

MINUTES

**MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION
COMMITTEE ON LOCAL GOVERNMENT**

Call to Order: By Chairman Esther Bengtson, on January 24, 1991,
at 1:05 p.m.

ROLL CALL

Members Present:

Esther Bengtson, Chairman (D)
Eleanor Vaughn, Vice Chairman (D)
Thomas Beck (R)
Dorothy Eck (D)
H.W. Hammond (R)
Ethel Harding (R)
John Jr. Kennedy (D)
Gene Thayer (R)
Mignon Waterman (D)

Members Excused: none

Staff Present: Connie Erickson (Legislative Council).

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Announcements/Discussion: On January 30, 1991, the Senate will
go to session at 1:00 p.m. instead of 3:00 p.m., so this
committee will now meet on Tuesdays and Thursdays at 3:00
p.m. starting with the January 31st meeting.

HEARING ON SB-100

Presentation and Opening Statement by Sponsor: Senator Bob
Hockett, District 7, stated that he was sponsoring this bill at
the request of the County Attorneys' Association. This bill
makes a basic change in the law of filing interlocal agreements
will not have to be sent to the Attorney General for review prior
to the commencement of the agreement.

Proponents' Testimony: John Connor, Attorney General's Office,
representing Montana County Attorneys' Association (MCAA).

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Senator Hockett stated that this bill was requested by the MCAA, and like another earlier bill heard in this committee, this bill will expedite the process and reduce paperwork at the local and state level both. Title 7, chapter 11, part 1 deals with the creation of interlocal contracts between government entities on the local level. These are just contracts that provide methods for government entities to exchange information or enter into an agreement to perform some function. They are common, and they are most frequently done between cities and counties, but sometimes done between school districts. The statutes require that before the agreement goes into affect, it be reviewed and approved and signed off by the Attorney General. Then it has to be filed with Clerk and Recorder and the Secretary of State. The MCAA feels this approval by the Attorney General is unnecessary, and further involves state government in a process that should be handled on a local government. Both entities are at the local level, and the state should not be involved where they have no concerns. Approval by the Attorney General's office is done by having a paralegal go over the agreement to check the provisions for statutory compliance, then the Attorney General signs them and sends it back. The statute requires that this process be accomplished in 30 days or the agreement is deemed approved. After the agreement is sent back, the entities have 10 days to file with the Clerk and Recorder and the Secretary of State before the agreement can go into affect. So the process is about a 40 day delay in the initiation of the agreement. The Attorney General annually review 40-45 agreements. About 10% are returned with suggestions for changes in the agreement. The real concern that this bill tries to address are the agreements being made all the time that are not be sent through to the Attorney General, and they are acting according to the terms of the agreement. The MCAA's fears that these agreements are potentially voidable and any activities carried out in them could be voided, too.

Gordon Morris, Executive Director, Montana Association of Counties, (MACo), would like to go on record supporting this bill. The county attorneys work on all interlocal agreements and they do get reviewed and signed off on. The agreements that could be voided are the issue if this bill is not moved. MACo feels that 50% of the existing agreements have not been subjected to this review. This is just an unnecessary step, and we ask the committee to Do Pass on this bill.

Alec Hanson, Montana League of Cities and Towns, (MLCT), we support this bill as cited by the previous proponents.

Opponents' Testimony: none

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Questions From Committee Members:

Senator Thayer asked John Connor what is his roll? Mr. Connor works for the Attorney General's Office as the Bureau Chief of the County Prosecutors Service Bureau, but his position is created by statute. He is the training coordinator for the Montana County Attorneys, and he is obligated by statute to provide training and trial assistance to county attorneys throughout the state. In that process, any legislative proposals they are concerned that deal with the function of their office and criminal matters. The MCAA has a bill in for salary increase, but we do not deal with anything involving money because we are funded by the public. We are located by statute in the Attorney General's office, but we service the county attorneys.

Senator Thayer asked if the Attorney General was in favor of this bill. Mr. Connor said that both Attorney General, Marc Racicot and his assistant, Beth Baker, and they have no problem with this at all. There are other things that can be done by the people who review these agreements.

Senator Kennedy asked why the 10% are sent back? Mr. Connor cited statute 7-11-105, it details what needs to be contained in an interlocal agreement: duration, precise organization, purpose of agreement, matter of financing, method of accomplishing the termination, disposition of property. A paralegal checks the agreement to see if all these statutory provisions are present, if not, the agreement is sent back with suggestions. Senator Kennedy asked if these shouldn't have been caught by the county attorney? Mr. Connor said they should have been.

Senator Bengtson asked if county attorneys would probably catch these errors without this review? Mr. Connor felt they would.

Senator Beck asked if the counties would still be able to have the Attorney General review a technical agreement? Mr. Connor said it is possible to amend this to be a voluntary procedure, and then the Attorney General would probably continue reviewing agreements.

Closing by Sponsor: Senator Hockett had no further comment.

HEARING ON SB-102

Presentation and Opening Statement by Sponsor: Senator Nathe, District 10, sponsored this bill based on the concerns of

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firechiefs and volunteer firefighters. At the present time, volunteer firefighters are not covered under Montana Workers' Compensation. Senator Waterman had asked if firefighters in an incorporated city could elect to be covered. They can be covered because of a class code. Other volunteer firefighters, outside an incorporated city, and those within a department of the city are not covered under Workers' Comp. They are covered under a certain provision of PERS for disability with a maximum medical payment of \$25,000-\$35,000, in some places. This is the only coverage. Firechiefs are concerned that if a number of volunteers were hurt and hurt seriously, that there is no way for them to have compensation. This bill would put these volunteers under Workers' Compensation. The first change is on page 4, line 2-10, and it states that the trustees have the option to elect coverage. Senator Nathe felt the pressure would be on the trustees of a fire district, the governing body of an incorporated town, a county governing body, or the county commissioners to elect to provide this cover. These are the entities that have volunteers to be covered. This next change is on page 6, line 13, and this is the basis for compensation. The compensation benefits for a volunteer firefighter covered is based on a firefighters wages or earnings of his normal occupation. The reason for the wages and earnings base is to cover the employed and the self-employed. Volunteers range from insurance agents, lawyers, and self-employed business men all functioning as volunteers. If the trustees elect cover under Workers' Comp then they can not be simultaneously under the bit of coverage from PERS. Senator Nathe understands that there are some amendments to be offered.

Proponents' Testimony: Gordon Morris, Executive Director, Montana Association of Counties, (MACo). He also serves as a trustee for the MACo Workers' Compensation Insurance Trust Fund. This fund currently has a state wide payroll in excess of \$103 million insures county employees across Montana. Under the provision of this bill, counties would voluntarily to provide coverage. MACo has one amendment prepared to offer. (Exhibit #1) After further analysis of the bill, a second amendment to clean the bill up slightly. The first will amend Page 6, Section 2, Subsection 5. If you have a volunteer firefighter whose normal income is \$50,000/year, and will collect a volunteer firefighter premium that is collected on a \$900/month salary based on a premium payment of \$6/100, leaves the county having to pay a great deal more. The language has be crafted so that the disability and compensation benefits under this provision would be calculated based upon the assumed volunteer firefighter salary of \$900/month. In addition, one other concern is to clarify the

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language as to what constitutes a volunteer. People stop to help with a fire if they see one, and they are not actually employed by the fire district or county as a volunteer firefighter. MACo would recommend amending the language throughout the bill, and specifically Page 4, Subsection 3, and again on Page 6, Subsection 5, to parallel the language that is used on Page 7, line 1-2, so it would read volunteer must be any active enrolled member of a fire company. The volunteer is listed on the payroll roster for both payroll and compensation purposes. With consideration for those two amendments, MACo and Workers' Compensation Insurance Trust support SB-102.

James Lofftus, President, Montana Fire Districts Association, (MFDA), they support and agree with the amendments. Too often our members are put a lot of time on the fire line. Their insurance coverage for their normal occupation varies, and often does not cover volunteer firefighting. Some have no other coverage at all. Frenchtown Rural Fire has started a study that will be taken over by MFDA, to determine the worth of a volunteer firefighter to the state, his community, the savings in tax dollars from lower insurance premiums, and his time contribution. MFDA feels this bill would really help volunteers. Alec Hanson, Montana League of Cities and Towns (MLCT), representing Montana Municipal Insurance Authority (MMIA) as their General Manager. MMIA provides Workers' Compensation coverage to volunteer firefighters in every town and 3rd class city in the state of Montana. We estimate that to be about 80 cities and towns. The way the coverage is provided is using the basis of \$25/month for \$300/year, and then they apply the standard rate of \$6.41/100. This has been a problem, but they have very good experience with volunteer firefighters. Obviously using the wage base of \$300/year does not generate the enough premium to cover even minor injuries. The annual premium paid to MMIA on volunteer firefighters is about \$12/year. That does not go far with modern medicine. The amendment to set the compensation rate at \$900/month is very sound. Also the amendment to set the benefits in accordance with the \$900 base is also logical. We must insure that these are enrolled firefighters, not people who just jump out of pickup trucks when they see excitement. Using the wage base and benefit schedule, MMIA would go into their program and conduct an actuarial study to develop a fair rate for the members. People are very sensitive to premiums, but they must also protect other members of the program from some unlimited exposure. We also support this bill because we have a lot of mutual aid agreements with rural fire districts and rural fire service areas. Under a mutual aid agreement, if someone is injured and the city is involved, the person logically would file under the city's Workers' Compensation plan were he would receive

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higher benefits than the individual disability plan. This exposure needs to be dealt with. This bill with the amendments will do this, and it will promote uniformity throughout the system. MTLC and MMIA support this bill.

Lyle Naegle, Montana State Volunteer Firefighters(MSVF), we support this bill.(Exhibit #3). We see one problem with the amendments because it does not pertain to members of firefighters in incorporated cities and towns. We suggest to add this the wording in 19-11-102 to this membership explanation. This would cover 2nd, and 3rd class cities, and relief fire companies that state they must be a member for at least 6 months to be accepted as member. MSVF supports this bill and the amendments.

Vern Evans, Trustee, West Helena Valley Fire Department(WHVFD), also a member of the Montana State Fire Districts Association(MSFDS). We support this legislation. We feel this will help with recruiting volunteer firemen. This coverage would entice new prospective volunteers to join a volunteer fire department.

Dwayne Larson, Retired Firechief, Kalispell Montana Firechiefs Association(KMFA). We support this bill. Montana employers are expected to provide Workers' Compensation for our employees, and in the strictest sense of the word volunteer firefighters are considered employees of the communities they serve and protect. The major difference is in the amount and lack of compensation. Many people, from all walks of life, daily drop what they are doing to respond as a volunteer firefighter. Their normal job provides the tools of the trade, and reasonable insurance coverage. The employers pay premiums based on the wages and hazards of the job. The hazards of fighting fires is greater than most volunteers' other occupation, yet they are not covered by insurance from their employer. This bill would supply an equitable solution to this problem, and KMFA supports this bill and its purposed amendments.

Jim Murphy, Executive Vice President, State Workers' Compensation Fund, and they agree with this bill if it is amended to include the statutory benefits and the premium on the same dollar amount. This is the way statute handles sole proprietors and partners. Page 3, Section d deals with this. \$900 is about \$138/weekly benefit.

Bruce Suerman, Missoula Rural Fire District, and they support this bill and the purposed amendments.

Scott St. Clair, Volunteer Firefighter, East Helena Volunteer

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Fire Department, supports this bill but questioned what will happen to the current coverage for 3rd class cities? The other question is about the \$900 flat wage. Some volunteers are unemployed elsewhere, and this would provide a substantial income for them that they would not receive if they were on compensation. Higher wage earners won't benefit because they will receive less.

George Wood, Executive Secretary, Montana Self-Insurers Association, and we support this bill with the amendments as reported to the committee.

Henry Lohr, Montana State Volunteer Firefighters Association, they association approved this at their state convention this summer, and hope the committee will confer on this bill.

Opponents' Testimony: none

Questions From Committee Members:

Senator Beck asked Jim Murphy if the \$900 base for sole proprietors and partners been adjusted for a good long period of time? Has it been it a standard figure for a quite awhile? Mr. Murphy said the \$900 represents was 1/2 the state's weekly wage, and wages have gone up. Sole proprietors can elect anything in between that and 1 1/2 of the state's average weekly wage. If you take 1 1/2 the wage that gives you the maximum comp rate.

Senator Thayer asked Mr. Larson if when he was testifying was he also speaking for the amendments? Mr. Larson said that he would support the amendments.

Senator Beck asked to clarify if the maximum payout from Workers' Comp is based on \$900? Mr. Murphy said the \$900 is only \$138/week and the maximum would be about \$299/week.

Senator Bengtson asked to follow up on Scott St. Clair's question regarding 3rd class cities and their current coverage? Also whether the higher wage earner is penalized? Senator Nathe said that with the amendment, if someone is unemployed, but they are a member of a fire service relief association, and injured they are entitled to the benefits. It shouldn't matter if they are employed elsewhere. If they have been the program and are hurt fighting fires they deserve to be compensated. The other question about higher wage earners benefits would be too steep for the local government to pay the premium. That's why the amendment to cap it at \$900 was offered. Senator Nathe was

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taking his queue from the firechiefs and volunteers firefighters association present that they supported the amendment. As to the impact on 3rd class cities, he referred the question to Mr. Hanson, that he understood that 3rd class cities are currently covered under class code 7704 and they can either pay them a minimum of \$300/annum which entitles you on a short term disability to about \$.57/wk or you can pay at the rate of \$6.41/\$100 of salary to be covered on a premium. At \$50,000 it would be too great for any local government to cover.

Mr. Hanson stated that currently volunteer fire companies in 3rd class cities are covered under MMIA program and the premium is based on \$300/year. This amount times the \$6.41/\$100 is not enough to generate premium to cover much. If this law is approved we would look at volunteer firefighter group as a different group and we would come up with a rate based upon the amount of compensation in the base, the benefits on the other end. We recognize we can not increase that rate much above where it is now. There are a lot of volunteers and a lot of 3rd class cities and counties. The whole idea is to strike a balance and reach a premium level that 1. guarantees some protection, and 2. while at the same time keeping the rate low. By putting a standard rate of compensation in the bill there will be a benefit to an unemployed person is a member, and there would be a deduction for a relatively high paid person that is a member. The committee has to remember that this is almost supplemental coverage, and this is for these people when they are not in their normal course of employment, and they are providing a service to the community. With the amendments this bill strikes a very well balanced approach.

Senator Bengtson asked if Mr. St. Clair had his questioned answered? Mr. St. Clair said that they still did not answer what will happen to the current coverage of 3rd class cities. Mr. Hanson stated that this will compensate, for Workers' Comp purposes, on the \$900/month instead of wages or salary from regular employment. If you make less than \$900/month it will be an additional benefit, and if you make more it would cost you some money.

Senator Eck asked Mr Morris if these groups would be covered under city or county self-insured plans? Mr. Morris said that MACo's trust would have to elect the coverage under this, and then proceed with the payroll reporting requirements for participation in the fund to achieve coverage for volunteers. We would not deny any coverage as requested by county commissioners. Senator Eck also asked about the bill we acted upon the other day for self-insured that said they could elect to not take in

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another group. This would not be considered a new group, it would be part of your group and the cities group? Mr Morris said from the stand point of rural fire protection they would be considered county employees. We do not take, by virtue of a decision by our trustees, any groups in for coverage other than those people who work directly for the county, and rural firefighters could be assumed to work directly for the county. Senator Eck asked if these people are covered under another Workers' Comp plan for their normal job, is it possible to be covered under both plans. Mr. Morris said that if you are injured responding to a fire the compensation benefits would be provided associated with responding to the fire. A person would not show up at his normal occupation and claim an additional work injury.

Senator Beck asked Senator Nathe that the rate on this is approximately 1 1/2 of the state wage for volunteer firefighters? Senator Nathe said that this is what is stated in 7704 class code in Workers' Comp for volunteer firefighters in an incorporated city, that have elected to provide Workers' Comp. They have not done it statutorily, it's just been under their plan for cities and towns. Senator Nathe asked Mr. Hanson how high the weekly benefit goes? Mr. Hanson said he was sure that benefits are currently paid on wages for the person's regular job, so if they makes good money they would receive the maximum. We are covering the volunteers with a very low salary and base it on the \$6.41/\$100 rate. If that is raised to \$900/month it in effect this law raises the wage rate 36 times. To cover the small cities and towns we will not increase the premium on volunteer firefighters 36 times. Under the program we will have the authority to adopt rates and monitor classes and have actuarial studies to tell exactly what that rate should be. Volunteer firefighters have very few accidents, so the rate or the combination of rate and modification factors would come out very close to where we are now.

Senator Beck asked to follow up about the rates in the MACo plan. Would he expect the rates to be comparable in your plan to what we are discussing here? Mr. Morris said that MACo does not currently provide any coverage for volunteer firefighters. The trustees of Workers' Comp would take a look at the actuarial recommendations, and develop a rate for rural fire volunteers. At this time we have no experience in these rates. Senator Beck asked if Senator Nathe if he had any problem with the amendments suggested? Senator Nathe said he did not have any problem with the amendments, and he said the testimony from the firechiefs gave him his queue because they all supported the amendments.

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Senator Thayer asked Jim Murphy asked if all this would come under the self-security program? What is the reference to the \$900 have to do with the self-insured plan. Mr. Murphy said the \$900 can be adjusted. Anyone can elect to write in more. If volunteers do not get coverage from the cities and counties then the State Fund would have them. The trustees are the ones who elect the coverage. If they can self-insure they would look to us for coverage. Senator Thayer asked if then the \$900 amount was the maximum amount written in the coverage. Mr. Murphy said you could write anything in, but the statute shows \$900 for sole proprietors. Our point is, we will provide the coverage, but we would like what ever the figure is that it be not only the benefit base, but be the premium base. That payroll is used to compute benefits and premium then we can predict what it will cost.

Senator Beck asked if Mr. Murphy had any experience with firefighters on Forest lands, and what is the actuary on them? Mr. Murphy said that the \$6.41 mention is the state fund rate for the firefighters and so that is the experience.

Senator Eck asked if they have the option to elect state coverage, then the state would like the \$900 figure, but if they go to city or county coverage those plans could set it greater than that. Mr. Hanson said that \$900 for a compensation rate is a perfectly acceptable rate. There are other ways to develop a premium. The advantage to the \$900 was an easy benchmark. You have \$900 as a wage base and \$900 as a benefit base and it balances everything out. Mr. Morris wanted to comment on the word "elect". In the case of counties, there would be no election as to whether you would choose to insure with the county or with the state. If a group in the county is eligible for coverage by the county program, then they have to be covered by the county. If they choose to go with the state the entire county must go with the state. The counties are covered by the program, and if the trustees of the fire service volunteers elect for coverage, the volunteers will be covered as county employees. Trustees of a rural fire district may have election because they are a separate taxing entity.

Senator Bengtson asked Pat Sweeney, President, State Fund, to introduce himself and asked if the State Fund is ready and able to cover volunteer firefighters. Mr. Sweeney said they had no problem with this bill if a premium base and a benefit rate. The amendments which were offered today do that, and as a result the State Fund for those that would care to insure with us, we have absolutely no problem.

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Senator Beck asked Mr. Morris if most districts in the rural areas fire districts instead of rural fire service areas? Mr. Morris said that we have a lot of rural fire protection areas in the eastern part of the state. They are not as organized to the same extent as they would be on the western side. Western Montana seems to prefer organization under Fire Districts. Senator Beck asked if all counties were currently covered under MACo's program? Mr. Morris said that 52 of the 56 counties are covered. Butte-Silver Bow, Deer Lodge, Anaconda, Liberty, and Beaverhead.

Closing by Sponsor: Senator Nathe closed by saying he supported the amendments by MACo and Lyle Naegle for this bill. He felt that the discussion had been very informative and he asked the committee to Do Pass SB-102 as amended. It is needed in Montana.

EXECUTIVE ACTION ON SB-100

Motion: Senator Eck moved to Do Pass SB-100.

Discussion: none

Recommendation and Vote: The motion carried unanimously. It was recorded as a roll call vote.

EXECUTIVE ACTION ON SB-10

Amendments, Discussion, and Votes: Connie Erickson explained the amendments. (Exhibit#2). A new section has been added that pertains to the responsibility of indebtedness.

Discussion: Senator Bengtson stated if the municipality decided not provide either of the option provided on Page 2, Section 2, Part a & b, then the newly annexed property have double taxes? It certainly be a dis-incentive to annexation.

Senator Beck asked if property owners had the choice as to whether they would be annexed. They to need to vote on it. Senator Beck asked C. Erickson if the city decides to annex a portion of the county or outside the city limits, do they have the arbitrary choice to do that? C. Erickson said it depends on the land. If it is contiguous or wholly surrounded. If its wholly surrounded, the city can simply pass a resolution and

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wholly surrounded, the city can simply pass a resolution and annex it, but if it is contiguous there usually has to be a voting process. There is some land that they can not annex.

Senator Eck stated that there are some cases in order to get services they have waived their power to object annexation. C. Erickson said it depends on the reason for the annexation and the type of land as to whether there is an election. With the case of a rural fire district it would be an election procedure. Senator Hammond asked if annexation bills would be different for cities with services to offer and those like Missoula who don't have services to extend. Senator Bengtson said the committee can not envision all the problems with annexation. This bill set out to allow bonding for Fire Districts and it protects the bond holder.

Senator Thayer said that this bill, without the amendment, could not be sold. He can not imagine a fire district not having the option to vote on annexation. Senator Bengtson said that this bill protects the bond holder and assures the bonds could sell.

Senator Vaughn said that this bill protects Fire District residents from double taxation.

Motion: Senator Eck moved the amendments.

Amendments, Discussion, and Votes: Senator Beck questioned whether Section 2, Part 2 needed to be in the law, that it never would be in force. C. Erickson asked what the number of mills might be? Senator Beck said if the wasn't much valuation in the district and they bought \$100,000 fire truck, then the mill could be 25-50 mills. It could vary extremely from district to district.

Senator Vaughn said that's why Section 2, Part a & b are important because some people may be subject to very high levy, and then have to pay the city's levy it could really cause problems to annexation. This gives some protection to taking care of the indebtedness.

Senator Eck said this is an incentive to Fire Districts. The city could say that if you are annexed we will pay off that share of the indebtedness. It's a valid option. Senator Bengtson stated that we are trying to put in law something that assures the bondholder that the debt is secure.

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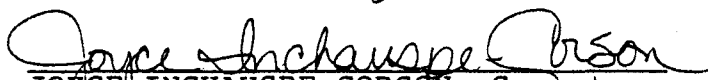
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The vote to move the amendments was unanimous. Senator Beck moved that SB-10 as amended Do Pass. The vote was unanimous, and was recorded as a roll call vote.

ADJOURNMENT

Adjournment At: 2:24 p.m.


ESTHER BENGTON, Chairman


JOYCE INCHAUSPE-CORSON, Secretary

EB/jic

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SENATE STANDING COMMITTEE REPORT

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January 24, 1991

MR. PRESIDENT:

We, your committee on Local Government having had under consideration Senate Bill No. 100 (first reading copy -- white), respectfully report that Senate Bill No. 100 do pass.

Signed: *Esther G. Bengtson*
Esther G. Bengtson, Chairman

JA 1-24-91
Asst. Coord.

GB 1-24-91 8:20
Sec. of Senate

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SENATE STANDING COMMITTEE REPORT

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January 24, 1991

MR. PRESIDENT:

We, your committee on Local Government having had under consideration Senate Bill No. 10 (first reading copy -- white), respectfully report that Senate Bill No. 10 do pass.

1. Title, line 5.

Strike: "AND FIRE SERVICE AREAS"

2. Title, line 6.

Following: "FIRE"

Insert: "AND EMERGENCY RESPONSE"

3. Title, line 7.

Following: ";

Insert: "establishing responsibility for bonded indebtedness if municipal annexation occurs;"

4. Title, line 7.

Following: "AMENDING"

Strike: "SECTIONS"

Insert: "SECTION"

Strike: "AND 7-33-2404"

5. Page 1, line 17.

Following: "apparatus"

Insert: ", including emergency response apparatus,"

6. Page 2, line 12.

Following: "by"

Strike: "school districts"

Insert: "counties"

Following: "Title"

Strike: "20"

Insert: "7"

7. Page 2, line 13.

Following: "chapter"

Strike: "9"

Insert: "7"

Following: "part"

Strike: "4"

Insert: "22"

8. Page 2.

Following: line 13

Strike: section 2 in its entirety

9. Page 4, line 2.

Following: line 1

Insert: "NEW SECTION. Section 2. Annexation of rural fire district property by municipality -- responsibility for bonded indebtedness. (1) If a municipality annexes property from a rural fire district, the annexed property is liable for any bonded indebtedness of the rural fire district existing as of the date of annexation to the same extent as it would have been liable if not withdrawn.

(2) A municipality may:

(a) offset the municipal mills levied on the annexed property by the mills levied on the property for bonded indebtedness; or

(b) annually appropriate funds to the rural fire district in an amount equal to the mills levied on the annexed property for bonded indebtedness."

Signed: Esther G. Bengtson

Esther G. Bengtson, Chairman

ML 1-24-91
Ad. Coord.

SB 1-25-91 2:10
Sec. of Senate

SENATE LOCAL GOVT. COMM.

EXHIBIT NO. #1

DATE 1-24-91

BILL NO. SB-102

2711 Airport Road
Helena, Montana 59601
(406) 442-5209
FAX (406) 442-5238

**MONTANA
ASSOCIATION OF
COUNTIES**

SB 102

INTRODUCED BY NATHE

Delete Page 6, Section 2, Subsection (5)

Insert: The compensation benefits and the payroll for premium purposes for a volunteer firefighter covered pursuant to 39-71-118(3) must be based on \$900 a month for each firefighter.

Amendments to Senate Bill No. 10
First Reading Copy

For the Committee on Local Government

Prepared by Connie Erickson

January 24, 1991

SENATE LOCAL GOVT. COMM.
#2
1-24-91
BILL NO. SB-10

1. Title, line 7.

Following: ";

Insert: "establishing responsibility for bonded indebtedness if
municipal annexation occurs;"

2. Page 4, line 2.

Following: line 1

Insert: "NEW SECTION. Section 2. Annexation of rural fire
district property by municipality -- responsibility for
bonded indebtedness. (1) If a municipality annexes property
from a rural fire district, the annexed property is liable
for any bonded indebtedness of the rural fire district
existing as of the date of annexation to the same extent as
it would have been liable if not withdrawn.
(2) A municipality may:
(a) offset the municipal mills levied on the annexed
property by the mills levied on the property for bonded
indebtedness; or
(b) annually appropriate funds to the rural fire
district in an amount equal to the mills levied on the
annexed property for bonded indebtedness."

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 24th day of Jan, 1991.

Name: Lyle R. Napel

Address: Box 93 Simms Mt. 59477

Telephone Number: 264 5850

Representing whom?

Mont. St. Vol Firefighters Assoc

Appearing on which proposal?

SB 102

Do you: Support? X Amend? X Oppose?

Comments:

The amendment to clarify the meaning of "Volunteer
Firefighter" the statutes mentioned by Jordan Morris
of MFCO correctly covers members of Vol. Fire Companies.
However, this does not cover members of ~~fire~~ fire depts in
incorporated towns. I would suggest that the amendment
also include members covered under 19-11-102

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 24th day of January, 1991.

Name: John Connor

Address: Atty. General's Office
215 North Sanders

Telephone Number: 544-2026

Representing whom?

MT County ATTYS ASSN

Appearing on which proposal?

SB 100

Do you: Support? X Amend? _____ Oppose? _____

Comments:

[illegible]

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

ROLL CALL

SENATE LOCAL GOVERNMENT COMMITTEE

DATE 1-24-91

52 LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
Senator Beck	X		
Senator Bengtson	X		
Senator Eck	X		
Senator Hammond	X		
Senator Harding	X		
Senator Kennedy	X		
Senator Thayer	X		
Senator Vaughn	X		
Senator Waterman	X		

Each day attach to minutes.

ROLL CALL VOTE

SENATE COMMITTEE LOCAL GOVERNMENT

Date 1-24-91 Bill No. SB-10 Time 2:24 p.m.

NAME	YES	NO
Senator Beck	X	
Senator Bengtson	X	
Senator Eck	X	
Senator Hammond	X	
Senator Harding	X	
Senator Kennedy	X	
Senator Thayer	X	
Senator Vaughn	X	
Senator Waterman	X	

Joyce Inchauspe-Corson
Secretary

Senator Esther Bengtson
Chairman

Motion: Due Pass as Amended

ROLL CALL VOTE

SENATE COMMITTEE LOCAL GOVERNMENT

Date 1-24-91 Bill No. SB-100 Time 2:08 p.m.

NAME	YES	NO
Senator Beck	X	
Senator Bengtson	X	
Senator Eck	X	
Senator Hammond	X	
Senator Harding	X	
Senator Kennedy	X	
Senator Thayer	X	
Senator Vaughn	X	
Senator Waterman	X	

Joyce Inchauspe-Corson
Secretary

Senator Esther Bengtson
Chairman

Motion: _____

DATE 1-24-91

COMMITTEE ON SENATE LOCAL GOVERNMENT

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Henry L. Lohr	MT State Vol Fire Fighters	SB 102 ⁵¹⁰	X	
Lyle Nagel	MT. St. Fire Chiefs Assn MT. St. Fire Fighters Assn	SB 102 ⁵¹⁰ SB 102 ⁵¹⁰	X	
Tim Wysocki	CITY OF BOZEMAN	SB 102 ⁵¹⁰ SB 100	X	
Vickey R. Anderson	Ind Agts Assn of MT	SB 102	X	
JAMES A. LOFFTOS	MT FIRE DIST ASSN	SB 102 ¹⁰	X	
Bruce Swenson	Missoula Rural PD	SB 102 ¹⁰ SB 102	✓	
M. DUANE LARSON	MT. FIRE CHIEFS ASSN	SB 102	✓	
SCOTT A ST. CLAIR	E H VFP	SB 102		
VERN EVANS	W. HLN. VALLEY P.D.	SB 102	X	
John Connor	MT COUNTY ATTYS ASSN	SB 100	X	
John P. Wirt	MAPO Cheibaco Co	SB 100 SB 102	✓	
Gordon Morris		SB 100 102	✓	
Alec House	MLCT	102	✓	
Jim Murphy	State Farm	102	✓	
ROBSTAFLETON	Yellowstone Newspapers		-	-
Norm Kocpin	MT LEAGUE OF CITIES & TOWNS	SB 100 SB 102	✓ ✓	

(Please leave prepared statement with Secretary)