

## MINUTES

### MONTANA SENATE 54th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON LOCAL GOVERNMENT

**Call to Order:** By VICE-CHAIRPERSON ETHEL HARDING, on February 2, 1995, at 1:00 p.m.

#### ROLL CALL

**Members Present:**

Sen. Thomas A. "Tom" Beck, Chairman (R)  
Sen. Ethel M. Harding, Vice Chairman (R)  
Sen. Sharon Estrada (R)  
Sen. Delwyn Gage (R)  
Sen. Don Hargrove (R)  
Sen. Dorothy Eck (D)  
Sen. John "J.D." Lynch (D)  
Sen. Jeff Weldon (D)

**Members Excused:** Sen. Sharon Estrada

**Members Absent:** none

**Staff Present:** Susan Fox, Legislative Council  
Elaine Johnston, Committee Secretary

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

**Committee Business Summary:**

Hearing: SB 208, SB 214, SB 221  
Executive Action:

#### HEARING ON SB 208

Opening Statement by Sponsor:

SEN. KEN MESAROS, SD 25, Cascade, presented SB 208 which is an act generally revising the laws relating to confinement costs for inmates, including costs of medical care; proving that the board of county commissioners may establish the rate of daily credit for confinement costs. SEN. MESAROS read the changes involved in the SB 208. He stated that by using a daily rate equal to the actual cost incurred the actual cost will be arrived at rather than the prescribed cost that was set in statute of \$25. He continued that there is not a fiscal impact to the Department of Correction or the Department of Justice, but there may a result in an increased recovery of medical expenses from inmates found to have the ability to pay. SEN. MESAROS noted that what SB 208

achieves is if an inmate is found to have the ability to pay, they will be responsible for their own consequences as much as possible and create less tax burden on the taxpayer.

Proponents' Testimony:

**Kathy McGowen, representing the Montana Sheriff's and Peace Officer's Association (MSPO)**, stated that SB 208 is an effort by MSPO and the Montana Association of Counties (MACO) to ease the burden on taxpayers by requiring inmates incarcerated in local detention centers to pay for their incarceration and medical cost when they have the financial resources to do so. She continued that many of the sheriffs across the state sometimes see individuals jailed in particular drug dealers that have personal property and accounts that are very large and have the ability to pay for their incarceration. SB 208 would enable the county to access some of that in return for their care. This would include reimbursement for their food, personal hygiene items, clothing, bedding, nursing care, dental care, medical care, and other items. She continued that it is important to understand that presently the counties can be reimbursed at a rate of \$25 per day and SB 208 would allow the county commissioners to set a rate that is more reflective of the actual cost. **Ms. McGowen** said that as taxpayers it is a necessary accommodation to make. She said in closing that MACO will be offering an amendment to SB 208 which they support.

**Gordon Morris, Director, MACO**, supported SB 208 and presented an amendment (**EXHIBIT 1**). He said that the logic to the amendment is that medical expenses should be an individual's liability inside or outside of jail if they have the ability to pay or there is a third party payor. **Mr. Morris** said the amendment removes the suggestion that it would be a sentencing liability but a liability from the point of detention. He noted that if the inmate is indigent and detained they would not be assessed any medical costs. He stated that at the point of arrest and the time the inmate is incarcerated if it is determined the capability is there by the inmate or a third party payor to pay, the county can go after the funds. **Mr. Morris** went on that it is the case right now if a person is in jail on a bailable offense, the offense can be worked off at a rate of \$25 a day but the actual cost of incarceration may run as high as \$70 a day so the inmate shall work off at the rate of the actual cost. He asked the committee's favorable consideration of SB 208.

**Bill Rappold, Chairman, Pondera County Commission**, urged the committee's support of SB 208.

**John Strandell, Under-Sheriff of Cascade County and a Board Member MSPO**, supported SB 208 as it makes criminals more accountable for the costs they incur while being confined to county jail. He stated that for years there has been the perception that when criminals are confined to county jail the local taxpayers are fully responsible for the costs incurred and

this perception must change. He said that within SB 208 courts will order sentenced inmates to pay the costs of confinement if it is determined they can pay and if the courts so order local government then can initiate proceeding to collect payment upon the costs of confinement immediately. **Mr. Strandell** also noted his support of the MACO amendment. He cited an example that in Cascade County there is an agreement with Credit Associates, a local collection agency, allowing the County Attorney to initiate action to collect on medical payments and to file claims with Credit Associates. While only limited success, he said he anticipates more success as they take more inmates at task to court. He noted that current law allows judges the discretion to order inmates to pay for the cost of confinement but many times the judges in court find the inmate indigent when that may not be the case. **Mr. Strandell** emphasized that it is time to make the inmates fully accountable for their actions and he asked for a do pass on SB 208.

**Dennis McCave, Lieutenant, Yellowstone County Sheriff's Department**, supported SB 208. He supported strongly making inmates responsible for their own medical costs while incarcerated. He stated this will relieve taxpayers of a burden that many times is not necessary or reasonable, third party for profit industries avoid paying medical costs normally paid if the person was not in jail, and inmates seek medical treatment they would not normally seek or need if not incarcerated, pre-existing conditions become taxpayers responsibilities and SB 208 will relieve that responsibility. He continued that inmates will inflict injuries or aggravate conditions to obtain early release and to enact inmates medical responsibility has been proven to reduce the abuse on medical staff allowing to focus on those with actual needs, provides education to inmates on personal health care, and establishes reasonable and responsible co-payment systems. **Mr. McCave** said that this in no way will this deprive an inmate to receive medical services, facilities will still maintain medical staffing and contracts. He urged support of the committee for the relief on taxpayers.

**Andy Whiteman, Budget Management Director, Yellowstone County**, stated that currently they must budget \$135,000 for medical costs for jailed prisoners that could be used to pay for extra deputies. He said they would like to have the opportunity to recoup some of this money so they can pay for other costs of law enforcement in the future in Yellowstone County. He urged the committee's support of SB 208.

**Opponents' Testimony:** none

**Questions From Committee Members and Responses:**

**SEN. DON HARGROVE** stated that there is currently in the Montana Code procedure for seizure of assets from convicted persons under civil action. He then asked **Mr. Strandell** if there was conflict with this or is a separate civil action was needed or if this

bill will stand alone? **Mr. Strandell** answered that it needs to be a specific law relating to confinement and medical costs therefore no conflict.

**SEN. HARGROVE** asked if it was true that current law requires payment for medical and if it is true, does it need to be included in SB 208 also? **Mr. Strandell**, replied that current law does require that medical payments may be sought from inmates after release. He continued that the MACO amendment would allow additional payment to be sought while indigent if they have assets.

**SEN. HARGROVE** asked how it is determined if the inmate has assets or is there another civil action required in order to look into bank accounts? **Mr. Strandell** answered that there are some civil action required but also each person is attached to an investigating officer and if a search warrant was at some time issued there is access to the inmates assets.

**SEN. HARGROVE** asked **SEN. MESAROS** if when drafting the bill there was any thought to go farther and have an inmate pay for someone else's medical bill if he or she caused the problem. **SEN. MESAROS** stated that he did not consider that and to his knowledge that has not been discussed. **SEN. HARGROVE** directed the same question to **Mr. Strandell**. **Mr. Strandell** emphasized that that was something that should be looked at but he did mention that in cases where an inmate causes such a problem, they can recover costs through a court order.

**SEN. J.D. LYNCH** asked if this bill would cover the State Prison? **SEN. MESAROS** referred the question to **Mr. Morris**. **Mr. Morris** did not know the answer.

**SEN. LYNCH** asked if a person gets arrested and sentenced for 10 to 15 days and is broke, but later he gets a job, can you bill this person later? **SEN. MESAROS** responded that that is in the hands of the court to determine. **SEN. LYNCH** further asked if it is based on the ability to pay at the time of incarceration? **SEN. MESAROS** noted that it sets the ability to pay up front.

**SEN. LYNCH** asked if there is a joint checking or savings account involved to receive payments from, can the county access this money even though it belongs to another person also? **SEN. MESAROS** answered that that would be covered in other statutes and the courts. **SEN. HARGROVE** added that in statute there is protection for the other owner of the account.

**SEN. DOROTHY ECK** asked **Mr. Whiteman** what kinds of costs are included in the actual cost. **Mr. Whiteman** answered that presently it costs around \$55 a day to house a prisoner in the Yellowstone Detention Center but by law it can only be worked off at \$25 a day. He continued that the \$55 involves all the operating costs to house the prisoner plus the debt service to

pay on the outstanding bonds and the county is subsidizing the difference between the \$55 and \$25.

**SEN. ECK** asked that under SB 208 \$55 a day would be charged and the inmate would receive credit on that fine. **Mr. Whiteman** answered that was correct.

**SEN. ECK** also asked if the same \$55 rate will be paid for community correction programs? **Mr. Whiteman** did not have an answer to the question.

**SEN. DELWYN GAGE** asked about the language on page 2, line 8 and 9, if it is contemplated that the daily credit for incarceration would be considered payment prior to incarceration? **SEN. MESAROS** stated that his interpretation was that the payment must be received before incarceration.

**SEN. GAGE** noted that he felt they were defeating the purpose of the bill if a person could get a credit for \$65 a day for five days and that person pays \$325 before confinement, when the five days are served the \$325 must be returned for credit earned. **Mr. Strandell** stated that they want to send a strong signal out that the inmate shall be responsible for confinement costs before confinement. He continued that there will be some indigents who will not be able to pay for the costs and the court can sentence that person to jail as a payment for each day served. It also would allow the county to at a later date go claim payment.

**SEN. LYNCH** asked about a person who does have the ability to pay the confinement cost but refuses so instead he serves the time in jail until paid off and does not pay anything therefore getting off scott free. **Mr. Strandell** stated that **SEN. LYNCH** was correct.

**SEN. GAGE** asked **Mr. Morris** in regards to the amendment if there is an conflict with page 1, 4(a) where the administrator requires the inmate to have medical services and when the inmate is responsible for the costs. **Mr. Morris** emphasized that that particular issue was discussed quite extensively. He noted that it is the understanding that this section covers from a procedural stand point the relationship between the county and the arresting agency in terms of ultimate liability.

**SEN. GAGE** asked **SEN. MESAROS** if he would like a passage and approval date on the bill? **SEN. MESAROS** strongly suggested that it be placed on the bill.

**Closing by Sponsor:**

**SEN. MESAROS** stated that it is important to focus on the intent of the bill which is an inmate found to have the ability to pay they should be burdened with their actual costs of confinement. He said that by setting the daily rates by the county commissioners they will be able to achieve their intent. **SEN.**

MESAROS supported the MACO amendment and urged an effective date upon passage and approval and the support of the committee.

HEARING ON SB 214

Opening Statement by Sponsor:

SEN. BILL WILSON, SD 22, Great Falls, presented SB 214 which will make some funding permanent that was temporary from the 1993 Legislative Session. In 1993 the Legislature enacted a law that allocated 25% of the fees for boat registration to a special revenue account to be used by the Department of Fish Wildlife and Parks (DFWP) for the improvement of regional boating facilities. At that same time the Legislature provided for a five member boating advisory council to advise the DFWP of how to spend the funds. The advisory council does not receive any compensation and is strictly voluntary. SEN. WILSON presented the committee with projects completed in the 1994\1995 biennium, and projects needed (EXHIBIT 2 AND 3). He stated that this is a good program which has done good work but the funding mechanism will run out July 1, 1995. SB 214 will make the funding permanent.

Proponents' Testimony:

REP. PAUL SLITER, HD 76, Somers, supported SB 214. He suggested an amendment with a ten year sunset so the DFWP can justify the money they are spending and if they fail to justify the money will revert back to the county general fund.

Ken Hoovestol, Montana Boating Association, stated that REP. BOHARSKI who sponsored the bill in the 1993 Session wanted to be put on record supporting SB 214. He continued that he agreed with the ten year sunset amendment and thought it would be a good idea. The advisory council would be changed somewhat and the way the wording in the 1993 bill made the advisory council deal with only the money from the fees. SB 214 expands the council's advisory capacity to the DFWP for all motor boat money. He said the council will take care of questions regarding accountability. Mr. Hoovestol noted that when a person pays their registration which region of the state their money will go to. The other 75% of the registration fees goes to the county general fund. The sunset put on two years previous was put on to hold the DFWP accountable and not to be a temporary project. Mr. Hoovestol pointed out that there were some real benefits to the council and it was the understanding if the council did a good job the sunset would no longer be necessary.

Dave Seifer, President, Montana Boating Association, and a Member of the Advisory Board, stated that in 1993 they worked very hard to get this bill and the benefits have been tremendous to the boaters. There have been improvements in areas such as Glasgow, and Cooney Reservoir. The impact on the counties was not as great as what they expected due to the increase in boat registrations by 3,425 units from two years ago. He continued that the

advisory board was one of the best things to come out of the 1993 bill as they have been able to work with the DFWP to channel funds into some areas where needed. **Mr. Seifer** noted that he talked with the Flathead County Commissioners and the Treasurer of Flathead County who have no problems with the bill and that the benefits from the bill far offset any cost to them. He urged the committee's support of the bill.

**Arnie Olsen, Administrator, Parks Division DFWP**, submitted his written testimony in support of SB 214 (EXHIBIT 4).

**Tim Crawford, Manager, Gates of Mountains Marina and Advisory Council Member**, stated that from the boaters stand point they have been in favor of SB 214 and he urged the committee's support.

#### Opponents' Testimony:

**Patricia Cook, Legislative Chairman of the Montana County Treasurers Association, and Lake County Treasurer**, stated that when HB 463 was passed two years ago, there was not a lot of opposition from treasurers and local governments because it was just a two year plan. She pointed out that in the fiscal year 1994, the 25% boat fee generated over \$160,000 as given by the State Treasurers Office. This revenue would normally be distributed to not only to county general funds but to schools, cities, towns, and fire districts. She said there seems to be a movement to keep chipping away at the money that goes to local governments. **Ms. Cook** said that boats are like personal property where you pay on a fee to get your boat registered but the money is distributed based on a mill levy. In the past boats were assessed on a book value so the newer the boat the more taxes you would pay. She passed out a sheet showing the fees on boats (EXHIBIT 5). **Ms. Cook** did acknowledge that Lake County has been a large recipient of the benefits but they are also a reservation county and this money comes from boat fees which tribal members do not pay. She stated she thought SB 214 is a good plan but needs another source of funding possibly through boat decals. She asked the committee to not pass SB 214.

**Cort Harrington, Montana County Treasures Association**, stated that he would like to address the public policy of operating a new program and finding some other source of funding that did not come from state government and specifically local government. He continued that if the program does have merit then they should find a funding source rather than sluff off the cost on the counties. **Mr. Harrington** stated that if this is such a good program, the legislature should find a source of revenue to fund it and not take it away from an existing government entity that needs it.

**Gordon Morris, Director, MACO**, submitted a letter from the Lake County Commissioner in opposition to SB 214 for the record (EXHIBIT 6).

Questions From Committee Members and Responses:

**SEN. LYNCH** asked **Mr. Olsen** if they were already in violation of the law as there are seven members on the advisory council and the bill states that there should be five members. **Mr. Olsen** responded that it was their interpretation that it had to be a minimum of five and they want as much public input as possible.

**SEN. HARGROVE** asked how a dock was fixed before the bill in 1993 was passed? **Mr. Olsen** stated that the dock was not fixed but they do have access to some federal dollars which must be matched by state or private funds. These funds can be matched at a maximum of three to one but many of the park sites because they are not 100% fishing or boating use have to be matched according to the type of use usually being one to one. He continued that there is a backlog of public demand that is currently not being met.

**SEN. HARGROVE** asked if there are funds that statutorily could be used based on priority with in the DFWP? **Mr. Olsen** noted that there are a very small amount of those funds as they receive a minimal portion of the boat decal fees.

**SEN. LYNCH** asked if someone could supply the committee with how much each county will receive if SB 214 does not pass? **Mr. Hoovestal** said he would take care of that.

**SEN. ECK** asked **Mr. Olsen** about the Daily Lake issue and wanted to know if DFWP takes any type of survey of the users before making any improvements to see what the users want? She pointed out that many of the Daily Lake users did not want a boat ramp as it is primarily used by windsurfers. **Mr. Olsen** replied that the Daily Lake situation was not handled properly and through the EA process are required to conduct public hearings and user preference surveys. Many of the facilities put in across the state are based on public demand but there are some cases where communication is confused and a project does not meet with public opinion. He said it is not the DFWP intent to put facilities in where people do not want them.

**SEN. ECK** asked if the fee system makes sense? **Ms. Cook** stated that when the Department of Justice decided to title boats law enforcement had to go out and inspect the boats and this was separate from the fee. **SEN. ECK** continued in asking if this is an efficient system as in other states they do not keep titles on items over a few years old and we may be spending a lot more than collecting? **Ms. Cook** stated that the fee is in place of a personal property tax.

{Tape: 1; Side: B; Approx. Counter: ; Comments: .}

**SEN. GAGE** asked do leveraged federal funds follow where the fees come from or are they allocated on the Advisory Council's



recommendations? **Mr. Olsen** stated that they utilize the Advisory Council to direct the funds. Some of the funds have strings attached and certain sites the funds can or cannot be used on. When you apply for federal funds, it takes time to do that and if the funds are not going to continue it makes it difficult to leverage the funds.

**SEN. GAGE** asked if they looked at increasing the decal fee to raise money? **SEN. WILSON** answered that he had not looked at that.

**Closing by Sponsor:**

**SEN. WILSON** pointed out that the Advisory Council would be willing to change the language in the bill to make it a seven member council rather than five as currently there are seven members who are volunteers. The original sunset of 1995 was a way to prove how well the funds could be spent and gain the confidence of the Legislature, he did say **REP. SLITER'S** suggestion of a ten year sunset would be fine. He said that it is boaters paying the fees and who better to benefit from the funds than the users. He asked for favorable support of SB 214.

**HEARING ON SB 221**

**Opening Statement by Sponsor:**

**SEN. STEVE DOHERTY, SD 24, Great Falls,** presented SB 221 which is a one time bump called an AD HOC increase in benefits for certain members of the municipal police officers retirement system and their survivors. The reason for this is that the current minimum benefits paid to retired members is 50% of the base salary of a newly confirmed patrolman. This one time increase would bump them up to a sergeant pay. For those who retired at or above the level of sergeant they have had to wait 10 to 15 and almost 20 years for any increase in their retirement benefits. This is a matter of fairness and equity and went through the committee on public employee retirement systems and received an endorsement from them. For these people who have served the people of Montana they deserve fair treatment. There will be a fiscal impact which would affect around 336 retired police officers and their survivors.

**Proponents' Testimony:**

**Bill Steele** presented the committee with a graph (**EXHIBIT 7**) relating to the pay scale and retirement system. He said that under the present law in the early 1980's they tried to get some kind of cola into the retirement system to get people in lower ranks up to a reasonable retirement amount. The solution was that the lowest any police officer could be paid would be no less than half of a patrolmans pay. The problem is that the senior patrolmen have to wait years before they reach the graduated scale. The red line on the graph represented the proposed bill.

SB 221 would allow a one time increase to the red line on the graph. An actuary showed there would be a 1.8% increase with 1% coming from Cities and the remaining would come from tax fund money. HB 221 is an act to correct a wrong. Currently there is an inequity and if not fixed, it will get predominantly worse. In regards to the GABA bill, the sergeants, lieutenants and captains would establish the GABA at 2% from the base sergeants pay rather than the base patrolmans pay. The 2% does not fully address the issue because for 10 or 15 years, people have been receiving less than they should have. Therefore, the lack of the 2% has eroded the retirement of those who have been retired for 10 to 15 years. To create an equitable situation, the one time AD HOC increase is needed along with the 2% increase. At this stage, the one time increase is the most feasible and least costly to address the issue.

**Frank Cole, Missoula**, stated the breakdown of his expenses and noted that when done paying these expenses, he has \$106 left from his retirement. Confirmed officers have been held down and the cost to the retired officers have been held down. The confirmed officer rate from 1984 to 1994 has increased by \$320. **Mr. Cole** pointed out that he was also representing **Dick Keniston** who after two years of retirement in 1983 suffered a stroke and has not received an increase in his retirement since 1983. He continued that there are many cases like Mr. Keniston's and he would appreciate any support from the committee.

**Troy McGee, Captain, Helena Police Department**, represented the **Montana Police Protective Association**, stated that they are in very strong support of SB 221.

The following were in support of SB 221:

**Rudy Fortune, Butte** retired police officer  
**Fred Guay, Butte** retired lieutenant  
**Mike Graham, Butte** retired sergeant  
**Harry Lambert, Butte** retired lieutenant  
**Richard Klemencic, Great Falls** retired police officer  
**Bert Kohlmeier, Great Falls** retired lieutenant  
**Charles Bresak, Great Falls** retired master patrolman  
**Ed Axtman, Great Falls** retired lieutenant  
**Clayton Bain, Great Falls** retired chief of police  
**Ray Robinson, Missoula** captain Missoula Police Department  
**Herb Raihl, Missoula** captain Missoula Police Department  
**Dick Keniston, Missoula** retired  
**Floyd Campbell, Missoula** retired lieutenant  
**Tom Huff, Lewistown** retired chief of Lewistown  
**Cliff Ayers, Great Falls** patrolman first class  
**Jim Cole, Missoula** lieutenant  
**Bill Rose, Missoula** retired

Opponents' Testimony:

**Bill Verwolf, Helena City Manager**, opposed SB 221 not for the adjustment the officers want as it needs to be addressed but he is concerned about the contribution adjustment. The contribution rates are proposed to be raised not only for the state but also the municipalities. The public safety retirement system in the early 1980's went through a struggle and came up with solutions that have worked fairly well. One of the keys is that the employment premium tax was established to provide retirement for public safety officers. The agreement in the early 80's stated that the municipalities and counties would contribute an amount for public safety equal to what they contribute for the public employee retirement system for the non-public safety retirement systems which was 13.02% and the rest of the contribution to complete the funds came from the employment premium tax which supplies more than enough to fund this particular bill and other recommended adjustments. Over history, a lot of the money in the employment premium tax has been put into the general fund. **Mr. Verwolf's** suggestion was that instead of charging the state a 16.5% contribution, and the municipalities a 15.4% contribution that they leave the cities contribution at 14.36% and raise the state contribution to 17.54% and take the money from the insurance premium tax intended for this purpose. This would keep costs down on the local governments and with these amendments they would support the bill.

**Alec Hanson, League of Cities & Towns**, opposed the bill as written. There is a cost of around \$150,000 a year for cities and it is hard to come up with that money. He agreed with the suggestions of **Mr. Verwolf**. The original arrangement with the insurance premium tax was that the money would be used to fund public safety pension programs. Around \$22 million in insurance premium tax is going into the state general fund which would be able to fund the adjustment requested by the police officers. He asked the committee to look at that possibility to fund the adjustment. The League of Cities & Towns values their employees and do not wish to oppose SB 221 and did support the GABA bill which will eliminate the need for AD HOC increases and continual adjustments.

#### Questions From Committee Members and Responses:

**SEN. ECK** stated that the technical note in the fiscal note referred to HB 268 and asked if that was the GABA bill? **SEN. HARDING** stated that it was the GABA bill which was heard in State Administration Committee.

**SEN. HARGROVE** asked if under GABA both lines on his graph (EXHIBIT 7) would raise proportionately but SB 221 would get a person to the red line more quickly? **Mr. Steele** stated that the red line would not be acknowledged in the GABA bill.

**CHAIRMAN BECK** asked if **Mr. Verwolf** would provide a breakdown of the different percentages to which he referred. **Mr. Verwolf** stated that he would provide the information.

CHAIRMAN BECK asked Mr. Verwolf if he felt it may be a mandate on counties? Mr. Verwolf stated that it is a mandate and as the state adjusts these requirements on contribution rates it clearly puts a burden on local governments. Aside from the fact of the unfunded mandate, they thought an agreement was reached that as the state determined adjustments were needed and in excess of funds provided for public employee system employees, the insurance premium tax fund would pick up the difference. Mr. Verwolf would like to see a continuation of that process.

Closing by Sponsor:

SEN. DOHERTY stated that this is a good thing to do as these are the folks that have been on the line and advanced. Because of a quirk in how retirement is dealt with, they have been caught and the GABA bill is a good start but is not enough for these folks as their base needs to go up. This will cost money and there is the question of the unfunded mandate. The money issue is understandable from the cities viewpoint but the cities owe these folks something and some contribution from the cities and the state is reasonable. With passage of SB 221 a wrong will be made right for those who advanced and became the sergeants, lieutenant, and captains. He asked for the committees concurrence.

ADJOURNMENT

Adjournment: 2:50 p.m.

  
SEN. TOM BECK, Chairman

  
ELAINE JOHNSTON, Secretary

TB/ej

MONTANA SENATE  
1995 LEGISLATURE  
LOCAL GOVERNMENT COMMITTEE

ROLL CALL

DATE 2-2-95

[illegible]

SEN:1995  
wp.rollcall.man  
CS-09

MONTANA  
ASSOCIATION OF  
COUNTIES

AMENDMENT TO

SB 208

SPONSORED BY: SENATOR KEN MESAROS

Page 2, line 4, following "confinement" insert: AND MEDICAL

Following "inmate." insert (1)

Beginning on line 10 insert:

(2) AN INMATE SHALL BE RESPONSIBLE FOR THE ACTUAL COSTS  
OF MEDICATION, MEDICAL SERVICES OR HOSPITALIZATION WHILE THE  
INMATE IS DETAINED IN A DETENTION CENTER. INABILITY TO PAY  
SHALL NOT BE A FACTOR IN PROVIDING NECESSARY MEDICAL CARE  
FOR AN INMATE. NOTHING IN THIS SECTION SHALL RESTRICT AN  
INMATE'S RIGHT TO USE A THIRD PARTY PAYOR.

# BOATING IN-LIEU PROJECTS

## BIENNIUM 94/95

**Region 1 Kalispell****\$129,752**

Flathead State Park

Big Arm

West Shore

Wayfarers

Somers FAS

boat ramp, courtesy docks, access road, parking, accessible toilet

access road, ramp repair

dock repair and extension, piling removal

dock tie up points, navigation lights, hazard warnings

Whitefish Lake St. P.

boat ramp repair, courtesy dock

**Region 2 Missoula****\$52,242**

Salmon Lake S. P.

boat ramp and dock replacement

Tarkio FAS

boat launch, latrine, road repair, signing

**Region 3 Bozeman****\$81,267**

Daily Lake FAS

enlarge boat ramp, courtesy dock

**Region 4 Great Falls****\$55,923**

Pelican Point FAS

latrine, road work, gravel

Bynum FAS

latrine

Bean Lake FAS

latrine

Mid Canon FAS

latrine, road work

**Region 5 Billings****\$25,344**

Cooney State Park

Red Lodge Bay

Marshall Cove

ramp extension, courtesy dock

boat ramp replacement, courtesy dock, road repair, graveling

**Region 6 Glasgow****\$40,496**

Rock Creek FAS

new boat ramp, courtesy dock, latrine, road work

**Region 7 Miles City****\$14,876**

Tongue Reservoir

two courtesy docks



**Priority Needed Boating Improvement****Region 1, Kalispell**

Whitefish Lake St. Park	hazard markings, overnight moorings
Yellowbay State Park	boat ramp repair, courtesy dock, accessible toilets
Logan State Park	boat ramp repair
Multiple FASs	ramp repair or replacement, courtesy docks, accessible latrines

**Region 2, Missoula**

Salmon Lake St. Park	shoreline docks, accessibility modifications, road and parking repairs
Placid Lake State Park	boat ramp extension, buoys, accessibility modifications, latrine replacement
Dry Creek FAS	relocate boat ramp, road repair, latrine
Big Eddy FAS	site protection , ramp installation, latrine
Forest Grove	replace latrine, fencing
St. Regis	install boat ramp

**Region 3, Bozeman**

York Bridge FAS	courtesy docks, accessible ramp gravel
Hauser State Park	Black Sandy boat docks: toilet replacement, landscaping
Harrison Lake FAS	fencing, toilet replacement
Daily Lake FAS	latrine replacement

**Region 4, Great Falls**

Miscellaneous FASs	boat ramp repair or replacement, accessible toilets, road repairs
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**Region 5, Billings**

Cooney State Park	road and parking area graveling, safety buoys, signing, boat docks
Arrow Island FAS	new boat ramp, parking, access road, fencing
Deadman's Basin FAS	latrine replacement, courtesy dock
Miscellaneous Sites	river mileage and directional signing

**Region 6, Glasgow**

Rock Creek FAS	parking, boat docks
Dredge Cuts FAS	boat dock
Culbertson Brdg. FAS	boat ramp, access road, parking,

**Region 7, Miles City**

Tongue Res. St. Park	additional boat ramp, courtesy docks, mooring docks, road repairs, accessible toilets, drinking water
Sidney Bridge FAS	boat ramp, road work, latrine
Miscellaneous FAS's	road repair, parking repair
Myers Bridge FAS	replacement boat ramp
Powder River FAS	boat ramp, road, parking , latrine
Roche Juan FAS	ramp repair
Diamond Willow FAS	ramp repair
Fallon Bridge FAS	ramp repair

TSB214P.S

Senate Bill No. 214

February 2, 1995

Testimony presented by Arnie Olsen  
Montana Fish, Wildlife and Parks  
before the Senate Local Government Committee

The 1993 Legislature passed House Bill 463 which temporarily allocated 25 percent of the funds collected by Counties for payments in lieu of taxes on motorboats and directed those funds to Fish, Wildlife & Parks (FWP) to be used to make improvements for boaters at state owned facilities. HB 463 also created the Boating Advisory Council to advise FWP on the expenditure of the funds generated.

During the last two years FWP has been very successful working with the Boating Advisory Council and Montana boaters to put these funds to beneficial use. Unfortunately the need for boating improvements and maintenance projects far outstrips our ability to respond to the needs of boaters.

I have a handout which describes the boating projects we have accomplished in 1994 and the need we still face to provide adequate facilities for boaters. Senate Bill 214 can help provide for these needed facilities.

I urge your support and passage of Senate Bill 214 to remove the sunset of the previous legislation and to make permanent the Boating Advisory Council.

Attachments

## Montana Boating Advisory Council

Dave Seyfert  
Flathead Sports  
3207 Highway 93 South  
Kalispell, MT 59901  
755-8767

Ed Allen  
15 Campbell Dr.  
Billings, MT 59102  
656-6169 (H)  
248-3865 (W)

Tim Crawford  
Box 478  
Helena, MT 59624  
458-5241

Diane Brandt  
307 1st Ave North  
Glasgow, MT 59230  
228-4515 (H)  
228-4614 (W)

Dr. Art Thompson  
Flathead Lakers, Inc.  
P. O. Box 747  
Lakeside, MT 59922  
844-2806

Senator Bill Wilson  
1305 2nd Ave. N.  
Great Falls, MT 59401  
452-7866

Jerry Doeden  
Doeden Construction  
Yellowstone Hill  
Miles City, MT 59301  
232-1400

SB 214

MOTORBOAT AND SAILBOAT FEES

	LENGTH		YEARS OF AGE		
	At Least	Less Than	0-4	5-9	10 or Older
Motorboats	10'	14'	\$7.50	\$5.65	\$3.75
Sailboats	12'	14'	7.50	5.65	3.75
Motor & Sailboats	14'	16'	15.00	11.25	7.50
Motor & Sailboats	16'	17'	32.00	24.00	16.00
Motor & Sailboats	17'	19'	*\$3 per ft	*\$2 per ft	*\$1.50 per ft
Motor & Sailboats	19' or longer		*\$4 per ft	*\$3 per ft	*\$2 per ft

\*Any fraction of a foot is considered a full

PERSONALIZED WATERCRAFT	0-3 Years of Age	\$22.00
PERSONALIZED WATERCRAFT	4 Years of Age or Older	\$15.00
MOTORIZED CANOE, CANOE OR KAYAK PROPULSED BY WIND OR		
A MOTORIZED RUBBER RAFT		\$7.50
MOTORIZED PONTON		\$20.00



Lake County Courthouse

883-7204

(408) 883-7204

## LAKE COUNTY

108 4th Ave. E.

Polson, Montana 59860

Feb. 2, 1995

SENATE LOCAL GOVT. COMM.

EXHIBIT NO. 6DATE 2-2-95BILL NO. SB 214

Chairman, Tom Beck &  
 Vice-Chair, Ethel Harding  
 Senate Local Government Committee  
 Capitol Station  
 Helena, MT 59620

The Board of Lake County Commissioners wish to oppose S.B. 214.

Lake County originally agreed to a two year cooperative support of 25% of boat fee money's to the Department of Fish, Wildlife and Parks for improving boating facilities.

We can ill afford to continue giving up approximately \$20,000 annually to the Department of Fish, Wildlife and Parks.

We are continually losing tax base in Lake County due to Indian trust lands. Secondly, Tribally owned vehicles which are exempt from taxation also result in a \$240,000 tax loss annually to local government and schools.

Thirdly, the State of Montana has entered into the Tribal Hunting and Fishing agreement with the Confederated Salish & Kootenai Tribes which gives the license fees within the County and Reservation annually exceeding \$250,000 to the Tribes. The funds are to be used to improve recreational access on Flathead Lake as well as throughout the County and Reservation.

This is not occurring, but should be!

We strongly opposing S. B. 214.

Sincerely,  
 BOARD OF LAKE COUNTY COMMISSIONERS

Dave Stipe  
 Dave Stipe, Chairman

Mike Hutchin  
 Mike Hutchin, Member

Barry Baker  
 Barry Baker, Member

SENATE LOCAL GOVT. COMM.

EXHIBIT NO.

7

DATE

2-2-95

BILL NO.

SB 221

YEARS

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23

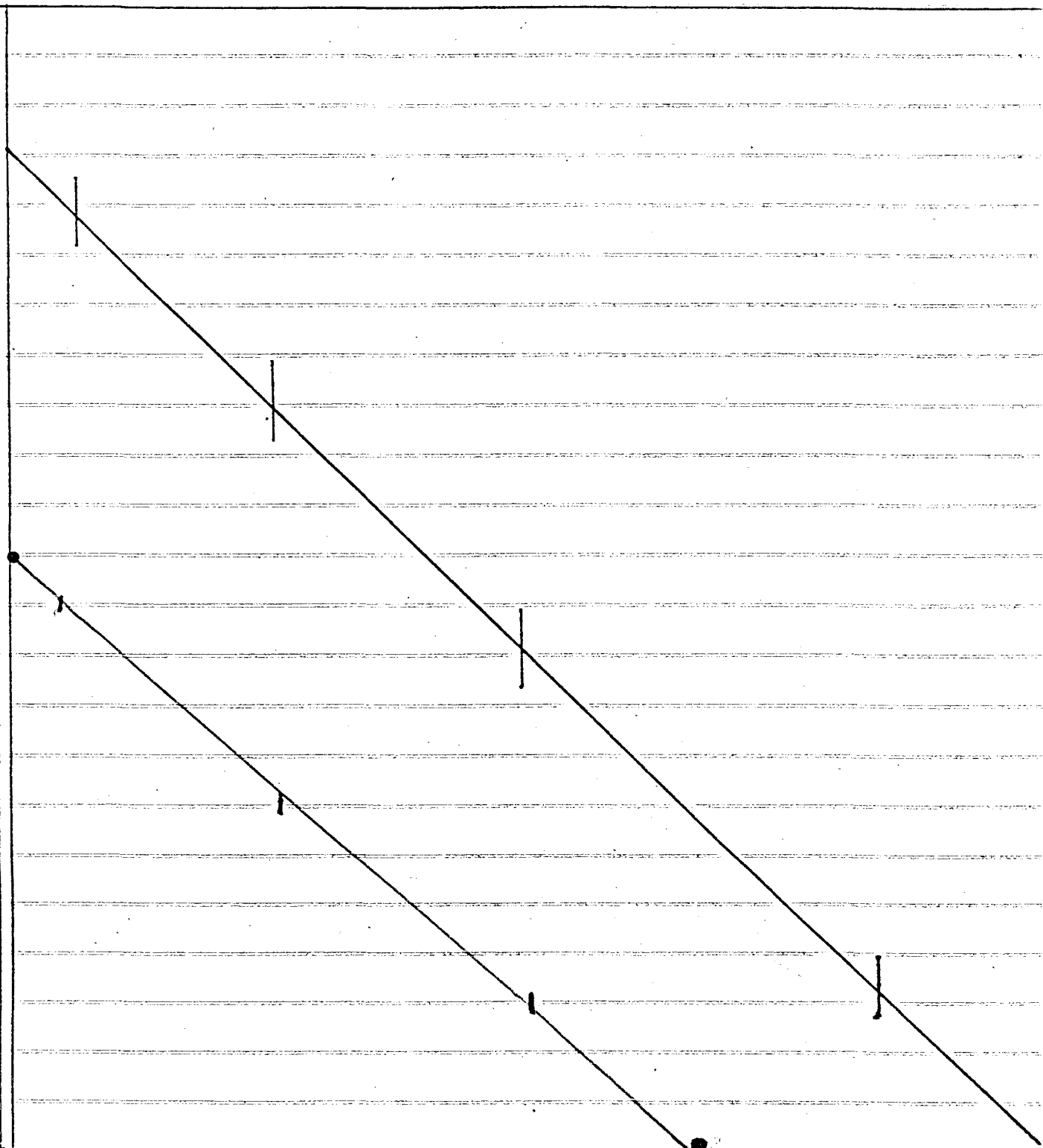
CAPT. 1400<sup>00</sup>

LT. 1300<sup>00</sup>

SGT. 1200<sup>00</sup>

BASE SGT. 1100<sup>00</sup>

EN/GR PTA. 1000<sup>00</sup>



DATE 2-2-95

SENATE COMMITTEE ON LOCAL GOVERNMENT

BILLS BEING HEARD TODAY: SB 208 SB214 SB221

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Ed AXTMAN	Police Retiree	221	✓	
CHAS. BICSAK	" "	221	✓	
Harry LAMBERT	" "	221	✓	
Rudy Fortune	" "	221	✓	
Fred Gutz	" "	221	✓	
Michael E Graham	" "	221	✓	
CLIFF BYERS	" "	221	✓	
Richard Klemencic	" "	221	✓	
Barbara Klemencic	wife	221	✓	
Bob Kollmeyer	Police	221	✓	
Thomas W. Huff	"	221	✓	
William L. For	"	221	✓	
Elfrida A. Rose	wife	221	✓	
Lora Cole	Ret Pol. wife	221	✓	

### VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 2-2-95

SENATE COMMITTEE ON LOCAL GOVERNMENT

BILLS BEING HEARD TODAY: SB 208 - SB 214 SB 221

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
James Cole	Police	221	✓	
Raymond C. Robinson	Police	221	✓	
Richard Keniston	Missla Police	221	✓	
Herbert H. Roche	Missla Police	221	✓	
Lella H. Roche	Rt Police <del>Wife</del>	221	✓	
Helen H. Cole	Missla Rt Police Wife	221	✓	
Bill Stule	Gr Falls Police - Retired	221	✓	
Floyd Campbell	Missla Police Retiree	221	✓	
Marie Campbell wife	Missla Police	221	✓	
Patricia Cook	Montana County Measurers Assoc	214		✓
Frank Ritz	Missoula Retired	221	✓	
Donald Olson	FWR	214	✓	
Doug Mowse	FWR	214	✓	
Jim Crandall	Gates Mountains	214	✓	

## VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY



DATE 2/2/95

SENATE COMMITTEE ON LOCAL GOVERNMENT

BILLS BEING HEARD TODAY: SB 208 SB 214 SB 221

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Greg Van Housen	State Farm Ins	221		
Gordon Morris	MACo	208	✓	
Dr Bang	MHP	208		
DENNIS McCAVE	Yellowstone County Sheriff	208	✓	
Angie Whitman	Yellowstone County	208	✓	
Bill Rappold	Bozeman County	208	✓	
Troy McGeer	Mt. Police Protective Assoc.	221	✓	
Ken Hoarstedt	Mt. Boating Assn.	214	✓	
Dave Seyfert	Mt Boating Assn	214	✓	
Carl Harington Jr	Montana County Treasurers	214		✓
Bill Vermelt	City of Helena	221		
Gordon Morris	MACo / Lake Co	214		✓
Clayton Bain	Great Falls	221	✓	

## VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY