

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Chairman Esther Bengtson, on February 14, 1991, at 3:23 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: Linda Stoll Anderson shared information with the committee about a possible committee bill. This past weekend she was able to talk with the County Treasurers, County Clerks, and the Sheriffs that were meeting in Helena. She had presented three tiers, #1 structure of boards in Title 7, #2 boards, and #3 fees and accounting. The Clerks, Treasurers, and Sheriffs are very unhappy with tier #3, and asked that it be pulled, and study for a couple of years. They are the most controversial of the package. Ms. Anderson said that she would like to address this committee in two years about the study. Senator Bengtson said that the committee would consider tier #1 & #2 today, and the committee bill request. Senator Hammond asked Ms. Anderson if she talked with the Commissioners from Phillips County? She had not. Senator Hammond said that they were only in favor of tier #3. Senator Bengtson said that the committee members need to be ready to discuss this bill before transmittal and assigned

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February 19th as the date. Connie Erickson said the request for the bill must be in by February 16th, and this is a general bill and would need to go through transmittal. This bill is not even drafted and she was concerned about the time frame. Ms. Anderson said that the information she had presented outlined the sections affected, and presented possible wording for a bill. C. Erickson will go ahead and request the bill, and she will review Ms. Anderson's proposal and present it to the committee next week. Senator Waterman said she would really like to see tier #1 and #2 addressed. Senator Bengtson asked for a motion. Senator Vaughn moved that C. Erickson request a committee bill, and investigate Ms. Anderson's information to see what can be done before transmittal. The vote was unanimous.

HEARING ON SB-276

Presentation and Opening Statement by Sponsor: Senator Harry Fritz, District #28, said it was a pleasure to present a bill with a fiscal note that says "no impact". Even if it is wrong. One of the proponents is going to present an amendment that plugs the loophole. The bill is one which allows for a firefighter in a 1st of 2nd class municipality, who is injured in the line of duty, to be paid his full salary, by having the municipality make up the difference between the salary and workers' compensation benefit. The amendment will talk about net salary. This is a similar arrangement that police officers currently enjoy.

Proponents' Testimony: Vern Erickson, Montana State Firemen's Association (MSFA), said the importance of this bill was brought home this last year in Billings. One of their firemen was injured making a rescue off the rims in Billings. During his recovery he suffered severe financial hardships. He is now retired. The MSFA thought they should try to secure this benefit that is enjoyed by law enforcement officers of the state. One of the benefits in this is being able to keep individuals, who the cities have trained and benefit from experience, after rehabilitation the cities will benefit. This compensation is only for one year, and if the individual is unable to return to work, then he may retire. It would give the individual this year to try to rehabilitate, keep his family together, and try to return to work. We urge the committee to Do Pass on SB-276.

Alec Hanson, Montana League of Cities and Towns (MLCT) said that their association wrestled with this bill, but have come up with

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an amendment that will work for everyone. Senator Fritz and the members of the firefighters' union agree with the amendment. The bill as written would reimburse firefighters for the difference between their weekly comp payment, which is 2/3 of the actual salary, and their full salary. This creates a problem. The law is written this way for police officers, and what happens, is that they receive more money than their actual salaries. The first \$299, the Workers' Comp portion, is exempt from taxes, so it is free and clear. Then the reimbursement of the remainder gives the police officer more money than his actual take home pay when he is working. MLCT looks at this as a dis-incentive for people to return to work. Some of the actuarial analysis of the Workers' Comp program, and there is a clear indication that the cost among our police officers on the compensation side, is quite a bit higher than the other municipal employees. The amendment would strike "full salary" on Page 1, Section 1, line 13, and change it to "net salary". The effect of the amendment is that firefighters will receive the same amount as when he was working. This will not create an advantage if you are disabled. This is essentially the same amount as the take home pay, but it is the combination of Workers' Compensation benefit and a contribution from the city. This is important for two reasons. If the firefighter is injured, and rehab is difficult, he will for one year have this benefit of his full salary. Secondly, with this amendment, the bill does not create a dis-incentive that would prevent some of these people from returning to work. It is only one year, but it would be difficult to return to work if you made more money being at home. We have time and money invested in our firefighters and they are a valuable employees to communities. They do a tremendous job, we want to make them hole, but encourage them to come back to work. (Exhibit #1)

Tim Bergstrom, Montana State Council Firefighters, (MSCF), and they support this bill as amended. We ask the committee to Do Pass Sb-276 as amended.

Opponents' Testimony: none

Questions From Committee Members:

Senator Thayer asked Mr. Hanson why not have this for all public employees? Mr. Hanson said that was a good question? They would have to deal with this when asked by others. MLCT next move is to work with the police to amend that law like this. They would like to offer this to employees in the public safety area to try to make this uniform. The true answer to the question is if other public employees, like garbage haulers, asked for similar benefits, we might resist. Firefighters receive a slightly

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higher salary, even after taxes, than the weekly Workers' Comp benefit. It is apparent that the weekly Workers' Comp benefit is going to be increased this year by the Legislature, so it is possible that the cost of this would not be so high to the municipalities. Senator Thayer asked what the weekly Workers' Comp benefit is? Mr. Hanson said the average weekly salary is in the range of \$330-350. The average weekly Workers' Comp rate is \$299, and there is a bill that will increase it to the neighborhood of \$330, so the difference would be narrowed. Senator Hammond asked if \$330 is definite? Mr. Hanson said that no one is sure, but in 1987 they froze the weekly benefit for a period of four years, and that is scheduled to come off.

Senator Harding asked Mr. Hanson if firefighters are paid weekly? Mr. Hanson said they are paid bi-weekly, so they are paid 26 weeks/year. Senator Harding said for that amount of money, the payroll would be impacted. Mr. Hanson said that the city of Helena currently does this under their own authority, and they have good experience with it. The proposed increase in the weekly Workers' Comp benefit and the deductions back to net is a reasonable benefit at a reasonable cost.

Senator Thayer asked Mr. Hanson if he had any figures on what the average length of time off the job is in case of the police that already have this benefit? Mr. Hanson said he was not sure. He has looked at some of the actuarial results and rate setting, and there is an indication that there is a worse than average experience among the police officers on the Workers' Comp side. The rate for firefighters is better than average. They are over a period of 4 years. MLCT rate for firefighters is far below the state level and the rate for police officers is right at the state level. So we have had better experience with firefighters. He added that there is no established, direct correlation, and the insurance adjusters have told him that the full pay is a problem with getting police officers back to work. By adjusting back to make it even, they feel it will not be such a problem.

Closing by Sponsor: Senator Fritz said that this is a good bill, and an even better amendment. Does not apply to garbage collectors. He will sponsor the amendment for the police officers. Please Do Pass as Amended SB-276.

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HEARING ON SB-328

Presentation and Opening Statement by Sponsor: Senator Bob Pipinich, District #27, said that this is even a better bill than SB-276. There are no opponents and no proponents. This bill simply authorizes county commissioners to add to the property tax bill the water and sewer that is assessed per year. Last session we put on the garbage pickup on the tax bill, and that works so well, that Granite County asked him to do this. He checked with everyone, and they liked the bill, so here he is to present. And that is all it does.

Proponents' Testimony: none

Opponents' Testimony: none

Questions From Committee Members:

Senator Eck asked how many counties run water and sewer districts? Senator Pipinich replied that Granite, Deer Lodge, and those with trailer courts got him here. They have the garbage collection on the tax bills.

Senator Vaughn asked if this is on county owned property? Senator Pipinich said this is for privately owned property in the county. He told Senator Vaughn that she should appreciate the cut in paperwork.

Senator Beck asked how water and sewer is collected now, is it monthly? Senator Pipinich said it is every 3 months. It is a small amount, and they can pay it twice a year. Senator Hammond said in some places its higher.

Senator Bengtson noted that the bill is permissive, the bill says they "may " do this.

Senator Harding asked if she missed the answer to how many water sewer districts there are? Senator Pipinich said he was unsure of the total. Senator Bengtson asked Senator Pipinich if he had talked with MACo? Senator Pipinich said no, that he was representing the commissioners from Granite and other affected by the bill.

Senator Hammond asked if there was some way to do this at the local level without legislation? Senator Pipinich said by statute that the Legislature has to give authority to do this. Senator Hammond asked how they did it for garbage? Senator

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Pipinich said that it was through the Legislature.

Senator Vaughn asked if garbage was be assessed with rent in the trailer courts? Senator Pipinich said yes, and they want to get it on the tax notice.

Senator Hammond asked about the renters. They are no longer responsible for water and sewer, it is the property owner? Senator Pipinich said that every trailer that is parked in a court has to pay assessment on the trailer. The County Commissioner will assess the water and sewer fee on that trailers' assessment. Twice a year this will be on the property tax as it goes out. Senator Hammond stated that this is an assessment on real property. Senator Pipinich agreed that it was on real property.

Senator Beck said a trailer was personal property. The committee noted the bill said real property. Senator Pipinich asked if a trailer wasn't considered real property? Senator Eck said it was if they owned the land it was on.

Senator Beck said it sounds like cities will have the counties do the billing for them? Senator Pipinich said yes.

Senator Vaughn asked if this bill needed to be amended to say "personal" property to assess against trailers that rent parking space? Senator Pipinich said the intent was to assess both.

Senator Eck said that she guessed under a water and sewer district that the assessment would be just on whomever owns the real property, and it would not assess water and sewer on renters. Senator Pipinich said that an owner of a large real property would pay the lump sum and pass it on to the renters. Senator Bengtson added that it would probably be prorated.

Senator Kennedy said that this is correct, that the assessment is on the property owner. He asked if people protesting their taxes would also be protesting their garbage, sewer and water? Senator Pipinich said he did not think so, but he was unsure. This would be outlined on tax statement, so he doesn't know if that was considered.

Senator Harding wanted to remind the committee of an '89 bill that they fussed about that concerned people who move out of trailer parks at midnight and leave the park owner with all these bills. It was garbage bills. Senator Pipinich said garbage was added last time and it passed. The Local Government had that bill last session.

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Senator Thayer asked if garbage was handled, shouldn't the water and sewer be done the same? Senator Pipinich said this bill was written based on the garbage bill.

Closing by Sponsor: Senator Pipinich said he was going to remember all the members of this committee when their simple, easy bills came before him. This is a two way street. The committee laughed. He then stated that this bill is drafted well and asked for the committees favorable consideration.

EXECUTIVE ACTION ON SB-102

Amendments, Discussion, and Votes: C. Erickson explained that she had talked Senator Nathe and with Dean Glover of Plentywood who originally requested the bill after the big fire there. The original intent was not to include incorporated towns, and that could be removed. Secondly, Mr. Glover suggested a further definition of a firefighter. Third, he explained the base compensation should be set on the firefighter's normal occupation because if he was hurt at a fire and couldn't perform as a firefighter nor his normal work, he would loose that amount of normal income amount of money. Anything less could mean a firefighter loosing money that he normally would have received. C. Erickson said one other concern was brought up, and that was to add, "or trustees of a fire service area" to the title to cover fire districts that have these boards, and other areas noted in the exhibit.(Exhibit #2)

Senator Hammond asked if a base salary is a range? C. Erickson said answer was yes according to the amendment it put a bottom and a top. Senator Hammond asked Senator Nathe to discuss the sealing. Senator Nathe said on Workers' Comp coverage under this section, \$900/month is the minimum and entitles you to \$138/week plus your medical. The 1 1/2 times the weekly wage is the maximum and entitles you to \$299/week plus your medical. This is a premium based on 6.41% of that salary range.

Motion: Senator Kennedy moved to amend SB-102. The vote was unanimous. Senator Thayer wanted to clarify that 1 1/2 times the weekly wage is \$299, so call it \$300, and 1 1/2 times \$300 puts you at \$450. Senator Nathe said yes, and that then entitles you to \$299/week. If this is selected they can start at \$900/month or base it on or up to 1 1/2 times the weekly wage.

Motion: Senator Beck moved to Do Pass SB-102 as amended.

Recommendation and Vote: The vote was unanimous and Senator Hammond voted by proxy.

EXECUTIVE ACTION ON SB-276

Motion: Senator Hammond moved to amend SB-276. The vote was unanimous.

Amendments, Discussion, and Votes: The vote to amend was unanimous. Senator Thayer asked if there was any way to add the police officers to this bill to adjust them at the same time? C. Erickson said that she was unsure if that could be done in this bill. Her first impression was no.

Senator Thayer said his own philosophical rule was that this is a contract bargaining tool, and should not be legislated to be a mandate for all cities. There are unions that represent these bargaining groups, and they should not come to the Legislature every year with these kinds of packages.

Senator Bengtson asked if it would be fair to add the police without their input, because this would lower the amount of money they would get? Senator Vaughn said municipalities had not be contacted about this, so this committee should not be amending in things like this.

Senator Kennedy asked Vern Erickson why this matter is not done during contract negotiations? Mr. Erickson said he has been involved for 10 years with different mayors, managers and philosophies. The association would like to have some consistency in their profession that applies to all firefighters. It is important for those who look at firefighting as a livelihood to know what they can expect in the years ahead. We see differences in philosophy in a city in one year's time. There is no fault here, but the percentage of members say they want this consistency.

Senator Thayer asked if this is something bargaining units have tried and had turned down? Mr. Erickson said that Helena did ask and received it. He could not speak about other areas.

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Senator Kennedy asked Mr. Erickson if he knew the number of firefighters injured in the line of duty? Mr. Erickson said the statistics from the Firefighters' Retirement Board, that since 1981 they have had less than 1% disability/year for all 1st and 2nd class cities. Senator Kennedy asked if disability covered other things than just injury? Mr. Erickson said he did not have stats just on injury. He said the problem in Billings was the most recent.

Senator Kennedy said he was hesitant to pass things that cost local government more money. Mr. Erickson said that this would not cost more because why the employee in on disability compensation the city does not pay that Workers' Compensation portion of the benefit, so that would be a savings. Senator Thayer questioned whether cities did not have another salary from the newly hired replacement? Mr. Erickson said no because there is enough surplus in employees that a replacement is usually not hired. This gives the injured worker time to rehabilitate and return. If he retires, then they will hire someone else.

Senator Kennedy asked how many injuries do they have in one year? Mr. Erickson said he did not have that figure. Senator Kennedy said that this did not sound like it was going to be a lot of money. Senator Thayer suggested that if the committee passes this bill that they amend it to make it permissive with "may".

Senator Eck said this may apply only to self-governing cities. Senator Bengtson said that it is done now because Helena did it. Mr. Erickson said that he agreed with Senator Bengtson that it is permissive now.

Motion and Vote: Senator Waterman moved to Do Pass SB-276 as amended. The vote was recorded as a roll call. The motion passed 6 to 3 in favor.

HEARING ON HB-64

Presentation and Opening Statement by Sponsor: Representative Ray Peck said his bill originated like SB-79, when a member of the museum association in his area indicated that they wanted the number of board members increased. This bill basically does this, and this bill had amendments suggested to have "up to 5 members. There is language to stagger terms of office. These are

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Onot paying positions and these people like to serve and participate. This bill does limit the term to two terms in succession. They also recommended that on Page 3, the date for report could be changed to June 10, and would like to get it out of the way earlier.

Proponents' Testimony: Dr. Martin Baker, Chairman, Missoula City Board of Museums, and they would like to suggest an amendment to the bill. They appreciate what has been done, but their county commissioners would like the bill to read "three or more" members of the board. This would allow the county commissioners to determine the appropriate number of board members for their area. In Missoula we have two museums, and at the current time we need to expand the board. Museum boards historically have not been there to be fund raisers. With I-105 it has become a necessity to fund raise, and even five board members isn't enough. The other comment the commissioners would like to make is that they would like to determine the number of terms in a series that can be served. He personally thought six years was going to be enough for him.

Senator Harry Fritz, District #28, said that he had his bill, SB-79 held, that just raised the number on a county museum board. He had a third option for HB-64. He had Connie Erickson draft an amendment that would give the county the option from 3 to 7 members. (Exhibit #3). He consulted with Representative Peck and said it would be fine. They did not talk about whether re-eligibility for more than two terms should be local option. It is fine with him, and Representative Peck shook his head in agreement. He thought this would provide the flexibility that counties need. There are some 50 different county museums of all sizes, so some might need 7 while others only need 3. Those are the two amendments to HB-64 that he would recommend.

Larry Sommer, Montana Historical Society (MHS), said that he would be brief. They support the bill, but feel any specification to higher than 7 members would cause the MHS some concern.

Gloria Hermanson, Montana Cultural Advisory Board, agreed with Larry Sommer, and added that the number needed to start at 3, but that they felt comfortable with rest of the bill.

Opponents' Testimony: none

Questions From Committee Members:

Senator Waterman stated that she thought the drafting of the suggested committee bill would get rid of the need for HB-64 and

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SB-79. She asked why the committee could not just strike all of Part 2, Section 1 of HB-64, and allow county commissioners to decide those issues in this bill in case the committee bill doesn't go anywhere?

Senator Bengtson agreed that it was a good idea. She explained to Senator Fritz and Representative Peck what the committee was planning on doing with the 1st and 2nd tiers of Title 7. The committee has felt it is time to give the duties back to the counties. Representative Peck agreed with what the committee's intent is, but the timing may be a factor, and he agreed to Senator Waterman's suggestion.

Senator Thayer stated that if we had the language for the committee bill then we could possibly have a 2 paragraph bill to do this. Senator Bengtson said that C. Erickson would be instructed to draft the amendment to HB-64.

Closing by Sponsor: Representative Peck had no closing remarks, but thanked the committee for their time and consideration.

EXECUTIVE ACTION ON SB-195

Discussion: C. Erickson explained that there was an amendment purposed by Jo Brunner and all it does is add "sources of water". She explained the changes and pointed out the places in the bill it would be added.

Amendments, Discussion, and Votes: Senator Bengtson said the one opponent was a surveyor, but she found it hard to believe that these water entities would not be recorded someplace.

Senator Thayer said he had heard from some surveyors that are greatly concerned that they will be required to hunt down information that is not widely recorded. For the legislation to ask surveyors to go beyond the county court house to get information is wrong.

Senator Eck said that the committee could amend the bill on the definition of water entity, Page 17, line 2, and include in the definition " with records filed with the County Clerk and Recorders office". So if a record is not filed then they are not considered a water user entity for the purpose of this act. It

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would mean at one time that would have to make sure their entities were filed, and if they did not do this, then they would not have to be notified.

Senator Vaughn said she knows in searching these old water rights that there are lots of old ditches that are not recorded. They may still be through someone's property, but there would be no way a surveyor or title search could find record of them. She agreed that amending it to be "those of record" would help.

Senator Eck said that water user entities would have to make sure they are recorded if they wanted to be able to review master plans. Senator Waterman suggested "entities of public record". The entities expect someone to notify them, they should have to be recorded. Senator Bengtson said if water entities are lax in registering them, then it is their problem.

Senator Vaughn said that when they revised the law that everyone had to come in and refile their water rights, wells, or other things, they were all notified. Many were picked up, but many old ones still weren't. So if they are in record, it would give them clearance to the surveyors not to be held responsible if there is no record any place.

Senator Eck moved to amend SB-195 with the amendment from Jo Brunner and to add "of public record" were needed in the bill according to C. Erickson's advise. Senator Waterman suggested that C. Erickson look into where that should be in the bill. She asked Senator Eck if she meant to amend into this bill, not into the reference given in the bill? Senator Eck said that she meant to amend the bill at that location, not into that section of code.

Senator Thayer still had a problem adding another layer of review to the already cumbersome bureaucracy. This bill does not put any time limit on this review process. The public hearing is to get their input at that time. The letter he received stated "that the Greenfield Irrigation District in Cascade and Teton Counties is that most of the easements are unrecorded, and that the best source of information is the entity's own drawings of the water courses. We find that even with easement lists very seldom match use lines, and in the field this leads to problems with landowners that land surveyors should not be required to solve." It seems like it should be reversed, that the entities should have to give the information within a certain time.

Senator Bengtson said she was not under the impression that it had to be a review, they just had to be properly noted on the

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certificate of survey.

Senator Eck said that is the definition, but Senator Thayer was referring to the process. Senator Waterman asked if everyone is on the master plat?

Senator Eck said that this would involve the subdivisions process and the bill should state how this process would be involved in that procedure. She said this bill did not have a time frame on this process, so that it was timely with that needed in a subdivision process. She said that currently subdivision proposals go through review by the county and the city under a strict time frame.

Senator Bengtson said that she understood that the bill had two procedures; #1 notification of the water user, and #2 the review by the water user entity of the master plat.

Senator Beck asked Senator Bengtson to explain the original intent of the bill. Senator Bengtson said that irrigation districts have numerous lawsuits by people who buy property that has water user entities on them that the buyer is unaware of. The buyer builds on them, has seepage from, and even uses the water from them. When there are problems like seepage, they sue the water user entity. Liability lawsuits are rampant.

Senator Waterman asked if this was a result of the 20 acre exemption? Senator Beck said that the exemption is not part of subdivisions.

Senator Bengtson said that there was no intention to add another layer of review or to hold up the review process. Senator Beck stated that lots of ditches are never shown on a plat.

Jo Brunner addressed the committee. She rebuked Senator Thayer's letter by saying that Greenfield Irrigation District has excellent mapping on entities and easements. The idea is that water user entities should be identified on a plat. People buy, usually third hand, and then sue over this. The irrigation districts budget thousands of dollars to fight these lawsuits every year. The water user's are only asking that they be recognized as a facility that exists before the buyer purchases. They do not have to have the approval or permission, they just want it recognized. The review process allows the water entity to make sure that the entity was properly located and listed. Most water user entities around the large cities have good maps. All surveyors have to do is ask for a land description, and they are happy and willing to provide the information.

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Senator Thayer said entities are not recorded at the court house. Jo Brunner said they are not recorded at the court house, but they are public record at the water user entity association or irrigation district.

Senator Beck said that there could be no easement if it was recorded. Senator Vaughn asked Ms. Brunner if she would object to the amendment suggesting "those of record". She irrigation districts and other major ones would have their easements and maps, but said some old ones would probably not be recorded. Ms. Brunner said she would object less to that, if they just had to be "those of record", but she asked that the amendment not require that they have to be placed at the county court house. All the easements and maps are only, to her knowledge, in the water user entities association. Senator Bengtson stated they all have offices. Ms. Brunner said as far as she knew they did. She really gets upset when people say that water user entities are protective of their water. In this day and age, they register their water, permit, and everything else.

Senator Waterman asked how a surveyor would know where the records could be found? If it is not the courthouse, how do they know where to look? Ms. Brunner said if the surveyor has the description of the land, we might have to rely on his imagination, that a ditch running through there hooked up to a water entity. Are you saying that we have to tell each surveyor you have to look at a specific spot, and not rely on the fact that if he is on a Federal Reclamation Project he should know that an irrigation district is involved. Senator Waterman said she wondered how you know where the entity is, where their office is, what the name is, if you're looking for these things? Are they recorded at the court house? Ms. Brunner said that they are recorded at the court house.

Senator Beck said if this is included in the bill, that the water user entities and locations of records will be recorded at the court house in short order.

C. Erickson suggested that the concerns of the time constraints might be added to coincide with the subdivision laws. Senator Eck said that this bill does not say what the review process is. The regular review process involves notices, and hearings, and so it might be good to put "must be given the opportunity to comment" where it says "review" in the bill. Senator Beck said who will make the comment? Senator Eck said if "the water entity of record must be given the opportunity".

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Senator Harding said she understood Senator Eck's concerns. If this can be tied to subdivision review process, and this should all be done at once. Senator Eck said that the water user entity should be notified that they have an interest in this subdivision. C. Erickson said that this was what she meant to tie these all together.

Senator Harding asked Ms. Brunner if through their organization they would notify their water entities that this office will be going through the subdivision review, so they would need to know. Ms. Brunner said that each water user entity would be notified to do that, and it would not have to go through the office.

Senator Bengtson said that C. Erickson would work on the amendments, and all motions were withdrawn. The committee will then consider those in Executive Action.

EXECUTIVE ACTION ON SB-261

Motion: Senator Beck moved that all reference to taking of water systems by eminent domain without proving necessity be stricken, and strike section 35 entirely.

Discussion: Senator Beck asked C. Erickson to draft the amendments that would do this.

Amendments, Discussion, and Votes: Amendments (Exhibit #4) The motion to amend was unanimous. Senator Hammond had left the meeting.

Motion and Vote: Senator Eck moved to Do Pass SB-261 as Amended. The vote was unanimous with the 8 members present. The secretary will get Senator Hammond's proxy vote.

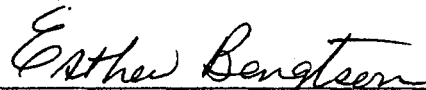
EXECUTIVE ACTION ON HB-119

Motion: Senator Eck moved to Concur on HB-119.

Recommendation and Vote: A roll call vote was taken. Senator Hammond voted no by proxy. The motion carried 8-1. The committee will ask Senator Halligan to carry this bill as he signed on it. If he refuses, Senator Eck will carry.

ADJOURNMENT

Adjournment At: 5:20 p.m.



ESTHER BENGTSON, Chairman



JOYCE INCHAUSPE-CORSON, Secretary

EB/jic

ROLL CALL

SENATE LOCAL GOVERNMENT COMMITTEE

DATE 2-14-91

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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.

WITNESS STATEMENT

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

Dated this 14 day of FEBRUARY, 1991.

Name: DR MARTIN K. BAKER

Address: 715 CLEVELAND
MISSOULA, MT

Telephone Number: 406-728-2789

Representing whom?
MSLA CITY, MSLA CITY BO OF MUSEUMS

Appearing on which proposal?
H.B. 64

Do you: Support? Amend? Oppose?

Comments:

Amendments to House Bill No. 64
Third Reading Copy

Requested by Senator Fritz
For the Committee on Local Government

Prepared by Connie Erickson
February 14, 1991

1. Title, line 6.

Strike: "FIVE"

Insert: "SEVEN"

2. Page 1, line 24.

Strike: "five"

Insert: "seven"

ROLL CALL VOTE

SENATE COMMITTEE LOCAL GOVERNMENT

Date 2-14-91 Bill No. SB-102 Time 4:10

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

Due Pass
Motion: SB-102 as amended

Amendments to Senate Bill No. 102
First Reading Copy

EXHIBIT NO. 2
DATE 2-14-91
BILL NO. SB-102

Requested by Senator Nathe
For the Committee on Local Government

Prepared by Connie Erickson
February 11, 1991

1. Title, lines 5 and 6.

Strike: "THE" on line 5 through "," on line 6

2. Title, line 8.

Following: "COMMISSIONERS"

Insert: "OR TRUSTEES"

3. Title, line 10.

Following: " ;"

Insert: "TO DEFINE THE TERM "VOLUNTEER FIREFIGHTER";"

4. Page 1, line 17.

Strike: "and"

Following: "workman"

Insert: ", and volunteer firefighter"

5. Page 3, line 3.

Following: line 2

Insert: "(2) The term "volunteer firefighter" means a firefighter who is an enrolled and active member of a fire company organized and funded by a county, a rural fire district, or a fire service area."

Renumber: subsequent subsections

6. Page 3, line 14.

Following: "subsection"

Strike: "(2)(d)"

Insert: "(3)(d)"

7. Page 4, lines 2, 3, and 4.

Strike: "the" on line 2 through "," on line 4

8. Page 4, line 5.
Following: "commissioners"
Insert: "or trustees"

9. Page 6, line 13.
Following: "benefits"
Insert: "and the payroll, for premium purposes,"

10. Page 6, line 14.
Strike: "(3)"
Insert: "(4)"

11. Page 6, lines 15 and 16.
Following: "upon" on line 15
Strike: the remainder of line 15 and line 16 in their entirety
Insert: "a wage of not less than \$900 a month and not more than 1
1/2 times the average weekly wage as defined in this
chapter."

ROLL CALL VOTE

SENATE COMMITTEE LOCAL GOVERNMENT

Date 2-14-91 Bill No. SB-276 Time 4:37

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

Due Pass
Motion: SB-276 as amended

SENATE LOCAL GOVT. COMM.

EXHIBIT NO. 1

DATE 2-14-91

BILL NO. SB-276

AMENDMENTS TO SB276

Page 1, Section 1, Line 13 - Strike "; full salary"

Page 1, Section 1, Line 13 - Following "his" insert "; net salary following adjustments for state and local income taxes and pension contributions."

Fritz

Amendments to Senate Bill No. 276
First Reading Copy

Requested by Senator Fritz
For the Committee on Local Government

Prepared by Connie Erickson
February 15, 1991

1. Page 1, line 13.

Following: "his"

Strike: "full salary"

Insert: "net salary, following adjustments for state and local
income taxes and pension contributions,"

ROLL CALL VOTE

SENATE COMMITTEE LOCAL GOVERNMENT

Date 2-14-91

Bill No. SB-261

Time 5:12

<u>NAME</u>	<u>YES</u>	<u>NO</u>
Senator Beck	X	
Senator Bengtson	X	
Senator Eck	X	
Senator Hammond		
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

Amendments to Senate Bill No. 261
First Reading Copy

For the Committee on Local Government

Prepared by Connie Erickson
February 15, 1991

1. Title, line 8.

Following: "DISTRICTS;"

Insert: "AND"

2. Title, lines 10 through 14.

Strike: ";" on line 10 through "MCA" on line 14

3. Page 16, line 22.

Strike: ":"

4. Page 16, line 23.

Strike: "(a)"

5. Page 16, line 24.

Strike: "; or"

Insert: "."

6. Page 16, line 25.

Strike: "(b)"

Insert: "(3) In case agreement is not reached in accordance with
subsection (2), the governing body may"

7. Page 17, line 1.

Following: "domain"

Insert: "in accordance with Title 70, chapters 30 and 31"

8. Page 17, lines 2 through 8.

Strike: subsection (3) in its entirety

9. Page 17, line 9 through page 18, line 13.

Strike: section 35 in its entirety

Renumber: subsequent section

ROLL CALL VOTE

SENATE COMMITTEE LOCAL GOVERNMENT

Date _____ Bill No. HB-119 Time 5:15

<u>NAME</u>	<u>YES</u>	<u>NO</u>
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 Concurred HB-119

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
February 15, 1991

MR. PRESIDENT:

We, your committee on Local Government having had under consideration Senate Bill No. 102 (first reading copy -- white), respectfully report that Senate Bill No. 102 be amended and as so amended do pass:

1. Title, lines 5 and 6.

Strike: "THE" on line 5 through "," on line 6

2. Title, line 3.

Following: "COMMISSIONERS"

Insert: "OR TRUSTEES"

3. Title, line 10.

Following: ";

Insert: "TO DEFINE THE TERM "VOLUNTEER FIREFIGHTER":"

4. Page 1, line 17.

Strike: "and"

Following: "workman"

Insert: ", and volunteer firefighter"

5. Page 3, line 3.

Following: line 2

Insert: "(2) The term "volunteer firefighter" means a firefighter who is an enrolled and active member of a fire company organized and funded by a county, a rural fire district, or a fire service area."

Re-number: subsequent subsections

6. Page 3, line 14.

Following: "subsection"

Strike: "(2)(d)"

Insert: "(3)(d)"

7. Page 4, lines 2, 3, and 4.

Strike: "the" on line 2 through "," on line 4

8. Page 4, line 5.

Following: "commissioners"

Insert: "or trustees"

9. Page 6, line 13.

Following: "benefits"

Insert: "and the payroll, for premium purposes,"

10. Page 6, line 14.

Strike: "(3)"

Insert: "(4)"

11. Page 6, lines 15 and 16.

Following: "upon" on line 15

Strike: the remainder of line 15 and line 16 in their entirety

Insert: "a wage of not less than \$900 a month and not more than 1
1/2 times the average weekly wage as defined in this
chapter."

Signed: _____
Esther C. Bengtson, Chairman

MA 2-15-91
Amd. Coord.

EB 2/15 12:15
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 15, 1991

MR. PRESIDENT:

We, your committee on Local Government having had under consideration Senate Bill No. 276 (first reading copy -- white), respectfully report that Senate Bill No. 276 be amended and as so amended do pass:

1. Page 1, line 13.

Following: "his"

Strikes: "full salary"

Insert: "net salary, following adjustments for state and local income taxes and pension contributions,"

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

2-15-91
Amd. Coord.

2-15-91 5:05
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 15, 1991

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 119 (third reading copy -- blue), respectfully report that House Bill No. 119 be concurred in

Signed: _____
Esther G. Bengtson, Chairman

Approved 2-15-91
And. Coord.

EP 2-15 12:15
Sec. of Senate