

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON LOCAL GOVERNMENT**

**Call to Order:** By CHAIRMAN WILLIAM BOHARSKI, on January 24, 1995, at 3:15 P.M.

#### **ROLL CALL**

##### **Members Present:**

Rep. William E. Boharski, Chairman (R)  
Rep. Jack R. Herron, Vice Chairman (Majority) (R)  
Rep. David Ewer, Vice Chairman (Minority) (D)  
Rep. Chris Ahner (R)  
Rep. Shiell Anderson (R)  
Rep. Ellen Bergman (R)  
Rep. John C. Bohlinger (R)  
Rep. Matt Brainard (R)  
Rep. Matt Denny (R)  
Rep. Rose Forbes (R)  
Rep. Antoinette R. Hagener (D)  
Rep. Bob Keenan (R)  
Rep. Linda McCulloch (D)  
Rep. Jeanette S. McKee (R)  
Rep. Norm Mills (R)  
Rep. Debbie Shea (D)  
Rep. Joe Tropila (D)  
Rep. Diana E. Wyatt (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Bart Campbell, Legislative Council  
Evelyn Burris, Committee Secretary

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

##### **Committee Business Summary:**

Hearing: HB 166, HB 249 (delayed), HB 282, HJR 11  
Executive Action: HJR 11 DO PASS  
HB 105 DO PASS  
HB 113 DO PASS

HEARING ON HB 166Opening Statement by Sponsor:

REP. DAN MCGEE, HD 21, Laurel, said this is an act allowing fire service areas to adopt a fire code and plan for enforcement upon certification by the Department of Justice; providing for fire inspections in fire service areas; and amending Section 7-32-2402, 50-61-102, 50-61-114, and 50-63-202, MCA. He explained what fire service is, and the district he is in, which is the southwest area of Billings, beginning at the mall located south of the river and west of 64th Street West which covers a sizeable area. Currently, the Billings fire department is under contract with Yellowstone County to provide fire fighting forces for that portion of his area that is not otherwise in the municipalities. The problem is they have to operate under two different sets of rules; the municipality and the fire service areas creating a conflict in investigation and enforcement. This bill speaks to the lack of fire service areas. It also addresses municipalities and fire districts.

Proponents' Testimony:

Gordon Morris, Director of the Association of Counties MACO, said they support this bill. He explained that the background of this bill comes courtesy of the Yellowstone County Commissioners and MACO resolution 94-41 adopted by their membership in September at the annual convention. He reviewed and explained the sections of the bill and asked for favorable consideration of this bill.

{Tape: 1; Side: A; Approx. Counter: 5.4;}

Paul Gerber, Fire Marshall, Billings, presented and explained his testimony. EXHIBIT 1 He gave the example of how this would tie together. "The Billings fire department is under the uniform fire code as is the entire state. Last summer in their BUFSA area they had a controlled burn that became a very hazardous situation. The uniform fire code states that they have the authority to discontinue an open burn if it presents a hazardous condition. The problem is, they do not have the authority to enforce in that area. They did receive a call and their suppression people responded. It not only turned into a blown-up incident with the property owner, but they were also afraid they were going to get a tremendous fire. Even though they did not have the authority they did put the fire out. If they were to do it according to the way the state law reads, they should have contacted the Deputy State Fire Marshall who would then come in, assess the situation and take care of the incident. The Billings city attorney is in concurrence with the attorney general's office and have taken the position that fire service areas have no code enforcement or fire investigation authority under the present state law. HB 166 would make the necessary changes to current state law that would give fire service areas the opportunity to provide for their own code enforcement. It would

enable fire codes to be enforced at the local level rather than at the state level. If fire service areas do not want to provide their own code enforcement, the Montana Fire Prevention and Investigation Bureau will continue to provide code enforcement to such areas, as they are currently doing at this time."

{Tape: 1; Side: A; Approx. Counter: 7.3;}

**Bruce Suenram, State Fire Marshall, Department of Justice,** said they believe this bill is a good idea and the issue of fire service areas not having fire prevention authority has been a concern for a long time and this bill would solve it.

**Lonnie Larson, Deputy Fire Marshall, Billings** said he is currently involved in the investigation area and gets involved with plan reviews. There have been several incidents with plan reviews and investigations where they respond to a call and then have to back off, and look for someone with authority to take over. To keep from going to court or causing problems, they have to turn over the case to other agencies. This bill will help eliminate some of the double work that has been done.

**Bob Knudson, Fire Marshall, Helena,** presented and submitted his written testimony. **EXHIBIT 2** He attested that the City of Helena Fire Department strongly supports HB 166. They believe this legislation is needed in order to bring consistency to the manner in which fire codes are enforced in the state of Montana, and provide equal protection to all citizens. Currently, the city provides contract fire protection to the citizens of the Westside fire service area. An integral part of any fire protection program is the detection and correction of violations before they result in a disastrous fire. Present state laws do not adequately provide for the enforcement of fire codes where a fire service area exists. History is full of abundant examples where the failure to insure public safety with thorough and consistent application of fire safety standards has resulted in death and injury. To presume that the state of Montana can continue to ignore segments of its population merely because of where they live is to court tragedy. The goal is to protect all of the citizens on an equal basis and provide the fire service with the mechanism to accomplish this.

**Tim Bergstrom, Montana State Firemen's Association,** requested to go on record as strongly supporting this legislation and urged the committee to give a do pass.

**Lyle Nagel, Assistant Fire Chief, Simms,** said they are one of the companies in the Cascade County consolidated fire service area and they are in agreement with all the previous testimony in support of this bill and urged a do pass vote.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

REP. DAVID EWER noted this bill addresses specifically rural fire areas and he asked Bruce Suenram if the empowerment he is supporting for rural fire services areas and rural fire districts, have that authority now and he also noted that he did not see that it was specifically delineated in reviewing the code for rural fire districts. Mr. Suenram responded that currently fire districts and municipalities do have fire prevention authority and they are asking for the same authority for other fire service areas. REP. EWER said he read the code that it's implicit and he did not see where it was explicit. REP. EWER then read from the Code Book that Title 7 is full of very closely parallels like SID's for counties, SID's for cities, borrowing authority for counties and cities. He recommended that if the effort is taken to accomplish this, they also need to be sure that it is also in for fire districts so they do not have to present this issue again. REP. EWER concluded by saying this is a good bill and will pass. Mr. Suenram said the authority he would cite for fire districts is in 5061, Fire Marshall statutes, that specifically talks about municipalities and districts.

*{Tape: 1; Side: A; Approx. Counter: 18.1 Comments on tape}*

Closing by Sponsor:

In closing REP. McGEE read a letter from James L. Craft, Rural Fire Chief, Yellowstone County, regarding HB 166 as a proponent.

HEARING ON HB 249Opening Statement by Sponsor:

ROD MARSHALL, HD 28, Bozeman, stated this bill was originally a little housecleaning bill but unfortunately, it became so debatable just before he came to the committee meeting, that he asked this bill be allowed some amendments and be reheard February 7. He did not have the amendments in writing and was not ready to present. REP. MARSHALL said the people in Bozeman and Helena suggested they have two weeks to be able to rewrite and save the bill.

CHAIRMAN BOHARSKI asked if REP. MARSHALL had spoken to both opponents and proponents of the bill. He responded yes and there was no objection and that, in fact, they requested this delay.

HEARING ON HJR 11Opening Statement by Sponsor:

REP. CARLEY TUSS, HD 46, Great Falls and Black Eagle, said this resolution is honoring the memory of Senior Police Officer Shane

Chadwick. She attested that citizens expect local government to provide officers who will respond and help out in a variety of situations. Sometimes the situations are known to be dangerous and sometimes not. As often as police officers have tough tenuous times in their interactions once he's been called, even more often what he can expect or what his experiences are, is that the interaction is one of mediation. **REP. TUSS** read the tribute to Officer Chadwick.

**Proponents' Testimony:**

**Tim Shanks, Detective, City of Great Falls Police Department (GFPD)**, offered information regarding Officer Shane and said the top tribute to him was put in the Montana Police Protection Association News Letter in September. This tribute describes the feelings and attitude of the citizens of Great Falls for a good officer. **EXHIBIT 3 Detective Shanks** concluded by thanking **REP. TUSS** for bringing this resolution forward and said the Great Falls Police Department would appreciate it if this committee would consider this Joint Resolution.

**Larry Renman, Captain of Operations, GFPD**, reiterated the previous tribute to Officer Chadwick and said knowing the risks that are taken by law enforcement, he never really ever felt the impact until that morning. Officer Chadwick's funeral procession included over 500 officers, over five miles long and thousands of citizens holding up signs along the funeral procession. This was a great tribute to Officer Chadwick and to all law enforcement in general to have this proposal brought forth. The GFPD and all the citizens of Great Falls are very appreciative for the acknowledgement of Officer Chadwick.

**Jim Oberhoffer, past Chief of Police, Missoula, retired, now post director of police officer standards of training, Helena, Board of Crime Control and here representing the Chiefs of Police Association for the state of Montana**, asked for support of this resolution. After 25 years in law enforcement the one duty an officer never wants is to have to contact a family member. In this tragic situation, the entire state of Montana came together in law enforcement and of the brotherhood that prevailed. **Mr. Oberhoffer** asked the committee to support this resolution.

**Alec Hanson, League of Cities** said he represents all 125 cities and they also stand behind this resolution.

**REP. FORBES, HD 42, Great Falls**, said she remembers that morning vividly and in the business she is in, she did have the unfortunate opportunity of working with the family of Officer Chadwick and members of the police department. She said it is only fitting that this resolution be passed in his honor and requested to be on the record as supporting this.

**Opponents' Testimony:** None

Informational Testimony: None

Questions From Committee Members and Responses:

REP. BOHLINGER suggested that it would be appropriate to place this Joint Resolution on the consent calendar.

CHAIRMAN BOHARSKI responded this can be done in executive action.

Closing by Sponsor:

REP. MCGEE thanked the committee for their consideration of this resolution and said this effort on the part of local government stands out to the state of Montana in acknowledgement of service well rendered and a price highly paid.

CHAIRMAN BOHARSKI said unless there was any objection from the committee that along with all in attendance and support of HJR 11, he would have no objection of going into Executive Session and taking action on this bill.

EXECUTIVE ACTION ON HJR 11

Motion/Vote: REP. JOE TROPILA MOVED HJR 11 DO PASS. The motion carried unanimously.

Discussion:

REP. DIANA WYATT said she did not have anything to add in terms of quantitative or qualitative information but she did not think that REP. TUSS and members of the Great Falls community would want this resolution on the consent calendar. The acknowledgement to the community and to the law enforcement officers in the state of Montana deserve five minutes of the legislators' time and the House's time to hear what happened in Great Falls.

CHAIRMAN BOHARSKI told REP. FORBES that according to the rules of the House, with their permission, she can be added as a co-sponsor of the bill before second reading without suspending the rules. An additional sponsor sheet can be obtained from the Chief Clerk's office and any others that would like to be added.

HEARING ON HB 282

Opening Statement by Sponsor:

REP. EWER said this is a bill the Department of Commerce asked him to bring. HB 282 is an act revising and clarifying the duties and responsibilities of the Department of Commerce with respect to auditing and supervising certain records and financial transactions of local governments; and amending sections. REP.

**EWER** said the essential drift of this bill is to clean up some regulatory requirements the department no longer can fulfill because there's no funding left for the local government audit committee, so it is now time for the commerce department to get out of this and he is in support. Under current law, the department of Commerce is responsible in overseeing some of the deposit functions of local governments. **REP. EWER** referred to page 5 of the bill. **REP. EWER** said he has a bill that he is sponsoring that will be heard in Appropriations Committee that will put different definitions where local governments can invest their loan. If this bill passes he will offer some amendments to have uniformity in what the statutes say about how to invest local government money.

{Tape: 1; Side: A; Approx. Counter: 36.9;}

**Proponents' Testimony:**

**Newell Anderson, Administrator, Department of Commerce** stated that he operates the programs that this bill would effect. He then reviewed page-by-page the descriptions of why they chose to strike and amend certain sections that the bill represents.

**EXHIBIT 4**

**Mr. Anderson** said his department has worked and continues to work with the local government policy center, treasurer, and clerk and recorders to do a more obvious Title 7 revision. He described the circumstances that changed the duties of the state examiner. They have been passed on to a number of different reorganizations and now passed to the department of Commerce. Under the old constitution, the state examiner had huge powers of supervision over local governments and participation with reference to fiscal matters of local governments and in a relative sense, had a huge staff in comparison of what they have today. It is now inappropriate for the capacity of the Department of Commerce, in particular with the administrative decision, to terminate the local government audit function to state staff audit function and have it contracted with private CPA firms. They do not have the manpower or connections nor the capacity to deal with this issue in the field any longer. With the modern audit functions and activities, it is no longer necessary.

**Mr. Anderson** said some sections of law go back to 1895 and in the last ten years there have been as many as seventeen entities who have failed to do their annual report and many more that have failed to do their reports within the time frame defined by law. The old state examiner function dating back to 1895 in the department of Commerce, has neither the qualifications or the inclination to supervise the investments of funds. **Mr. Anderson** said they support **REP. EWER's** coordination required of this bill for the terminology further aligning the terminologies with his other bill. The interest in putting this bill together was exclusively aligning the department of Commerce and the audit and

accounting functions with their capacity under the current circumstances. **Mr. Anderson** urged a do pass.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

**REP. MATT BRAINARD** asked **REP. EWER** how long the legislature is going to have to redo bills changing "must from shall." **REP. EWER** responded that the Department of Commerce had nothing to do with the wording but this is a good point.

**REP. NORM MILLS** stated to **Mr. Anderson** that from his testimony he gathered there are a number of things covered by this bill that are being taken out that they haven't been doing for several years. **Mr. Anderson** agreed. **REP. MILLS** asked why this was not handled previously, as this committee meets every two years. **Mr. Anderson** responded that for a number of years there has been an interest in re-writing Title 7. They have been preoccupied with the local governments in trying to re-write conceptually and functionally the entire title and have completely overlooked the small independent references that this bill points out. He suggested it was a result of the legislative auditors fighting them in violation of the law in one section and they were going back in the law to put a bill together to comply.

**REP. MILLS** said he knows that the Department of Commerce has been bidding on audits for local communities and if they are short staffed, why are they out bidding against private industry for audit jobs. **Mr. Anderson** said the history goes back to the big change in 1976. Prior to that year, the Department of Commerce and its predecessor agencies virtually did all local government audits with state staff. In 1976 the audit staff that was referred to as the Department of Inter-governmental Relations had reached the size of forty FTE and they were well over a year behind schedule in accomplishing most of their audits. It then went to the legislature with a proposal to open up the activity of doing local government audits to private CPA's on a bid situation.

Since 1976 when 100% of all audits were done by the state, now less than 25% of the audits are being done by the state. Effective July 1, 1995, the state will no longer be doing any of the audits for local governments with state staff, they will be done 100% with local private CPA's.

**REP. MILLS** commended **Mr. Anderson** for that decision. He said brought this topic up two years ago and this time he likes the answer he received.

**REP. JACK HERRON** referred to page 6, line 10, and asked if the 125% is principal plus interest and why that particular figure.



**REP. EWER** responded the standard and revenue bonds require coverage. The standard because the bond holders have only access to revenues and do not have access to taxes. It is the administrative standard to require that rates and charges be sufficient to meet debt service by a factor of 1.25 times. They typically cannot get bonds underwritten without a coverage.

**REP. EWER** explained payroll tax bonds, and water/sewer district coverage requirements under current law.

{Tape: 1; Side: A; Approx. Counter: 56.6;}

**REP. JOE TROPILA** referring to page 7, line 14 & 24 asked if that was a change in the language or a new procedure. **Mr. Anderson** explained that it refers specifically to the new single audit act, the statewide standards for accounting records and the audit functions. These areas are where the single audit act did not capture. **REP. EWER** explained further that local governments have two options in issuing debt: voting and full power of the taxing authority of the local government behind the bonds. They are generally obligations of the local government. The other route they often go by is a revenue bond like water enterprise and they pledge only the revenues of the system. The general taxpayer is not on the hook. **REP. EWER** explained what the section says and what the local governments are empowered to do.

**REP. DENNY** referred to Section 7 and asked **Mr. Anderson** what other mechanisms there are for the state to be in compliance with the reports. **Mr. Anderson** explained the way the law is written and said if they have not complied with the law there's no alternative but to call for that. They have the capacity to help them close their books and the annual report is the closing of all the books for the end of the fiscal year. He explained the closing of the books, jurisdictions and the laws behind this.

**Mr. Anderson** said if the suggestion is that there is some consequence to the demise of the political sub-division, there should be some disillusion of the properties and accounting for that. In that case, they would know who is, was and what their past activity had been. Even with the repeal of this they still have another sub-section of state law and they can call for the review of books and a special audit if appropriate. It is not that the function or capacity is no longer there, but the fact is that it doesn't statutorily mandate this to be done without any discretion.

Closing by Sponsor:

**REP. EWER** closed by saying this bill affects a larger issue of where the state is going as far as the relationship between state and local government. This would help avoid micro-managing, which would be good.

**CHAIRMAN BOHARSKI** said he is in agreement with the printing part of HB 136 but requested that a committee member visit with **REP.**

ELLIS and find out about the legal notice service part of his bill.

EXECUTIVE ACTION ON HB 105

Motion/Vote: REP. DEBBIE SHEA MOVED HB 105 DO PASS. Motion carried unanimously.

*{Tape: 1; Side: A; Approx. Counter: 69.7;}*

Discussion:

REP. BOHLINGER refreshed the committee on what this bill would accomplish and stated this is an act repealing the limitation and the election regarding the amount of county expenditures and liabilities for emergencies and repealing Section 7-6-2344, MCA. He then explained the law on limitations enacted by the legislature in 1953.

EXECUTIVE ACTION ON HB 113

Motion: REP. DIANA WYATT MOVED HB 113 DO PASS.

Discussion: REP. EWER referred to and explained his bill. CHAIRMAN BOHARSKI asked if a district were to basically long-term purchase on payments, what would be the worse-case scenario of this bill. REP. EWER responded the worse-case scenario he deals with at the Board of Investments is annexation. He explained how the current law reads on fire districts selling bonds.

REP. MILLS called the question.

Vote: Motion carried unanimously.

ADJOURNMENT

Adjournment: Meeting adjourned at 4:30 p.m.

*Wm E Boharski*

WILLIAM BOHARSKI, Chairman

*Evj Burris*

EVY BURRIS, Secretary

WB/ev

# HOUSE OF REPRESENTATIVES

## Local Government

ROLL CALL

DATE 1-24-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bill Boharski, Chairman	✓		
Rep. Jack Herron, Vice Chairman, Majority	✓		
Rep. David Ewer, Vice Chairman, Minority	✓		
Rep. Chris Ahner	✓		
Rep. Shiell Anderson	✓		
Rep. Ellen Bergman	✓		
Rep. John Bohlinger	✓		
Rep. Matt Brainard	✓		
Rep. Matt Denny	✓		
Rep. Rose Forbes	✓		
Rep. Toni Hagener	✓		
Rep. Bob Keenan	✓		
Rep. Linda McCulloch	✓		
Rep. Jeanette McKee	✓		
Rep. Norm Mills	✓		
Rep. Debbie Shea	✓		
Rep. Joe Tropila	✓		
Rep. Diana Wyatt	✓		



## HOUSE STANDING COMMITTEE REPORT

February 6, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that House Joint Resolution 11 (first reading copy -- white) do pass.

Signed: Wm E Boharski  
Bill Boharski, Chair

*mm*  
*2/6*  
Committee Vote:  
Yes 18, No 0.

311510SC.Hbk



## HOUSE STANDING COMMITTEE REPORT

January 25, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that House Bill 105 (first reading copy -- white) do pass.

Signed: Wm E Boharski  
Bill Boharski, Chair

1/25  
mm

Committee Vote:  
Yes 18, No 0.

210847SC.Hbk



## HOUSE STANDING COMMITTEE REPORT

January 25, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that House Bill 113 (first reading copy -- white) do pass.

Signed: Wm E Boharski  
Bill Boharski, Chair

1/25  
mm  
Committee Vote:  
Yes 12, No 0.

210845SC.Hbk

EXHIBIT 1

DATE 1-24-95

HB 166

*Paul BEABER.*

- Billings Urban Fire Service Area
- 50 square miles
- 12,000 population
- 283 responses into FSA, including 6 structure fires, in 1994
- 7 schools in BUFSA - Fire department provides public education but no code enforcement
- Fire Department can review plans for life safety requirements, as courtesy review only, in BUFSA
- 4 Deputy Fire Marshals and 1 Fire Marshal in our office that could provide responsive code-related services to BUFSA as opposed to 1 State Deputy Fire Marshal assigned to a several county area
- Fire Marshal or Deputy Fire Marshal in our office on call at all times - can respond to complaint or life safety situations instantly
- Billings City Attorney, in concurrence with Attorney General's Office has taken position that fire service areas have no code enforcement or fire investigation authority under present state law
- Yellowstone County Commissioners want Fire Department to provide code enforcement to BUFSA, just as we, ourselves, want to provide that service
- Example - Under Uniform Fire Code, Fire Marshal's Office has authority to discontinue open burn if it presents hazard condition. Last summer, Fire Department encountered such a situation but did not have authority to remedy situation. Under present, state law, State Deputy Fire Marshal must be located to assess open burning hazardous condition.
- HB 166 would make the necessary changes to current state law that would give fire service areas the opportunity to provide for their own code enforcement. It would enable fire codes to be enforced at the local level rather than at the state level. If fire service areas do not want to provide their own code enforcement, the Montana Fire Prevention and Investigation Bureau will continue to provide code enforcement to such areas, as they are currently doing at this time.



## HB 166 - FSA BILL

- Would not require Fire Service Areas to enforce fire code or investigate fires - only give them option to do so if they desired
- No increased cost to local government unless they chose to enforce fire code or investigate fires
- Ease workload of Montana Fire Prevention and Investigation Bureau - State bureau cannot keep up with complete inspection program at this time
- Give local authorities opportunity to enforce fire code rather than have enforcement at state level
- Provide win-win situation for local and state entities - bill supported at local and state level
- Fire Service Areas did not exist when sections of state law governing fire district and municipality code enforcement and fire investigation were written
- Supported by Montana Association of Counties, Montana Fire Prevention and Investigation Bureau and Montana Fire Service, in general
- Enable fire service review of plans for structures being built in fire service areas
- Give greatest continuity and consistency for total fire protection - same agency that responds to emergencies would also be able to provide code enforcement and fire investigations
- Gives fire service agencies protecting fire service areas mechanism for becoming familiar with buildings and area their suppression personnel are protecting

EXHIBIT 1

DATE 1-24-95

HB 166

AGREEMENT FOR FIRE SERVICES

THIS AGREEMENT is made and entered into this 27 day of June, 1994, by and between the CITY OF BILLINGS, MONTANA, a municipal corporation, hereinafter referred to as the "CITY" and the BILLINGS URBAN FIRE SERVICE AREA, hereinafter referred to as the "BUFSA".

W I T N E S S E T H

WHEREAS, the CITY maintains a fire department and is willing to provide fire protection, prevention, investigation and code enforcement services to properties within the BUFSA at the same level as such services are provided to properties within the corporate limits of the CITY, upon the terms and conditions hereinafter provided; and,

WHEREAS, the BUFSA has been duly and properly created by the Board of County Commissioners of Yellowstone County pursuant to the provisions of Sections 7-33-2401 through 7-33-2404, inclusive, of the Montana Code Annotated; and,

WHEREAS, inclusive of the agreement and attached hereto is the BUFSA boundary description and map; and,

WHEREAS, the BUFSA desires to continue with the above named fire services from the CITY and renew the contract with the CITY for such services; and,

WHEREAS, the Board of County Commissioners for Yellowstone County have elected to govern and manage the affairs of the BUFSA pursuant to Section 7-33-2403, MCA.

WHEREAS, the Board of County Commissioners shall retain the right to transfer the management of the BUFSA to a Board of Trustees in accordance with Section 7-33-2403, MCA, and written notice of such transfer shall be provided to the CITY thirty (30) days prior to the effective date of transfer.

NOW THEREFORE, it is agreed by and between the parties hereto as follows:

1. SERVICES

The CITY will furnish the following services to properties and residents within the BUFSA, at the same level as such services are provided to properties and residents within the corporate limits of the CITY:

- a. fire protection and suppression;
- b. fire prevention and investigation;
- c. hazardous material response;
- d. enforcement of the uniform fire code adopted by county or the state;
- e. medical emergency first responder.

City further agrees to provide grassland, rangeland, and timberland fire protection services to such properties located within the BUFSA.

2. SERVICE AREA

Fire services will be provided to all properties located within the boundaries of the BUFSA (including Metrapark) as specified in the resolution of the Yellowstone County Commissioners creating said BUFSA, and as amended from time to time by agreement of the parties. Any enlargement of the BUFSA will not receive fire services unless the enlargement is approved in writing by the CITY. Other than annexation,

The City of Helena Fire Department strongly supports House Bill # 166. We believe that this legislation is needed in order to bring consistency to the manner in which fire codes are enforced in the State of Montana, and provide equal protection to all of our citizens.

At the present time the City provides contract fire protection to the citizens of the Westside Fire Service Area. An integral part of any fire protection program is the detection and correction of violations before they result in a disastrous fire. Unfortunately present State laws do not adequately provide for the enforcement of fire codes where a fire service area exists.

History is full of abundant examples where the failure to insure public safety through the thorough and consistent application of fire safety standards has resulted in death and injury. To presume that the State of Montana can continue to ignore segments of its population merely because of where they live is to court tragedy.

If we are going to take on the burden of protecting all of our citizens on an equal basis, then we need to provide the fire service with the mechanism to accomplish that goal.

## ★ ★ ★ TRIBUTE TO OFFICER CHADWICK ★ ★ ★

EXHIBIT

3

DATE

11-24-95

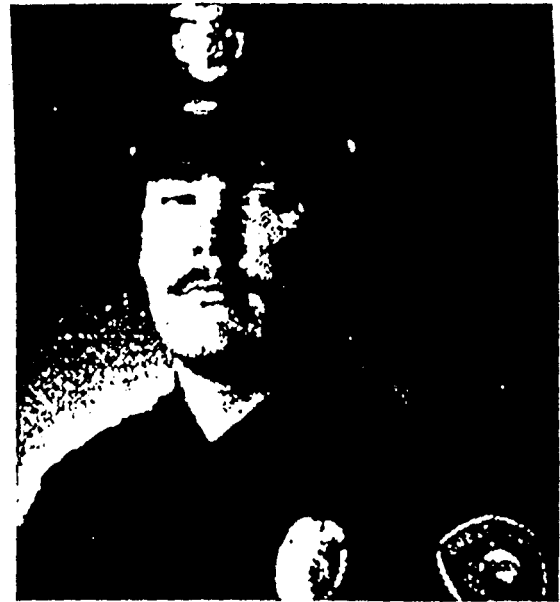
HB

4A 11

## ... FROM A GRATEFUL NATION

On the morning of September 7, 1994, Senior Police Officer Shane Chadwick was brutally gunned down after responding to a simple complaint about a man noisily feeding the birds downtown. The details of the incident have been recounted and relived numerous times in the newspaper and on television. The impact of the shooting and the ensuing drama that unfolded throughout the day will remain as vivid a memory as any traumatic event could be. The incident reminds us that there is no immortality, and the law enforcement is fraught with pitfalls and violence.

No one is immune from the fallout and repercussions of that day. Everyone reading this article can vividly recall where they were and what they were doing then they heard that a police officer had been shot and killed in Great Falls. That day a part of our city died and at Shane's memorial service, a fitting plaque stood solemnly before his flag draped coffin. The plaque, made of maple, and fitted with the folded American flag in a glass case, was punctuated with a simple inscription that read "... from a grateful nation." It was a fitting tribute to a man committed not only to his duty to the public, but to the honor of this city.



And yet, from every negative thing that happens, a positive side will always emerge. The day of the stand-off, downtown businesses opened their doors to us and provided officers with the use of their telephones and restrooms, or whatever else we needed. Not once did the store owners and business people voice a complaint about the inconvenience and effect on their business. As a prompt for United Way support that we so easily toss aside, the Salvation Army set up a food service truck that kept officers and EMS people fed and cooled off in the oppressive heat. The support came not only from the outside, but also from any city branch that was called upon to help out. Whether it was street barricades or sandbags, it was taken care of instantly. The professional response not only from our officers, but from the Administrative staff, Fire Department, Public Works, City Commission, City Manager, Personnel and untold other city employees was a tribute to how well we can work together when a crisis hits.

Since Shane's death, a new sense of awareness and cautiousness has filtered through the ranks. Life seems to have become more fragile, and simple things are no longer taken for granted. Saying goodbye to your spouse and children as you leave for work has new meaning, and it was touching to see couples holding hands, hugging and supporting each other as they dealt with this tragedy.

Our strength and commitment to the objectives of law enforcement and to the community of Great Falls continues with renewed vigor. We appreciate all the support, concern, donations, and the outpouring of sympathy and condolences. For the time, blood and tears that our officers have given to public, the public has given us an overwhelming response during our time of grief. Shane's ultimate sacrifice has been given, and we thank him "... from a grateful nation."

By Sgt. Bryan Lockerby  
Great Falls Police Department



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 103<sup>d</sup> CONGRESS, SECOND SESSION

Vol. 140

WASHINGTON, WEDNESDAY, SEPTEMBER 14, 1994

No. 128

## Senate

### A TRIBUTE TO SHANE CHADWICK

Mr. BURNS. Mr. President, I rise today to pay tribute to a brave and devoted city police officer who gave his life in the line of duty last week during what was thought to be a routine police call.

Officer Shane Chadwick—beloved son of Virgil and Helen Chadwick, devoted husband of Terry Chadwick, and loving father to 4-year old Justin Dean Eckhardt—died on September 7, 1994, while responding to a noise complaint in Great Falls, MT.

When a man or woman chooses the life of a law enforcement officer, they know that one day they may have to put their life on the line to uphold the law they have sworn to protect and preserve. Their loved ones know the risks. Their friends and neighbors know the risks. But knowing the risks does not make it any easier.

I cannot begin to express the loss we all feel as result of Shane's death. In Montana, we are a community. We are 800,000 people. And we are fortunate because we have not been witness to the violence that has touched the lives of so many in other states. But this senseless act of taking the life of a young man whose whole future still lay ahead of him has sent shock waves through every single community in Montana.

Shane was a good man. He was only 29, but to the people in his home town of Chester, MT, population of 950, he was and is someone special.

He enjoyed life to the fullest and opened his heart to those around him. He was a football star and a math scholar in high school. He loved the outdoors, and enjoyed hunting, fishing, camping, swimming, and anything else he could do under the wide open, blue skies.

He got his undergraduate degree in biological science from Montana State University in 1990, and wanted to become a game warden. But he soon turned his sights to law enforcement, and became a role model for many of his fellow officers. He even tried his hand at teaching at the Montana Law Enforcement Academy, and earned tremendous respect for his approach and dedication of his profession.

Shane Chadwick was a dedicated officer and a true American hero. His loss touches us all. In fact, his loss is a reminder to all us of the sacrifice every single police officer in America is prepared to make to keep our towns, neighborhoods, schools, and workplaces safe.

This weekend the residents of Shane's hometown of Chester will pay tribute to Shane and express their support for his parents, wife, and son. From 6 p.m. on Friday, September 16 through 8 a.m. Sunday, September 17, they will fly flags, light their homes, and wear flag pins to commemorate the life of officer Chadwick.

Mr. President, I call upon all Montanans, and all of this Nation's citizens, to honor the memory of officer Shane Chadwick and all the other men and women who have given their lives in the line of duty to keep America's streets safe. Leave your porch and yard lights on throughout the weekend. Fly your American, Montana or State flags, and wear flag pins on your lapels.

Let us remember Shane so we will not forget the dedication and love he shared with all the people he touched in his lifetime. He may be gone, but he will never be forgotten.

EXHIBIT 4  
DATE 1-24-95  
HB 282

HB-282

HOUSE OF REPRESENTATIVES

Local Government - COMMITTEE

WITNESS STATEMENT

PLEASE PRINT

NAME Donell Anderson BUDGET \_\_\_\_\_  
ADDRESS 1424 9th Ave DATE 1/24/95  
WHOM DO YOU REPRESENT? Mt. Dept of Commerce  
SUPPORT X OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

COMMENTS:

This bill - at the request of DOE, is a clean-up bill intended to take out references to DOE responsibilities where they are no longer appropriate.

I intend to describe each proposed change and define why the change is appropriate.

HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

Local Government COMMITTEE DATE 1-24-95  
BILL NO. HB 249 SPONSOR(S) \_\_\_\_\_

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
W James Kembel	City of Billings	✓	
Robert White	Bozeman Chamber	✓	
Jim Wysocki	City of Bozeman	✓	
MARVIN DYS	MDT		✓
Alec Hansen	MLCT	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993

wp:visbcom.man

CS-14

HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

Head Government

DATE 1-24-95

BILL NO. 4511

SPONSOR(S) \_\_\_\_\_

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Tim Shanks	BFPD	X	
LARRY RENMAN	GFPD	X	
Alec Hansen	MLCT	X	
W. James Kembel	City of Billings	X	

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HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

*Local Government*

COMMITTEE

DATE *1-24-95*

BILL NO. *166*

SPONSOR(S)

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
W. James Kembel	City of Billings	✓	
Bruce Sweman	State Fire Marshal <sup>Justice</sup>	✓	
Bob Lundson	CITY OF HELENA	✓	
Fritz Zettel	City of Helena Fire Dept	✓	
Pat Clinch	MT. STATE Council Fire Fighters	✓	
LONNIE LARSON	DFM City Billings <sup>Fire</sup>	✓	
Paul Gerber	Billings Fire	✓	
Lyle Nagel	Simms V.F.D	✓	
Dan McGEE	HO 21	✓	
Tim BERGSTROM	MT. STATE FIREMEN'S ASSOC	✓	
Gordon Morris	MTA Co.	✓	
Alec Hansen	MLCT	✓	
Don Hurni	CITY OF HELENA	✓	

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HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

Local Gov

COMMITTEE

DATE 1/24/95

BILL NO. HB 282

SPONSOR(S) Fueller

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
<u>Dwight Anderson</u>	<u>Doe</u>	<u>X</u>	

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