stated that this bill is opposed by virtually all county elected officials because they do not feel that one county elected official should be able to dictate the salary of other county elected officials - they are all of equal stature. The flaws in the bill include promoting politics rather than eliminating politics where one candidate promotes salaries as a focal point of an election to garner votes. It reduces the emphasis on uniformity throughout the state or from county to county.

Linda Stoll Anderson, opponent, distributed copies of a letter from Gordon Morris to Rep. Hannah concerning this bill. In October, 1988 they adopted a resolution to oppose legislation attempting to regulate county elected officials' salaries.

Henry Bodt opposed the legislation because a particular office may be set so low that the county would have trouble getting someone to run for it. He asked that the committee defeat this bill.

Cort Harrington stated that county officials have not been requesting from legislators as much as they have been asking that there be no salary commission. Marvin Barber, County Assessor, asked him to express to the committee, the assessors' opposition to this bill also.

Mike McGrath, opponent, stated that under present law one-half of a county attorney's salary is paid by the state and the other half is paid by the county. If this bill were to become law it would allow county commissioners to appropriate money from the state general fund. Sheriffs are also unique when the sheriff and county attorney conduct an investigation of other county officers, including commissioners. They would have to investigate and possibly prosecute and then ask those same people for a raise. County attorneys' salaries are now uniform with a formula for cost of living increases given automatically if appropriate. Longevity for deputy county attorneys was given in 1985 funded through surcharges on cases prosecuted and this bill would repeal them and therefore, be a definite step backwards.

Julie Hacker stated that her organization believes that county government is an administrative arm of state government and that salaries should be set by the state. See Witness Statement.

Chuck O'Reilly, on behalf of Montana Sheriffs and Peace Officers Association, said "Me, too".

Karen Bowers, neither a proponent or opponent, asked that an amendment be added to this bill to include county administrators. There is presently no salary for public administrators. They receive their fee as set by law, only when probate or conservator proceedings are concluded. They cannot receive Social Security funds and probates sometimes take three years. Exhibit 2

Questions From Committee Members:

Rep. Guthrie asked Rep. Simon if some assistants are receiving more than the elected official they work for. Rep. Simon stated that this bill would not

correct this problem since it deals only with elected county officials. He also added that that is the case in state government as well.

Rep. Wallin asked Rep. Simon if the situation still exists where the sheriff makes less than his deputies under the legislative system. Rep. Simon was unsure and referred the question to Sheriff O'Reilly. Sheriff O'Reilly said that it is true that about one-half the officers in his department make more than he does especially when overtime and longevity are included and is true throughout the state.

Closing by Sponsor: Rep. Simon asked who is responsible for the state budget and who is responsible for county budgets. The county commissioners are totally responsible for their budget and no control over salaries to county officials. Rep. Simon stated that this bill would give local control to those that are actually responsible for the budget.

#### DISPOSITION OF HOUSE BILL 315

Motion: Rep. Dave Brown moved that HB 315 DO PASS. Rep. Good seconded.

Discussion: Rep. Dave Brown gave a brief history of this bill. Rep. Rehberg asked Rep. Brown how this would rectify change in population within the counties and the rationale of allowing one elected official to set another elected official's salary.

Rep. Wallin asked Rep. Hoffman about the assessors since they work under the Department of Revenue. Rep. Hoffman stated that the assessors are still paid under the same plan as other county officials and their base salary is based on the County Clerk & Recorder and has caused dissatisfaction because the county appraisers are paid under a state schedule. They started about the same but are now making about 25% more than the assessors.

Rep. Wallin asked for clarification that there would be three elected officials salaries still set by the state under this bill - appraisers, county attorneys and judges. Rep. Hoffman said that was correct.

Rep. Jan Brown asked that this bill somehow address the concerns of the public administrator. Lee responded that he would have to learn a little more about public administrators to see if they could be included. Rep. Wallin stated that their income depends on the size of the estate. Rep. Brown reminded the committee that the public administrator is prevented from collecting Social Security funds and that the workload is increasing dramatically. She suggested that a separate bill may be the best place to address the issue.

Rep. Guthrie asked Rep. Dave Brown about comparable jobs and comparable counties - would there no longer be equity between the two positions? Rep. Dave Brown said that would depend on the decision at the local level but that is possible.

Rep. Gould was concerned with the deputy county attorney's longevity. Lee felt that he it would be lost - it shouldn't but it might.

Rep. Good felt that a longer notice should be given to officials especially if they are to receive a decrease and suggested 90 days.

Rep. Dave Brown suggested that the bill be tabled but did not move to do so.

Amendments and Votes: None

Recommendation and Vote: Rep. Brooke moved that the bill be TABLED. It was seconded by Rep. McDonough. The motion CARRIED with Reps. Gould, Good, Dave Brown and Rehberg voting against the motion.

#### HEARING ON HOUSE BILL 338

Presentation and Opening Statement by Sponsor: Rep. Fred Thomas, District 62, stated that this bill would no longer require local volunteer fire chiefs to conduct safety inspections in school buildings once a year and public buildings every eighteen months. They are volunteers and should not be expected to take these responsibilities.

List of Testifying Proponents and What Group They Represent:

Lyle Nagel, Montana Volunteer Firefighters  
Robert Ellis, Montana Fire District Association

Lloyd Greenup, Hamilton, Volunteer Fire Department  
Chief

List of Testifying Opponents and What Group They Represent:

Ray Blehm, State Fire Marshall

Testimony:

Lyle Nagel expressed support for the bill because the fire chief of a volunteer unit is elected on a rotating basis for a short term. They receive no special training to learn to make these inspections plus the training would be at the volunteer's expense. They are also concerned with their liability if they make these inspections. His organization adopted a resolution in support of this bill.

Robert Ellis expressed his organization's support of this bill.

Lloyd Greenup told the committee that he has done school inspections for the last two years which took him about 50 hours. The way the law is written he is afraid he will be held liable if he does the inspections and if he doesn't. The buildings are 40 to 50 years old and he is not in a position in his community to close schools and force compliance. He would have to work at least two hours a day year round to comply with the law.

Ray Blehm, neither a proponent nor an opponent, stated his concerns if the volunteer fire chiefs were exempt. The only other personnel that could perform this duty would be sheriffs and their deputies, paid fire chiefs, fire district chiefs, and the Fire Marshall's staff of 6. They have asked for an additional appropriation to hire more to do these inspections and they have already been turned down. The Fire Marshall asks volunteers, sheriffs and their deputies to at least look around their communities and inform the Fire Marshall of anything that concerns them. They do not have any choice but to ask the volunteers continue to do inspections. There is no way for the Fire Marshall to do them.

Questions From Committee Members:

Rep. Good asked Rep. Thomas if he thought paid fire chiefs could do inspections so that volunteers would not be affected and that fire chiefs are paid and



would continue to do them and volunteer fire chiefs would be exempt. Mr. Blehm stated that this bill does not affect fire companies. Fire service areas will not be affected either. Rural fire districts and volunteers are the only ones affected.

Rep. Hoffman asked Rep. Thomas if the law would be better if any one in the department could do the inspections. Rep. Thomas agreed that there are many qualified people in the departments but they are trained to fight fires not inspect buildings. Mr. Blehm added that the fire chief is responsible for the department and that it might be possible to have those within do the inspections.

Rep. Wyatt asked Rep. Thomas about the insurance impact on the issue - whether or not insurance companies are doing inspections on these buildings. Rep. Thomas said there is many done by the insurance companies and the volunteer fire department should not be doing them.

Rep. Good asked Mr. Greenup if he uses a checklist or a form when he makes these inspections. Mr. Greenup replied that on some types of buildings he uses a form provided by the State Fire Marshall.

Rep. Johnson asked Mr. Blehm who would make the inspections if the bill passes. Mr. Blehm said that the inspectors would be the state investigators (6 FTE's). They would do this in addition to investigating fires and their other duties. One of those people is presently concentrating entirely on bulk storage tanks and their placements. They are extremely strained.

Rep. Brooke asked Mr. Nagel if rural fire districts are tax based and about retirement benefits. Mr. Nagel said fire districts are tax supported and volunteers are not paid. They buy equipment and pay expenses with their tax receipts. There is a retirement system available but you must serve 20 years with many restrictions to qualify.

Closing by Sponsor: Rep. Thomas stated that many inspections are not being made. Volunteer fire chiefs are not qualified and should not be held liable for these inspections. Paid individuals would still be required to make inspections and insurance companies are making many of these inspections.

DISPOSITION OF HOUSE BILL 338

Motion: Rep. Good moved HB 338 DO PASS. Rep. Guthrie seconded.

Discussion: Rep. Brooke spoke against the motion. Rep. Wyatt concurred. Rep. Wallin stated that it was asking more of the volunteers than they can bear. Rep. McDonough stated that she thought the Fire Marshall should be given more money or it should be left alone. Rep. Good was concerned that volunteers are being forced to do what they are not trained to do. Rep. Hansen stated that if the volunteers would only do schools then it would be worthwhile. Rep. Hoffman spoke against the bill. The alternative would be to have people less qualified do the inspections. Rep. Gould asked if the tax on insurance could be used for fire inspections. Ray Blehm responded that there is a tax of 3/4 of 1% but it goes to the general fund. They get their appropriation from the general fund and only receive a percentage of that tax. Rep. Gould felt that the tax should be increased and given to the Fire Marshall.

Amendments and Votes: None

Recommendation and Vote: Rep. Wyatt moved to TABLE this bill. A roll call vote was taken. The motion CARRIED 10 to 6.

HEARING ON HOUSE BILL 411

Presentation and Opening Statement by Sponsor: Rep. Jan Brown, District 46, stated that the reason for this bill is to allow local government set up sick leave banks. Some local governments have done this but others felt they shouldn't do this without specific authority. There might be a need to change some of the wording so that there will not be abuse. There may be a need to coordinate with a bill in the Senate if the sunset law is repealed.

List of Testifying Proponents and What Group They Represent:

Tom Schneider, Executive Director, Montana Public  
Employees Association  
Chuck Stearns, Missoula Finance Director and City Clerk

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Tom Schneider asked Rep. Brown to introduce this legislation because he was concerned with the section of law that covers both state and local government. Local governments that have set up banks could be subject to audits or an Attorney General's opinion that denied them specific authorization and time in the fund would be in jeopardy. This bill would clearly authorize local government the right to set up such a bank and control how it is done.

Chuck Stearns stated that Missoula has the fund already and would like the committee to further clarify the issue. He asked that an amendment be added to clarify vacation time and "a" instead of "any" be inserted so there are limits on how much can be donated.

Questions From Committee Members: None

Closing by Sponsor: Rep. Brown stated that she agrees with the amendments and asked for favorable consideration of the bill and the amendments.

## DISPOSITION OF HOUSE BILL 411

Motion: Rep. Good moved HB 411 DO PASS. Rep. Gould seconded.

Discussion:

Amendments and Votes: Rep. Jan. Brown moved to amend "any" to "a". Rep. Hoffman seconded. The motion to amend CARRIED unanimously.

Recommendation and Vote: Rep. Gould moved HB 411 DO PASS AS AMENDED. Rep. Nelson seconded. The vote was unanimous.

## HEARING ON HOUSE BILL 375

Presentation and Opening Statement by Sponsor:

Rep. Budd Gould, District 61, stated that this bill would allow the merger of two rural fire districts. Because of I-105 rural fire districts are financially strained. The bill was prompted by the threatened repossession of a fire truck belonging to a rural district. That district and an adjoining one could

possibly have merged and saved the truck. The bill simplifies the process of merger under some circumstances.

List of Testifying Proponents and What Group They Represent:

Robert Ellis, Montana Association of Fire Districts  
Lyle Nagel, Montana Volunteer Firefighters

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Robert Ellis stated that he has been a trustee of a rural fire district for many years and that there would be a great many benefits from this bill. It would increase the amount of equipment in a district and relieve the cumbersome methods of the past especially when fire districts cross county lines.

Lyle Nagel expressed his support for this bill. He asked that the bill be amended to allow for public hearings.

Questions From Committee Members: Rep. Gould asked Rep. Gould what happens to service in the affected areas. Rep. Gould stated that it would at least be the same if not enhanced.

Closing by Sponsor: Rep. Gould asked that the bill be amended to include public hearings and that the committee support the bill.

DISPOSITION OF HOUSE BILL 375

Motion: Rep. Gould moved that HB 375 DO PASS. Rep. Dave Brown seconded.

Discussion: Rep. Gould stated that he had no problem with the amendment. The legislation would probably only be used in real emergencies. Rep. Johnson asked Lee about the amendment. Lee stated that a new sentence would have to be added.

Amendments and Votes: None

Recommendation and Vote: Rep. Wyatt moved to TABLE the bill. A roll call vote was taken and the motion CARRIED 10 to 6.

EXECUTIVE ACTION

DISPOSITION OF HOUSE BILL 148

Motion: Rep. Dave Brown moved that HB 148 DO PASS. Rep. Rehberg seconded.

Discussion: Rep. Rehberg stated that he would like the appointments of the members to be similar to the EQC. He thought the commission could be the lobbying arm of local government so he wanted it to be as politically bipartisan as possible. He also expressed concern about the length of the terms of the members - cut from 4 to 2 consecutive terms.

Amendments and Votes: Rep. Rehberg moved amendments that were handed out by Lee. Rep. Darko seconded. The motion CARRIED.

The next amendment concerned the wording that the commission work would have to be done at Montana State University. The amendment is an attempt to make it equal for the entire university system. Rep. Brooke stated that the University of Montana has a very good political science department and that both or all university system campuses be considered for this research. Rep. Wallin asked if the University of Montana had been contacted to determine if they were agreeable to this. Rep. Brooke stated that the University was agreeable.

Rep. Brooke moved the amendment. Rep. Dave Brown seconded. The amendments CARRIED unanimously.

Recommendation, Discussion and Vote: Rep. Dave Brown moved HB 148 DO PASS AS AMENDED. Rep. Wallin seconded.

Rep. Guthrie rose in opposition because he saw no necessity for a go-between with county officials if the lines of communication were kept open.

Rep. Hansen was in favor of the bill. She said the counties are desperate for some help and are being strangled by the present laws and there is very little understanding between urban and rural areas.

Rep. Wallin stated that from his experience this bill has the potential to do some good.

Rep. Hoffman questioned the need. He said that the universities are abound with someplace to give service. He did not feel that it was responsible legislation.

Roll call vote was taken. It CARRIED 8 to 6. HB 148 will be recommended DO PASS AS AMENDED.

ADJOURNMENT

Adjournment At: 5:35 p.m.



REP. PAULA DARKO, Chairman

PD/TD

2611.MIN

# DAILY ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

DATE

1/31/89

NAME	PRESENT	ABSENT	EXCUSED
BROOKE, VIVIAN	X		
BROWN, DAVE			X
BROWN, JAN	X		
DARKO, PAULA	X		
GOOD, SUSAN	X		
<del>GOULD, BRAD</del> GUTHRIE, BERT	X		
HANSEN, STELLA JEAN	X		
HOFFMAN, ROBERT			X
JOHNSON, JOHN	X		
MCDONOUGH, MARY	X		
NELSON, THOMAS	X		
REHBERG, DENNIS			X
STICKNEY, JESSICA	X		
WALLIN, NORM	X		
WYATT, DIANA	X		

# ROLL CALL VOTE

LOCAL GOVERNMENT

COMMITTEE

DATE

11/31/89

BILL NO.

148

NUMBER

NAME	AYE	NAY
BROOKE, VIVIAN	X	
BROWN, DAVE	X	
BROWN, JAN	X	
DARKO, PAULA	X	
GOOD, SUSAN		X
GOULD, BUDD		X
GUTHRIE, BERT		X
HANSEN, STELLA JEAN	X	
HOFFMAN, ROBERT		X
JOHNSON, JOHN		
MCDONOUGH, MARY	X	
NELSON, THOMAS		X
REHBERG, DENNIS		X
STICKNEY, JESSICA		
WALLIN, NORM	X	
WYATT, DIANA	X	

TALLY

8 6

Tennis Dore  
Secretary

Paula A. Darko  
Chairman

Motion: Rep. Dave Brown moved DO PASS AS AMENDED. Rep. Wallin  
seconded. The motion carried 8 to 6.



# ROLL CALL VOTE

LOCAL GOVERNMENT

COMMITTEE

DATE 11/31/89 BILL NO. 338 NUMBER         

NAME	AYE	NAY
BROOKE, VIVIAN	X	
BROWN, DAVE	X	
BROWN, JAN	X	
DARKO, PAULA	X	
GOOD, SUSAN		X
GOULD, BUDD		X
GUTHRIE, BERT		X
HANSEN, STELLA JEAN	X	
HOFFMAN, ROBERT	X	
JOHNSON, JOHN	X	
MCDONOUGH, MARY	X	
NELSON, THOMAS		X
REHBERG, DENNIS		X
STICKNEY, JESSICA	X	
WALLIN, NORM		X
WYATT, DIANA	X	

TALLY

10 6

Tami Rose  
Secretary

Paula Darko  
Chairman

Motion: Rep. Wyatt moved to TABLE HB 338. The motion  
carried 10 to 6.

STANDING COMMITTEE REPORT

February 1, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that HOUSE BILL 148 (first reading copy -- white) do pass as amended .

Signed: \_\_\_\_\_  
Paula Darko, Chairman

And, that such amendments read:

1. Page 1, line 17.

Following: "representatives"

Insert: ", of which two will be"

2. Page 1, line 18.

Following: "house"

Insert: "and two will be appointed by the minority leader of the house"

3. Page 1, line 19.

Following: "senate"

Insert: ", of which two will be"

4. Page 1, line 20.

Strike: "committee on committees"

Insert: "president"

Following: "senate"

Insert: "and two will be appointed by the minority leader of the senate"

5. Page 2, line 15.

Strike: "four"

Insert: "two"

6. Page 4, lines 21 and 22.

Strike: lines 21 and 22 in their entirety

Insert: "Montana university system. The commission's research director is the director of the local government center in Bozeman, whose duties include coordinating the commission's research and disseminating research findings."

STANDING COMMITTEE REPORT

February 1, 1989

Page 1 of 2

Mr. Speaker: We, the committee on Local Government report that House Bill 340 (first reading copy -- white) do pass as amended .

Signed: \_\_\_\_\_  
Paula Darko, Chairman

And, that such amendments read:

1. Title, line 4.

Following: "A"

Insert: "COUNTY'S,"

Following: "CITY'S"

Insert: ", "

2. Title, line 6.

Strike: "SECTION"

Insert: "SECTIONS 7-33-2205, 7-33-2206, AND"

3. Page 1.

Following: line 9

Insert: "Section 1. Section 7-33-2205, MCA, is amended to read:

"7-33-2205. Establishment of fire season -- permit requirements -- regulation of fireworks. (1) The county governing body may in its discretion establish fire seasons annually, during which no person may ignite or set any forest fire, slash-burning fire, land-clearing fire, debris-burning fire, or open fire within the county protection area on any forest, range, or croplands subject to the provisions of this part without having obtained an official written permit to ignite or set such fire from the recognized protection agency for that protection area.

(2) The county governing body may in its discretion regulate or prohibit the use or sale of fireworks within county, but may not regulate the use or sale of fireworks within an incorporated city or town.

Section 2. Section 7-33-2206, MCA, is amended to read:

"7-33-2206. Violations. (1) Any person who ignites or

sets any forest fire, slash-burning fire, land-clearing fire, debris-burning fire, or open fire within any forest, range, or cropland subject to the provisions of this part without first having obtained a written permit to ignite or set such fire is guilty of a misdemeanor.

(2) Any person who sells or uses fireworks in violation of a county prohibition or regulation of the sale or use of fireworks established pursuant to 7-33-2205(2) is guilty of a misdemeanor."

Renumber: subsequent sections

4. Page 2, line 6.

Following: "in a"

Insert: ": (a) county that has banned the sale of fireworks within the county as authorized in 7-33-2205; or  
(b) "

STANDING COMMITTEE REPORT

February 1, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that House Bill 366 (first reading copy -- white) do pass .

Signed: \_\_\_\_\_  
Paula Darko, Chairman

STANDING COMMITTEE REPORT

February 1, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that House Bill 375 (first reading copy -- white) do pass as amended .

Signed: \_\_\_\_\_  
Paula Darko, Chairman

And, that such amendments read:

1. Page 2, line 2.

Following: "located."

Insert: "A public hearing on the consolodation must be held within 14 days of the first publication of notice. The hearing shall be held before the joint boards of trustees at a time and place set forth in the publication of notice."

STANDING COMMITTEE REPORT

February 1, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that House Bill 411 (first reading copy -- white) do pass as amended .

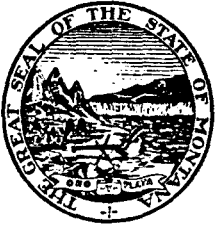
Signed: \_\_\_\_\_  
Paula Darko, Chairman

And, that such amendments read:

1. Page 3, line 19.

Strike: "any"

Insert: "a"




*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

TO: JOHN VINCENT, SPEAKER OF THE HOUSE  
FROM: PAULA DARKO, LOCAL GOVERNMENT COMMITTEE  
DATE: January 31, 1989  
SUBJECT: HB 338

The Local Government Committee has TABLED HB 338 on  
January 31, 1989.

  
\_\_\_\_\_  
Rep. Paula Darko, Chair





*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

TO: JOHN VINCENT, SPEAKER OF THE HOUSE  
FROM: PAULA DARKO, LOCAL GOVERNMENT COMMITTEE  
DATE: January 31, 1989  
SUBJECT: HB315

The Local Government Committee has TABLED HB 315 on  
January 31, 1989.

*Paula A. Darko*  
\_\_\_\_\_  
Rep. Paula Darko, Chair

MONTANA  
ASSOCIATION OF  
COUNTIES

EXHIBIT 1  
DATE 1/31/89  
NO 315

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

October 19, 1988

Representative Tom Hannah  
2228 Beloit  
Billings, MT 59102

*Tom*  
Dear Representative Hannah:

The Council of County Officials is an informal group of representatives of county elected (and in some cases, appointed) officials. Members include the presidents and/or legislative chairs of the various associations: Clerks and Recorders, Treasurers, Assessors, Superintendents of Schools, Sheriffs, Justices of the Peace, Attorneys, Clerks of District Court, Coroners and County Commissioners.

At a meeting in Helena October 13, the members presented their legislative packages. One of the main themes of the meeting was unity with concern for issues of tax reform and school funding. During discussion, we were informed that you are intending to introduce legislation that would give county commissioners the authority to set salaries for county elected officials.

We understand your reasons for proposing such legislation. However, MACo does not intend to pursue such a bill at this time. There was general agreement that the bill would not receive support from any of the groups represented. Further, the members agreed that the Council of County Officials would issue a joint statement to the legislature, if necessary, asking that the bill be tabled. MACo was instructed to inform you of this action so you would be aware of the consensus.

We certainly hope to work with you on other bills of interest to local government, and we hope you understand that we have no interest in talking about salaries in the 1989 session.

Sincerely,

*Gordon Morris*  
Gordon Morris  
Executive Director

MACo

If SSA becomes aware of a situation where a VA fiduciary is not performing his/her duties in the veteran's best interests, the information should be furnished to the VA regional office for investigation.

When SSA becomes aware that a VA staff member is directing a representative payee's use of Social Security benefits, attempt to resolve the conflict at the local level.

If the problem cannot be resolved locally, refer the case to ORSI, Payment Delivery Branch, for coordination with VA Central Office.

## 00602.110 Payment for Payee Services

### A. Policy Principle

The statutory provisions in sections 205, 207, and 1631(d)(1) of the Social Security Act preclude compensating an individual or entity out of benefits for serving as representative payee, that is, compensating a payee for his/her time and effort or administrative expenses.

### B. Operating Policy

#### 1. GUIDELINES

Any representative payee may be reimbursed for reasonable actual out-of-pocket expenses incurred on behalf of the beneficiary.

- a. Out-of-pocket expenses are actual expenses for food, shelter, medical items, clothing, transportation, and personal needs items incurred on behalf of a particular beneficiary.

Reimbursement of other out-of-pocket expenses must have SSA approval.

- b. There must be a direct correlation between the expense and the beneficiary.
- c. Unless current needs are met, there can be no withholding by a payee in anticipation of expenses that may be incurred on behalf of a beneficiary.
- d. The amount of the reimbursement must correspond to the actual expense for a particular beneficiary.
- e. A volume payee cannot add the expenses of all the beneficiaries together and divide by the number of beneficiaries served to determine the amount of reimbursement. Individual records must be maintained.
- f. Current and reasonably foreseeable needs of the beneficiary must be met before any reimbursement is taken.
- g. Documentation of out-of-pocket expenses must be available for SSA review at any time.

#### 2. REFUSAL TO SERVE

If a payee notifies SSA that he/she will not carry out his/her fiduciary responsibilities without compensation, SSA will change payees, institute direct payment, or suspend benefits and develop for a new payee, as appropriate.

## 00602.120 Attempts to Direct Payee's Use of Benefits

### A. Background

Sometimes a court, a public agency, a legal guardian, or someone else will attempt to direct the disposition of benefits certified to a representative payee. An inquiry, protest, or court order may be the first notice of a situation which needs investigation and remedial action.

### B. Operating Procedure

#### 1. INQUIRY RECEIVED

Obtain full information from the payee about his/her proposed use and the circumstances which gave rise to the objection or protests.

If there is a question about the payee's use of benefits, obtain an accounting report to verify that the payee is properly discharging his/her duties and responsibilities. If the payee is properly discharging his/her responsibilities and should continue as payee, provide the State agency, court, or legal guardian with a copy of section 205(j) or

WITNESS STATEMENT

NAME

Paul Kasper

BUDGET

L.B. 300

ADDRESS

WHOM DO YOU REPRESENT?

Mr. C. L. Linder

SUPPORT

OPPOSE

X

AMEND

COMMENTS:

1. Mr. Linder is Administrative Council of our state govt

2. Salaries should be set by legislature as legislature deals with civil

3. Salaries for judges should be set by legislature at local level.

4. District judges should be managed by individual courts - local level.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

NAME Lyle Nagel BUDGET HB 338

ADDRESS Box 93 Simms Mt. 59417

WHOM DO YOU REPRESENT? Mt. St. Vol. Firefighters Assn Inc.

SUPPORT ☒ OPPOSE ☐ AMEND ☐

COMMENTS: This bill is the result of a resolution passed at our 1988 convention. The purpose of the bill is to relieve fire chiefs of Vol. Depts + companies of the responsibility of inspecting schools and public buildings. In most cases a Volunteer Chief does not have the expert ~~ex~~ training to be qualified to make the inspection. Also, in most cases the chief is required to take time off from his regular job to make these inspections. This can mean the loss of several days of income to do the job.

Volunteer firefighters give freely of their time to prevent the loss of life and property when they are in danger but should not be required to spend the many hours and miles traveled to become trained to perform these inspections. They spend numerous hours as it is to further their training as a fire fighter without any compensation. An increase in the demand on them will end up in burn out and loss of Volunteers.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

Local Government COMMITTEEBILL NO. 315DATE 1/31/89

SPONSOR \_\_\_\_\_

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Tom Lamont	Mt Shuff + Clerk's Assoc		✓
Chuck O'Reilly	" " " " "		✓
Martin Barber	Mt. Assessors Assoc		✓
Linda J. - ANDERSON	Mt. Assn. of Counties		✓
Henry Bell	Mt Assn of County School		✓
MIKE McGEATH	Mt CMM ATYS ASSOC		✓
KAREN T. BOWERS	Public Administrators		
Carl Harrington	County Treasurers Ass		✓
Carl Harrington	County Clerk & Records		✓
<del>Mesa Co. Truckholders</del>			<del>✓</del>
Julie Hackers	Mesa Co Truckholders		✓

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Local Government COMMITTEE

DATE 1/31/89

[illegible]

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## VISITORS' REGISTER

Local Government COMMITTEEBILL NO. 340DATE 1/31/89

SPONSOR \_\_\_\_\_

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Ray Blehm	St Fire Marshal	X	
Chuck Stearns	City of Missoula	✓	
Shelly Laine	City of Helena	✓	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



Local Government COMMITTEE

DATE 1/31/85

SPONSOR Slaney

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## Local Government COMMITTEE

DATE 1/31/89

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Local Government COMMITTEE

DATE 1/31/89

[illegible]

CS-33