

MINUTES

MONTANA SENATE 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By CHAIRMAN TOM BECK, on March 14, 1995, at 3:00 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: none

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: HB 101, HB 259, HB 270, HB 289
Executive Action: HB 259, HB 270

HEARING ON HB 101

Opening Statement by Sponsor:

REP. GAY ANN MASOLO, HD 40, Townsend, presented HB 101 which allows self governing local governments to establish alternative methods for carrying out functions and providing services in state law. HB 101 was developed by the Governor's Task Force to renew Montana government. It empowers local government and gives them more options for accomplishing those things required by the state of Montana. Today there is around 1,200 pages of statute governing local governments and that body of law has been built up over the last 100 years. Today with the changes in technology some of the statutes act as an impediment to local governments to provide the best services at the least cost to taxpayers. HB 101 takes a broad brush approach to solving this dilemma. It gives

local government officials the tools they need to manage their own affairs.

Proponents' Testimony:

Laurie Ekanger, representing Governor Racicot, stated that there were a number of bills that came from the subcommittee on local government. The theme of the subcommittee was to enable local governments to handle more of the "how they do things". They have responsibilities in statute that tell them what kinds of things they should do and this bill along with others would give local governments more flexibility in accomplishing things for their local constituents in ways that work best in their community. They supported the bill and urged the committee's support.

John Lotten, City Manager of Great Falls, who was the chairperson for the local government subcommittee of the Governor's Task Force, he stated that the committee wanted a way to go back and implement what was originally intended in the 1972 Constitution. The 1972 Constitution has a very progressive local government section but some legislation was passed which took away part of what the Constitution intended. HB 101 would allow local governments to develop options to things directed to do by the state legislature. It is a logical and simple extension of home rule powers. There are many states that have extensive home rule powers but Montana has not had that tradition. HB 101 will get the state on a course that many other states have followed. It allows local governments to develop alternatives when the legislature directs them to carry out a service. If the extension of power is granted, not much will be done but it will add a clarification, make some progressive changes possible, and avoid conflict with state law. There are many pages of state law directing how local governments do things and it is time for a change. In 1995 decentralizing power is taking place in the corporate and political world. The 54th legislature has shown a desire to provide maximum political power at the local level to avoid creating the dependencies that have been passed in Montana. The legislature does not need to spend a lot of time listening to city managers, police and fire chiefs to beg for a few crumbs every year when if the local level is given authority to solve their own problems. The opponents to HB 101 have unfounded fears as it is a changing world and with the communication revolution, local governments are more capable of handling matters. He urged a favorable consideration of the committee.

David Ashley, Deputy Director, Department of Administration (DOA), who served as staff to the Governor's Task Force on renewing Montana government explained HB 101 in the context of the Constitution and state laws governing local government. The Constitution in the local government article says that a local government unit adopting self governing charters may exercise any power not prohibited by this Constitution, law, or charter. Through statute, three areas of jurisdiction are maintained by

the State being powers denied, powers requiring delegation and mandatory provisions (**EXHIBIT 1**). HB 101 particularly deals with 7-1-114 (f) on the exhibit. **Mr. Ashley** gave the committee another document that listed some state laws that would be easier for local governments to change if HB 101 is adopted (**EXHIBIT 2**). He pointed out that these statutes do not move along with the times. He asked support for HB 101 which will allow for administrative efficiencies and savings at the local level and a place with locally elected officials making the decisions that are of local concern.

Jim Kembel, representing the City of Billings, stated that currently Billings is concerned that the statutes treat class three cities differently than class one and two cities when class three cities have more flexibility in the way they provide services to their citizens. As an example, city and county government can currently provide contracted fire services to fire service areas but not the reverse. HB 101 provides flexibility, creativity and cost effectiveness as well as access to all available forms of options to provide services to their communities. If a major funding shortage is faced, they want to be able to provide the continued services in the best way possible. The current legislative session having focused on local control, HB 101 will continue with that.

Opponents' Testimony:

Tim Bergstrom, International Association of Fire Fighters State Representative, Billings Fire Fighter, read his written testimony and presented an amendment to HB 101 (**EXHIBIT 3 & 4**).

Pat Clinch, Montana State Council Professional Fire Fighters, presented his written testimony in opposition to HB 101 (**EXHIBIT 5**).

Edward Bodett, Anaconda Deer Lodge County Attorney, represented himself and not the consolidated city county government. He opposed HB 101 as it is not empowering local governments but is a funding bill, a long order bill and a public safety bill. Initiative 105 has put tremendous control over local governments and their ability to raise money to provide the services required by state statute. The most expensive services being law enforcement and fire departments which are essentially the only expensive ones required. By passing HB 101, volunteer fire departments consolidations with police departments could take place. It is a cost saving measure and a means by which local governments need to address those costs. HB 101 is not the correct way to address those costs. The legislature should address funding issues to be dealt with either through Initiative 105 or providing the proper funding to those particular services. A county attorney relies on professional trained police officers to know how to properly follow the procedures of law and not open up the counties and local governments to liabilities. HB 101 is

an attempt to circumvent funding issues facing counties and he asked the committee to oppose HB 101.

Jerry Williams, Montana Police Protective Association (MPPA), opposed HB 101 due to the effect it may have on law enforcement in every city. If HB 101 is to pass in its present form, the vehicle will be in place to drastically change law enforcement and the level of service provided to communities. The MPPA is a proud organization of women and men who put their life on the line every day they go to work. Not many professions require a person to put on approximately \$1,500 worth of equipment before they leave home. They are proud of the service they provide and of being trained professionals who aspire to get better every day. Law enforcement has made tremendous strides in the last ten years and they want to continue to prove the level of service to the communities and if HB 101 is passed in its present form, it has the potential to change law enforcement as it is known. Elected officials have the best interest of those they represent at heart and make the best decisions possible with the information provided. The MPPA has come before the legislature to lobby on many issues and they believe they are honest in their testimony. The reputation of the MPPA is at a high level and are not a party to a letter by a labor organization which the legislatures received a copy. They asked that HB 101 be not passed or tabled based on the effects it could have on law enforcement and support the amendment produced by the fire fighters association.

Tim Shanks, MPPA, stated that he had visited with a few smaller departments and they are also concerned with HB 101. He also has had discussions with Mr. Lotten regarding the concerns of the officer and the MPPA. Some city managers and city council members may have good intentions but some do not stay on for a great length of time and there is concern with the others who may come along. Supporting the testimony of the other opponents he urged the committee do not pass HB 101.

Tom Foley, representing the American Federation State County Municipal Employees, stated that HB 101 represents a politically correct concept that creates a potential time bomb in each and every community where so called alternative services are adopted. The public employees are concerned about how the local governments might construe the legislatures permission to seek alternative for services. They are concerned that public employees may be laid off or otherwise replaced by workers drawing lower wages, fewer benefits or low or no job security. Public employees providing these services should be equally concerned about what changes in working conditions will do to the local economy. If members of the committee feel HB 101 should pass, they urged adoption of the amendment offered by the fire fighters association.

Dewey Francisco, Anaconda Deer Lodge County Police Association, opposed HB 101 and stated that its potential effect on law enforcement would be damaging to them.

The following are opponents to HB 101:

Tom DeTonancour, Anaconda Deer Lodge Police Officer
Steve Barkley, Anaconda Deer Lodge Police
John Peabody, Anaconda Deer Lodge County
Jack Eklund, Anaconda Deer Lodge
Larry Huber, Anaconda Deer Lodge
Tim Barkell, Anaconda Deer Lodge Police
Gary Shelton, Anaconda Deer Lodge Police
Den Kovacich, Anaconda Deer Lodge Police
Vern Erickson, MT State Firemans Association
John Sullivan, Anaconda Deer Lodge Police
Ray Berryman, Butte Silver Bow Fire Department
Ron Myers, Great Falls Fire Department
Dave McCann, Livingston Fire Department
Jeff Schoenen, Livingston Fire Department
Dan Bloom, Anaconda Deer Lodge County
Mike Heaney, Anaconda Deep Lodge County

Questions From Committee Members and Responses:

SEN. J.D. LYNCH concerned about the stability of law as a newly elected slate of officials may change the services each time and asked the Mr. Lotten to respond to the stability of law. Mr. Lotten responded that they can do only what the communities allow them to do. Sometimes state laws do not prevent actions but communities do and the next election will fix a problem. SEN. LYNCH stated that he was addressing the amendment that if the people are not voting for the change and if Mr. Lotten had a problem with the amendment. Mr. Lotten stated that he did have a problem with the amendment as it would take away the intent of the bill as it calls for an election of the people. The Governor's Task Force concluded that the basic responsibility for local service lies at the local level. If people at the local level want to require these matters to be voted on they can vote it into their charter. If another mandate of an election is imposed, it will defeat the entire purpose of this proposal.

SEN. LYNCH asked Mr. Williams if without the amendment the stability factor in smaller places for the public health and safety would be upset, as the three people elected may come in and change to cadet policeman and the public may not want them. Causing people to be unemployed and creating instability? Mr. Williams stated that they believe the potential is there for exactly what SEN. LYNCH explained. He did not believe any city leader around the state does not have that in mind but the potential is there especially with lame duck governments who are upset with the voters. The projections in statute right now are there for a reason and that reason is public safety.

SEN. DON HARGROVE asked what it takes for a local government to put a vote by the people into charter? **Mr. Ashley** stated that HB 101 would allow local government even with a charter change which requires a vote of the people or by an act of an ordinance to provide services in an alternative way. The preferred mechanism would be an ordinance because it is less expensive than a full blown election.

SEN. HARGROVE asked why people from the clerks office or the assessors office were not present and why only the police and fire departments were present? **Mr. Ashley** stated that the intent of the recommendation of the Task Force would have applied to all administrative and managerial functions of a self governing city or county.

SEN. HARGROVE asked the same question to **Mr. Williams**. **Mr. Williams** stated that fire and police protection are large parts of city budgets and are required to have these departments by law. These departments are also required by law to be trained and there are provisions in statute for police commissions. These things city managers and commissioners would be able to go around all those projections they have. In a budget crunch they could go to a 20 paid police officers and reserves, they could do this with only an ordinance. They endorse local government and a vote of the people.

SEN. LYNCH stated that all of the areas **SEN. HARGROVE** mentioned are not listed in state law as required.

SEN. DOROTHY ECK asked what page two regarding self government consolidation is only in those areas in which the users are subject to state law under 7-1-111 and asked if that applies to specific services? **Mr. Ashley** said that he could not answer that particular question and that there are two sections in the bill which apply to home rule cities and home rule consolidated governments. **SEN. ECK** said that her question was whether these sections apply to fire and police services or are more general. Why do the fire and police departments feel threatened by this where as general home rule governments have broad powers except those which the legislature limits? **Mr. Ashley** said that possibly, Mr. Lotten has more innovative ideas on how to run public safety departments and the fireman and policeman are concerned about that.

SEN. ETHEL HARDING asked what a self governing local government is? **SEN. ECK** answered that it is one of the forms of government formed by the Constitution. There can be self governing cities as well as counties by adopting a charter. The purpose was to prevent the Local Government Committee being expected to make decisions for local governments. The hope was that some local governments would assume the responsibility for themselves to become a self governing body. This required a charter to be drawn and the people to vote on what powers they are to be given.

Not many have given very broad powers to local governments as what was envisioned.

SEN. HARDING asked if that was why Butte Silver Bow and Anaconda Deer Lodge were present because they are self governing? **SEN. LYNCH** said that they are different and page two applies only to Butte because they are consolidated. Self governments in addition to the consolidated governments may be counties or cities not just the two progressive counties of Butte Silver Bow and Anaconda Deer Lodge.

SEN. SHARON ESTRADA wanted to know what is the problem with the bill that the fireman and policeman are so concerned about. **Mr. Erickson** stated that they are not concerned about the gentlemen present in the room, but there are no guarantees as to what will happen tomorrow. He pointed out an example of a man in Bozeman who left the Bozeman fire fighters in shambles and with a reduction of six people off the department. This is what they fear and the safety of the public and the employees is on the line. They do not oppose a change if the taxpayers want it but they want the chance to talk to the people about the changes various managers may want.

SEN. LYNCH said that he has not heard from any consolidated city official that wanted to be in the bill. When HB 101 was in the House did any officials testify? **REP. MASOLO** replied that no one from the consolidated areas testified.

SEN. BECK asked **Ms. Ekanger** what the Governor's Office opinion was on the proposed amendment? **Ms. Ekanger** said the Governor is not going to take a position on the amendments because the idea is the bill will affect local governments and the debate is to happen in the committee and hear both sides.

Closing by Sponsor:

REP. MASOLO presented the committee with a sheet that defines what a self-governing city or county is and shows the 22 cities that are self-governing (**EXHIBIT 6**). The local government committee of the Governor's Task Force characterized chapter 7 as being like "War and Peace" and are trying to get it like "A River Runs Through It". The reason is because the local officials are in the best position to manage local affairs. There is no intent to go against fire fighters or a policeman. They have collective bargaining and the most recent state statutes would take precedence. State and Federal mandates whether good or bad depend on your point of view. Local governments should at least receive the flexibility in meeting those mandates that are cost effective as possible. Maintaining the status quo in government at the cost of stifling individual initiative of the officers of local county government should not be done. County government has to worry about state law every day and it is time to give them a chance to prove they can carry them out just as well.

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

HEARING ON HB 259

Opening Statement by Sponsor:

REP. CARLEY TUSS, HD 46, Black Eagle, presented HB 259 at the request of the Sheriff and Commissioners of Cascade county. HB 259 would increase the penalty when a curfew is violated. Many of the markings on the bill are technical clean up and the meat of the bill is in sub 3 line 19 which says the penalty for violating a curfew is increased to not more than \$75 or 10 hours of community service. The Commissioners felt this was important because with only a \$10 fine and no requirement of community service, there was scoffing at the curfew like it was not important. To the county residents it is important because it means that kids are controlled, directed, and guided. The fiscal note may be misleading as to an impact on local governments because no central information is currently available and REP. TUSS submitted that that is not true. A county does not have a curfew unless the county commissioners have instituted one and no county would be adversely impacted because it is up to them to ask for a curfew and enforce it.

Proponents' Testimony:

Larry Fasbender, representing Cascade County, stated that as indicated, Cascade county is one county that has chosen to impose a curfew. They have found that many people have ignored the law because the fine is not very high. The community service aspect of this bill is what will really have the impact as young people seem to respond to the fact that if they have to perform community service, they are less likely to break laws. He asked the committee pass HB 259.

Opponents' Testimony: none

Questions From Committee Members and Responses:

SEN. DELWYN GAGE asked what the fine is for a violation of an ordinance in a incorporated city or town. REP. TUSS said she did not know but in Great Falls, there is no curfew or in any other incorporated town in Cascade county. This is strictly a county ordinance.

SEN. GAGE asked Susan Fox if there are any statutes dealing with curfews in incorporated towns. Ms. Fox said she was not sure but would look into that for him.

SEN. GAGE asked what the largest incorporated city or town is in Montana? REP. TUSS said she did not know but in Cascade county

there are unincorporated areas up to 4,500 people. This may be an area like the tri-cities area of Stocket, Vancooly, and Centerville also Black Eagle which has around 5,000 people.

SEN. GAGE asked if there was any definition of an unincorporated city or town in statute. REP. TUSS said that an unincorporated city or town is defined in statute by absence of a charter that authorizes incorporation and then the law enforcement is left to the county sheriff.

SEN. HARGROVE asked if there is a formula relating fines to hours of service as \$7.50 an hour is pretty fair wages in Montana?

REP. TUSS said she thought that when talking about adolescence, 10 hours of service is a substantial penalty on their time.

SEN. LYNCH asked if this conflicts with the child labor laws?

REP. TUSS said there is no conflict because a sentencing judge would not ask the youngster to do 10 hours in a week but would make it over a period of time.

SEN. GAGE asked if the folks receiving benefit from the community services if effects on their insurance premiums had been looked at? REP. TUSS said she believed it had been considered because there is a community service program in Cascade county and every county that has that option has considered those kinds of effects. Part of the reason community service is in HB 259 is that her constituents truly believe that connection to the community is an important crime deterrent. When the old lady who's sidewalk you shoveled has a name and is not just the lady who screamed at you, a connection is made that did not exist before and establishes respect.

Closing by Sponsor:

REP. TUSS closed.

HEARING ON HB 270

Opening Statement by Sponsor:

REP. LINDA MCCULLOCH, HD 70, Missoula, presented HB 270 which deals which deals with being able to expand the boundaries of a transportation district. Under current law, two things must happen for a buss line to expand into a new area. First, 51% of the registered voters of the area must sign a petition requesting addition into the district and second, the transportation board must approve the addition. The problem is there is no way to expand the commercial business such as a retail store into the transportation district because there are no registered voters that live at a retail store. The only change to HB 270 lies on line 13. They are only asking that a real property owner be able to petition to be included in their district. This would allow a business to request entry into the transportation district.

Inclusion in the district still is up to the final approval of the transportation board. For example, in Missoula, the senior citizens would like to take the Mountain Lion Bus to Wal-Mart to do their shopping but Wal-Mart lies outside the transportation districts boundary by about 1/2 mile. Since there are no registered voters that live at Wal-Mart, there is no way Wal-Mart can petition into the transportation district. Hence the frustration with the current laws relating to urban transportation districts.

Proponents' Testimony:

Mike Kress, Assistant General Manager, Mountain Line Bus Company, gave the committee a handout (EXHIBIT 7). Mountain Line has been in existence in Missoula since 1977 and provides fixed route and specialized transportation. Basically, demand responsive curb to curb service for persons with disabilities. The district was created in 1977 and has not changed since. There is only one way to expand the district as REP. MCCULLOCH stated. The handout he have the committee shows the boundaries of the district. There are no registered voters in the outer retail areas giving them no way to be included in the district even though they have expressed interest in joining the district. They have talked to them about payment in lieu of taxes and so far it does not seem very clean. Missoula has grown considerably since 1977.

Opponents' Testimony: none

Questions From Committee Members and Responses:

SEN. GAGE asked if 51% don't want Wal-Mart and the board does, are the people in the district up the creek? REP. MCCULLOCH said that because this is not a huge transportation board which makes a great deal of money, they are going to do what is best for the transportation district overall. If Wal-Mart alone wanted to come into a district, Wal-Mart alone will be paying to be a part of the district, but the ultimate decision lies with the board. Even though there have been petitions by the citizens it is the law that must be changed for these people to even get a chance to have the district expanded.

CHAIRMAN BECK asked if the Missoula Transportation Board is appointed by the county commissioners? Mr. Kress answered that state law was amended the last session to allow for appointments by the mayor, city council, and county commissioners.

CHAIRMAN BECK stated that there is some protection from the board if they felt it was not cost effective for an area to be admitted into the district. Mr. Kress responded that the board would look at the cost impact and study if the expansion will pay its fair share.

Closing by Sponsor:

REP. MCCULLOCH reminded the committee that HB 270 is just trying to get people who elect not to have their own cars from one place to another.

HEARING ON HB 289

Opening Statement by Sponsor:

REP. LOREN SOFT, HD 12, Billings, presented HB 289 dealing with municipality which comes from the Governor's Task Force. REP. SOFT quoted part of the report from the Task Force, "Legislative action should retake into deregulate the municipal regulatory powers of the Public Service Commission (PSC) in order to allow communities to regulate their own municipal utility rates." The process of deregulating the utility rates is happening all across the country. Currently, Montana is one of only 12 states that still has regulated water utilities and one of six states that regulates sewer utilities. Basically, HB 289 removes the PSC from their roll in approving water, sewer, gas and electric rate increases. The system operating now must receive a PSC approval for any increases that exceed 12% unless the increase is due to a federal mandate or state improvement project. HB 289 is a good bill because local elected officials are in a better position to set rates rather than state wide elected officials. It also returns power back to the local governments, and it will save time and money. Preparing rate cases can be quite expensive and local officials felt that the money they spend on cases could be used for services they have now. Rural water and sewer districts are currently not under the PSC jurisdiction. Some questions and answers from across the state referred to people who live outside the municipal boundaries but are served by municipal utilities and if they would be charged more? These people outside the boundaries would not be charged more. If the PSC is not involved what avenue of appeal do the payers have? There is a three tier process starting with the required hearings at the local level, the Montana Consumer Council could represent them in rate hearings in front of the City Council and finally they can appeal to district court. This bill will give back to the local cities and towns who know best in regulating utilities.

Proponents' Testimony:

Laurie Ekinger, representing Governor Racicot, encouraged support for HB 289.

Nancy McCaffree, Chair of the Public Service Commission, submitted her written testimony (EXHIBIT 8).

Bill Verwolf, City of Helena, supported HB 289 which represents a final step in a experiment that has succeeded. In 1977, all water and sewer rates were subject to full PSC regulation. Then a bill was passed for local municipalities to go through a process to do rate regulation up to 12% per year and cover costs

of mandated improvements. This has been very successful and has shown that the city councils and commissions making these decisions work for and are elected by those paying the bill and is a strong inducement for them to keep those rates reasonable. History of this legislation has proven true and HB 289 will be the final step to let them do their own rates responsibly.

John Lotten, City Manager, Great Falls, who chaired the local government committee of the Governor's Task Force, stated that they had some mixed emotions about this which had nothing to do with the PSC who has done a good job with the utilities. If they were going to pursue the theme of empowering local communities to make their own decisions, they needed to do this. Any community that needs more than a 12% increase has failed. There was no dissatisfaction with the PSC but it is now time that communities be on their own. In Great Falls, there will never be a rate increase over 12% he guaranteed.

Jim Kembel, City of Billings, supported HB 289.

Opponents' Testimony: none

Questions From Committee Members and Responses:

SEN. LYNCH asked if the 12 fines in the fiscal note are all in excess of 12%? **Ms. McCaffree** answered they were.

SEN. LYNCH asked how many private water utilities there are in the state and if they would be covered by the PSC? **Ms. McCaffree** said there are 32 private water utilities and they would be covered under the PSC.

SEN. GAGE asked what the repeal sections were? **CHAIRMAN BECK** said they deal with the PSC reviewing when over a 12% increase and the other deals with a required annual report.

SEN. GAGE stated that in his county when the 12% was put in it would be an automatic full 12% increase. This may be a way of getting around the limitations of I-105. He asked someone to respond to his statement. **Mr. Verwolf** replied that the funds can not be mixed with any other funds or a source of revenue for local government.

SEN. GAGE asked that assuming local governments have been funding part of their utility program with local taxation, would they not be able to take these funds and replace them with taxation funds? **Ms. McCaffree** stated that it is her understanding that local governments could not do this. **Mr. Lotten** expanded that there are statutes to prevent mixing funds. Also, cities and some counties are audited once a year. Tax funds could be replaced if it is done on a loan basis.

SEN. GAGE asked if you can support a municipally owned water system with tax dollars as opposed to rates? **Mr. Lotten** said he

could not answer that question. He did say that in any government he has been involved with would not do that. **Mr. Ron Woods, MT PSC**, stated that title 7 of the local government codes provides for the establishment of enterprise funds being water, sewer and garbage. It provides how the charges will be recovered from the subscribers and will be self-supporting vehicles within local government framework. They will also be supported by the rates and charges assessed to subscribers.

SEN. ECK asked if the utilities only include water and sewer? **Mr. Verwolf** replied that was correct because they are the only two utilities currently subject to PSC regulation. **Mr. Woods** expanded that there are several municipally owned gas distribution systems and a electric distribution system in Troy. Those would be exempt to PSC jurisdiction. Title 69 chapter 7 to gas, electric, water and sewer.

Closing by Sponsor:

REP. SOFT encouraged the support of the committee and stated that the Governor's Task Force did a good job getting public input on local government issues.

EXECUTIVE ACTION ON HB 259

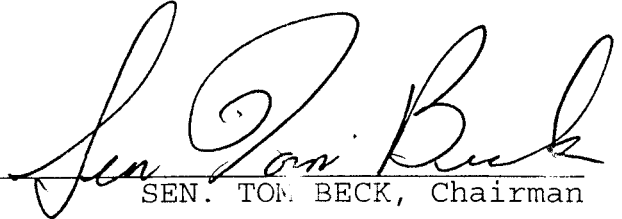
Motion/Vote: **SEN. GAGE** MOVED HB 259 BE CONCURRED IN. THE MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 270

Motion/Vote: **SEN. GAGE** MOVED HB 270 BE CONCURRED IN. THE MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 4:55 p.m.


SEN. TOM BECK, Chairman


ELAINE JOHNSTON, Secretary

TB/ej

MONTANA SENATE
1995 LEGISLATURE
LOCAL GOVERNMENT COMMITTEE

ROLL CALL

DATE March 14, 1995

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SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 15, 1995

MR. PRESIDENT:

We, your committee on Local Government having had under consideration HB 259 (third reading copy -- blue), respectfully report that HB 259 be concurred in.

Signed: Sen Tom Beck
Senator Tom Beck, Chair

W Amd. Coord.
57 Sec. of Senate

Sen. Estrada
Senator Carrying Bill

601133SC.SPV


SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 15, 1995

MR. PRESIDENT:

We, your committee on Local Government having had under consideration HB 270 (third reading copy -- blue), respectfully report that HB 270 be concurred in.

Signed: 
Senator Tom Beck, Chair


Amd. Coord.
SP Sec. of Senate

Sen. Gage
Senator Carrying Bill

601130SC.SPV

7-1-111. Powers denied. A local government unit with self-government powers is prohibited the exercise of the following:

- (1) any power that applies to or affects any private or civil relationship, except as an incident to the exercise of an independent self-government power;
- (2) any power that applies to or affects the provisions of Title 39 (labor, collective bargaining for public employees, unemployment compensation, or workers' compensation) or 7-33-4128, except that subject to those provisions, it may exercise any power of a public employer with regard to its employees;
- (3) any power that applies to or affects the public school system, except that a local unit may impose an assessment reasonably related to the cost of any service or special benefit provided by the unit and shall exercise any power which it is required by law to exercise regarding the public school system;
- (4) any power that prohibits the grant or denial of a certificate of public convenience and necessity;
- (5) any power that establishes a rate or price otherwise determined by a state agency;
- (6) any power that applies to or affects any determination of the department of state lands with regard to any mining plan, permit, or contract;
- (7) any power that applies to or affects any determination by the department of natural resources and conservation with regard to a certificate of environmental compatibility and public need;
- (8) any power that defines as an offense conduct made criminal by state statute or which defines an offense as a felony or which fixes the penalty or sentence for a misdemeanor in excess of a fine of \$500 or 6 months' imprisonment or both such fine and imprisonment, except as specifically authorized by statute;
- (9) any power that applies to or affects the right to keep or bear arms, except that it has the power to regulate the carrying of concealed weapons;
- (10) any power that applies to or affects a public employee's pension or retirement rights as established by state law, except that a local government may establish additional pension or retirement systems;
- (11) any power that applies to or affects the standards of professional or occupational competence established pursuant to Title 37 (professions and occupations) as prerequisites to the carrying on of a profession or occupation;
- (12) any power that applies to or affects Title 87 (fish and wildlife) or Title 75, chapter 7, part 1 (streambeds).

7-1-112. Powers requiring delegation. A local government with self-government powers is prohibited the exercise of the following powers unless the power is specifically delegated by law:

- (1) the power to authorize a tax on income or the sale of goods or services, except that this section shall not be construed to limit the authority of a local government to levy any other tax or establish the rate of any other tax;
- (2) the power to regulate private activity beyond its geographic limits;
- (3) the power to impose a duty on another unit of local government, except that nothing in this limitation shall affect the right of a self-government unit to enter into and enforce an agreement on interlocal cooperation;
- (4) the power to exercise any judicial function, except as an incident to the exercise of an independent self-government administrative power;
- (5) the power to regulate any form of gambling, lotteries, or gift enterprises.

7-1-114. Mandatory provisions. (1) A local government with self-government powers is subject to the following provisions:

- (a) All state laws providing for the incorporation or disincorporation of cities and towns; for the annexation, disannexation, or exclusion of territory from a city or town; for the creation, abandonment, or boundary alteration of counties; and for city-county consolidation;
- (b) Sections 7-3-104 through 7-3-106, 7-3-111 through 7-3-114, and 7-3-1101 through 7-3-1105;
- (c) All laws establishing legislative procedures or requirements for units of local government;
- (d) All laws regulating the election of local officials;
- (e) All laws which require or regulate planning or zoning;
- (f) Any law directing or requiring a local government or any officer or employee of a local government to carry out any function or provide any service;
- (g) Any law regulating the budget, finance, or borrowing procedures and powers of local governments, except that the mill levy limits established by state law shall not apply;
- (h) Title 70, chapters 30 and 31.

(2) These provisions are mandatory.

7-5-4201. Details relating to emergency measures. In the case of emergency measures, the emergency must be expressed in the preamble or in the body of the measure and the measure must receive a two-thirds vote of all the members elected. In emergency ordinances, the resolutions shall include only such measures as are immediately necessary for the preservation of peace, health, and safety and shall not include:

- (1) a franchise or license to a corporation or individual;
- (2) any provisions for the sale of real estate;
- (3) any lease or letting of any property for a period exceeding 1 year; or
- (4) the purchase or sale of personal property exceeding \$5,000 in value.

History: En. Ch. 167, L. 1907; Sec. 3268, Rev. C. 1907; re-en. Sec. 5060, R.C.M. 1921; re-en. Sec. 5060, R.C.M. 1935; R.C.M. 1947, 11-1106(part).

7-5-4302. Competitive, advertised bidding required for certain purchase and construction contracts. (1) Except as provided in 7-5-4303 or 7-5-4310, all contracts for the purchase of any automobile, truck, other vehicle, road machinery, other machinery, apparatus, appliances, or equipment; for any materials or supplies of any kind in excess of \$20,000; or for construction, repair, or maintenance in excess of \$25,000 must be let to the lowest responsible bidder after advertisement for bids.

(2) The advertisement must be made in the official newspaper of the city or town if there is an official newspaper, and if not, it must be made in a daily newspaper of general circulation published in the city or town if there is a newspaper. If there is no newspaper, the advertisement must be made by posting in three of the most public places in the city or town. The advertisement, if by publication in a newspaper, must be made once each week for 2 consecutive weeks, and the second publication must be made not less than 5 days or more than 12 days before the consideration of bids. If the advertisement is made by posting, 15 days must elapse, including the day of posting, between the time of the posting of the advertisement and the day set for considering bids.

(3) The council may postpone action on any contract until the next regular meeting after bids are received in response to the advertisement and may reject any bids and readvertise as provided in this section.

History: En. Sec. 1, Ch. 48, L. 1907; Sec. 3278, Rev. C. 1907; re-en. Sec. 5070, R.C.M. 1921; amd. Sec. 1, Ch. 22, L. 1927; re-en. Sec. 5070, R.C.M. 1935; amd. Sec. 1, Ch. 18, L. 1939; amd. Sec. 1, Ch. 59, L. 1941; amd. Sec. 1, Ch. 153, L. 1947; amd. Sec. 1, Ch. 139, L. 1949; amd. Sec. 1, Ch. 220, L. 1959; amd. Sec. 1, Ch. 26, L. 1963; amd. Sec. 1, Ch. 121, L. 1969; amd. Sec. 1, Ch. 371, L. 1971; R.C.M. 1947, 11-1202(part); amd. Sec. 1, Ch. 429, L. 1981; amd. Sec. 1, Ch. 169, L. 1987; amd. Sec. 1, Ch. 475, L. 1993.

Compiler's Comments

1993 Amendment: Chapter 475 in (1), after "supplies of any kind", inserted "in excess of \$20,000" and after "maintenance" sub-

stituted "in excess of \$25,000" for "for which must be paid a sum exceeding \$10,000"; and made minor changes in style.

7-5-4304. Certain contracts to be submitted to voters. No contract may be let pursuant to 7-5-4302 that extends over a period of 5 years or more, except contracts for solid waste management systems as defined in 75-10-103, which may not exceed 10 years, without first submitting the question to a vote of the electors of the city or town.

History: En. Sec. 1, Ch. 48, L. 1907; Sec. 3278, Rev. C. 1907; re-en. Sec. 5070, R.C.M. 1921; amd. Sec. 1, Ch. 22, L. 1927; re-en. Sec. 5070, R.C.M. 1935; amd. Sec. 1, Ch. 18, L. 1939; amd. Sec. 1, Ch. 59, L. 1941; amd. Sec. 1, Ch. 153, L. 1947; amd. Sec. 1, Ch. 139, L. 1949; amd. Sec. 1, Ch. 220, L. 1959; amd. Sec. 1, Ch. 26, L. 1963; amd. Sec. 1, Ch. 121, L. 1969; amd. Sec. 1, Ch. 371, L. 1971; R.C.M. 1947, 11-1202(part); amd. Sec. 8, Ch. 311, L. 1979; amd. Sec. 8, Ch. 220, L. 1985; amd. Sec. 2, Ch. 770, L. 1991.

7-5-4306. Use of installment purchase contract. (1) Subject to the requirements of subsection (2), when the amount to be paid under an installment purchase contract exceeds \$4,000, the council may provide for the payment of the amount in installments extending over a period of not more than 5 years, provided that at the time of entering into the contract, there is an unexpended balance of appropriation in the budget for the then-current fiscal year available and sufficient to meet and take care of the portion of the contract price payable during the then-current fiscal year. The budget for each following year in which any portion of the purchase price is to be paid must contain an appropriation for the purpose of paying that portion.

(2) When the purchase price is extended over a term of 2 years, at least 40% of the amount must be paid the first year and the remainder the second year. When the amount is extended over a term of 3 years, at least one-third of the amount must be paid each year. If the amount is extended over a term of 4 years, at least one-fourth is to be paid each year. If the amount is extended over a term of 5 years, at least one-fifth is to be paid each year.

History: En. Sec. 1, Ch. 48, L. 1907; Sec. 3278, Rev. C. 1907; re-en. Sec. 5070, R.C.M. 1921; amd. Sec. 1, Ch. 22, L. 1927; re-en. Sec. 5070, R.C.M. 1935; amd. Sec. 1, Ch. 18, L. 1939; amd. Sec. 1, Ch. 59, L. 1941; amd. Sec. 1, Ch. 153, L. 1947; amd. Sec. 1, Ch. 139, L. 1949; amd. Sec. 1, Ch. 220, L. 1959; amd. Sec. 1, Ch. 26, L. 1963; amd. Sec. 1, Ch. 121, L. 1969; amd. Sec. 1, Ch. 371, L. 1971; R.C.M. 1947, 11-1202(part); amd. Sec. 2, Ch. 429, L. 1981; amd. Sec. 2, Ch. 475, L. 1993.

Compiler's Comments

1993 Amendment: Chapter 475 in (1) substituted "an installment purchase contract exceeds \$4,000" for "any such contract shall

exceed the amount set forth in 7-5-4302(1)"; and made minor changes in style.

7-8-2202. Appraisal required for certain purchases of real property. Unless otherwise provided, no purchase of real property exceeding the value of \$2,500 may be made unless the value of the same has been previously estimated by three disinterested citizens of the county appointed by the district judge for that purpose, and no more than the appraised value must be paid therefor.

History: En. Subd. 8, Sec. 1, Ch. 100, L. 1931; amd. Sec. 1, Ch. 74, L. 1933; re-en. Sec. 4465.7, R.C.M. 1935; R.C.M. 1947, 16-1007(part); amd. Sec. 1, Ch. 346, L. 1983.

7-8-2212. Notice of sale and public auction required for certain sales. Unless otherwise provided, if the real or personal property sought to be sold is reasonably of a value in excess of \$2,500, the sale shall be at public auction at the courthouse door after previous notice given by publication as provided in 7-1-2121.

History: En. Subd. 10, Sec. 1, Ch. 100, L. 1931; re-en. Sec. 4465.9, R.C.M. 1935; amd. Sec. 1, Ch. 30, L. 1953; amd. Sec. 1, Ch. 110, L. 1957; amd. Sec. 1, Ch. 120, L. 1967; amd. Sec. 1, Ch. 284, L. 1975; R.C.M. 1947, 16-1009(part); amd. Sec. 2, Ch. 346, L. 1983; amd. Sec. 11, Ch. 349, L. 1985.

Testimony of Tim Bergstrom - House Bill 101

International Assoc. of Fire Fighters State Representative
Billings Fire Fighter since 1974

Montana's professional fire fighters have fought vigorously over the years to provide standards of fire and life safety protection for the people of Montana's cities which are second to none. At the same time, to ensure the uniformity and continuity of these standards the legislature has placed significant portions of these standards within Title 7 of the Montana codes.

As such, it is our great concern that HB 101, with its sweeping delegation of rule-making authority to local governments, may undermine these protections and have undesired consequences which could compromise public safety as well as the safety of fire fighters. We wish to address those concerns.

7-33-4101, M.C.A., requires every city and town of this state to have a fire department that is organized, managed, and controlled as provided by Part 41, of Title 7. There are numerous statutory requirements in Part 41 that were established by many legislatures to ensure that fire department services were appropriate in all Montana cities.

7-33-4109, M.C.A., provides that only cities of the 2nd class may supplement their paid fire department with volunteer fire fighters. The legislature has recognized that cities of the 1st class, based upon their population and building density, require full-time fire suppression and emergency response capabilities. The citizens who pay taxes to provide for fire department services expect well trained, experienced personnel to respond to their call for help. HB 101 would authorize cities and counties with self-governing powers to absolve themselves from the requirements of Part 41, of Title 7, simply by passing a local ordinance.

For several reasons we are opposed to the consolidation of police and fire department services, which would be allowed under this bill. Organizations such as the National Fire Protection Association, the International Association of Fire Chiefs, and the Joint Council of Fire Service Organizations all have stated their opposition to the concept of consolidation.

We have noticed the extensive changes proposed by this legislature in the area of Workers' Compensation coverage for Montana workers. Because the applicability of benefits and their duration appears to be steadily declining, we maintain that safety in the workplace is an even more important consideration than ever before. Studies have shown that

consolidation of police and fire services result in a lower level of training and competencies because personnel must devote a disparate amount of time to either law enforcement duties, or fire suppression assignments. Ill-trained personnel present a recipe for disaster in emergency situations. First response is an essential part of the chain of survival. In fact, in most life-threatening situations, the most critical intervention is prompt and effective first response. It shouldn't be compromised by concepts that would try to merge dissimilar functions of local government. Montana's legislatures have been prudent in maintaining state scrutiny of municipal fire department services by requiring local governments to adhere to the provisions of Title 7.

The proponents of HB 101 assert that local self-government units deserve more local control. It is the position of the fire fighters that local control should be the responsibility of the citizens, and not only a majority of city council members. Because public safety services are essential to the well-being of all Montanans residing in our municipalities, we would propose an amendment to HB 101. The amendment would require a public vote of the citizens if fire and police services were to be delivered by alternative measures to those required by Title 7, of the Montana codes.

The possibility of having "cadet" fire fighters supplement a fire department if manpower shortages exist has also been raised. The problems of having inexperienced "cadet" fire fighters responding to emergencies would only compromise the safety of both the professional and the "cadet" personnel.

We have other concerns relative to the possible supersession of statutory requirements by passage of a local ordinance. 7-33-4123, and 7-33-4124, M.C.A., establish a procedure for temporary or permanent suspension of fire fighters. These two statutes afford fire fighters a guarantee of due process in all cases of suspension. Current law allows a city manager to suspend a fire fighter, and provides that the city council shall hold a hearing wherein a suspended fire fighter may present a reasonable explanation in defense of the charge against him. HB 101 would allow a local self-government entity to pass an ordinance that supersedes the requirement for a due process hearing; and allow a single municipal officer to decide whether the employee should be terminated, or temporarily suspended. The Montana Supreme Court recently ordered the reinstatement of a Livingston fire fighter who was summarily discharged by the City Administrator who presumed the fire fighter guilty of an off-duty infraction of city rules. The Court held that the employer must prove the employee guilty of the alleged infraction, and must also adhere to the suspension procedure prescribed by 7-33-4124, M.C.A.

7-33-4125, M.C.A., affords fire fighters seniority rights in the event the employer should implement a reduction in force. HB 101 would allow a self-government unit to pass an ordinance eliminating this employee protection provision.

7-33-4131, M.C.A., establishes job tenure rights for fire fighters in the event a city consolidates its government with the county. Again, HB 101 would allow self-government units to pass an ordinance to supersede this employee protection statute.

Discussions with the Administrator of the Public Employees' Retirement Division have revealed that should a municipality consolidate police and fire departments by adopting a local ordinance, that the creation of a new pension system might be necessary. We are concerned about the level of retirement benefits and how they may differ from those currently in place for fire fighters and policemen.

We have proposed the amendment before you because we believe that local control, in its finest form, means control by the citizens. We are not resistive to change. Fire fighters all across Montana have upgraded their emergency medical skills to better serve the public. In Billings, for example, approximately 78% of the nearly 6,000 calls for fire department assistance in 1994 were emergency medical in nature. Fire fighters have certified as EMT's, EMT-D's, and still others have entered paramedic programs or have been certified as paramedics in Montana fire departments. Fire fighters are called upon to do much more than just put out fires in today's society. We have helped the cities in meeting these new challenges.

If in fact Title 7 contains volumes of superfluous laws, we will stand with the proponents of this measure and remove them. However, let us not confuse the superfluous with the truly significant. The delivery of essential services such as police and fire response to citizen emergencies is of paramount importance to all Montanans.

We believe the amendment we have proposed to HB 101 is appropriate, and will ensure that the major decisions affecting their public safety services will be placed in the hands of the local voters, where they belong.

Amendment to HB 101

Page 1, line 24

Strike " ; "

Insert ". The provisions of Title 7, chapter 32, M.C.A., and Title 7, chapter 33, part 41, M.C.A., are mandatory and may be provided by an alternative method following prior authorization by an affirmative vote of a majority of the qualified electors of the local government unit voting on the question."

Page 2, line 20

following "7-1-114 (1) (f)."

Insert " The provisions of Title 7, chapter 32, M.C.A., and Title 7, chapter 33, part 41, M.C.A., are mandatory and may be provided by an alternative method following prior authorization by an affirmative vote of a majority of the qualified electors of the local government unit voting on the question."

SENATE LOCAL GOVT. COMM.
EXHIBIT NO. 5
DATE 3-14-95
BILL NO. HB 101

Mr. Chairman and members of the committee:

My name is Pat Clinch and I represent the Montana State Council of Professional Firefighters.

On behalf of the career firefighters of Montana I urge you to vote do not pass on HB 101 as it now stands. The authors of this bill would lead you to believe that this bill will reduce ^{the size of} Title 7, from ~~Tolstoy to A River Runs Through It~~. This is not the case as this bill only affects about 24 communities through out the state, and it does not affect some of the largest cities in Montana, who will still have to follow Title 7, in its entirety, even if HB 101 is to pass.

In the House Local Government Committee, during executive action, it was stated that this bill would not affect collective bargaining, but if HB 101 passes in its present form, the provisions that are included in Title 7 Chapter 33 Part 41 will be included in future negotiations for firefighters in the state.

The provisions of Title 7 have come about through many years of deliberations by past legislatures, with input by city fathers and public employees all along the way. If there is really a need to change Title 7, maybe the cities and the employees should get together to address those needs, for all of the cities, rather than the few who now have self governing powers.

The firefighters believe that to give government back to local control, it should be given back to the voters of the community, rather than just to the local officials, who many times go along with the special interest group that happens to be the most vocal at the latest commission meeting. We feel that for the large sweeping changes that HB 101 would allow, the people must decide what level of protection that they want in their community. Please don't let them restructure public safety without a vote of the people.

Q) What is a self governing local government?

A) A self-governing city or county is one which, through a vote of its citizens, has chosen to adopt self-governing powers. A self governing city or county can be distinguished from a general powers city or county which is subject to all state laws. Typically, self-governing cities or counties adopt charters which detail those specific areas where they choose to govern themselves differently than described by state statute. (By ordinance or resolution, they can also supercede state statute)

As a practical matter, state statute precludes any meaningful distinction between a general government and self-governing local government. Through "powers denied" (7-1-111), "powers requiring delegation" (7-1-112) and "mandatory provisions," (7-1-114) there is very little discretion left for self-governing local governments. This explains why only 2 counties (Butte Silver-Bow and Anaconda Deer Lodge) and 22 cities have chosen self-governing powers. Cities with self-governing powers include: Bridger, Fromberg, Red Lodge, Great Falls, Neihart, Whitefish, Belgrade, West Yellowstone, Browning, Hingham, Helena, Libby, Troy, Ennis, Virginia City, Circle, Clyde Park, Sunburst, Fort Peck, Glasgow, Billings, Broadview.

Possible Amendment to HB 101. We would not object to an amendment indicating that this bill would not effect the hiring, firing, discipline or promotion of local government employees.

3-14-95

BILL NO.

HB 270

PROPOSAL TO AMEND SECTION 7-14-241, MCA - TO ALLOW A
REAL PROPERTY OWNER TO PETITION TO BE INCLUDED IN A URBAN
TRANSPORTATION DISTRICT

BACKGROUND:

The Montana Codes Annotated (MCA), Section 7-14-241 (see attachment I, MCA - Urban Transportation Districts), provides that the boundaries of any transportation district may be enlarged under the following conditions:

- (1) 51% of the qualified electors of the area to be added to the existing district sign a petition requesting addition to such a district; and
- (2) a majority of the Board approves the addition.

Following validation of petition signatures by the County Elections office, the Mountain Line Board considers the issue of the addition. Opportunity for public comment is provided at that time and during development of routing and time schedules.

PROBLEM STATEMENT:

This is the *only* way state law provides to expand urban transportation district boundaries. There is no way to expand the district to include commercial, industrial, or vacant planned residential areas. There are no registered voters present in these situations.

PROPOSAL:

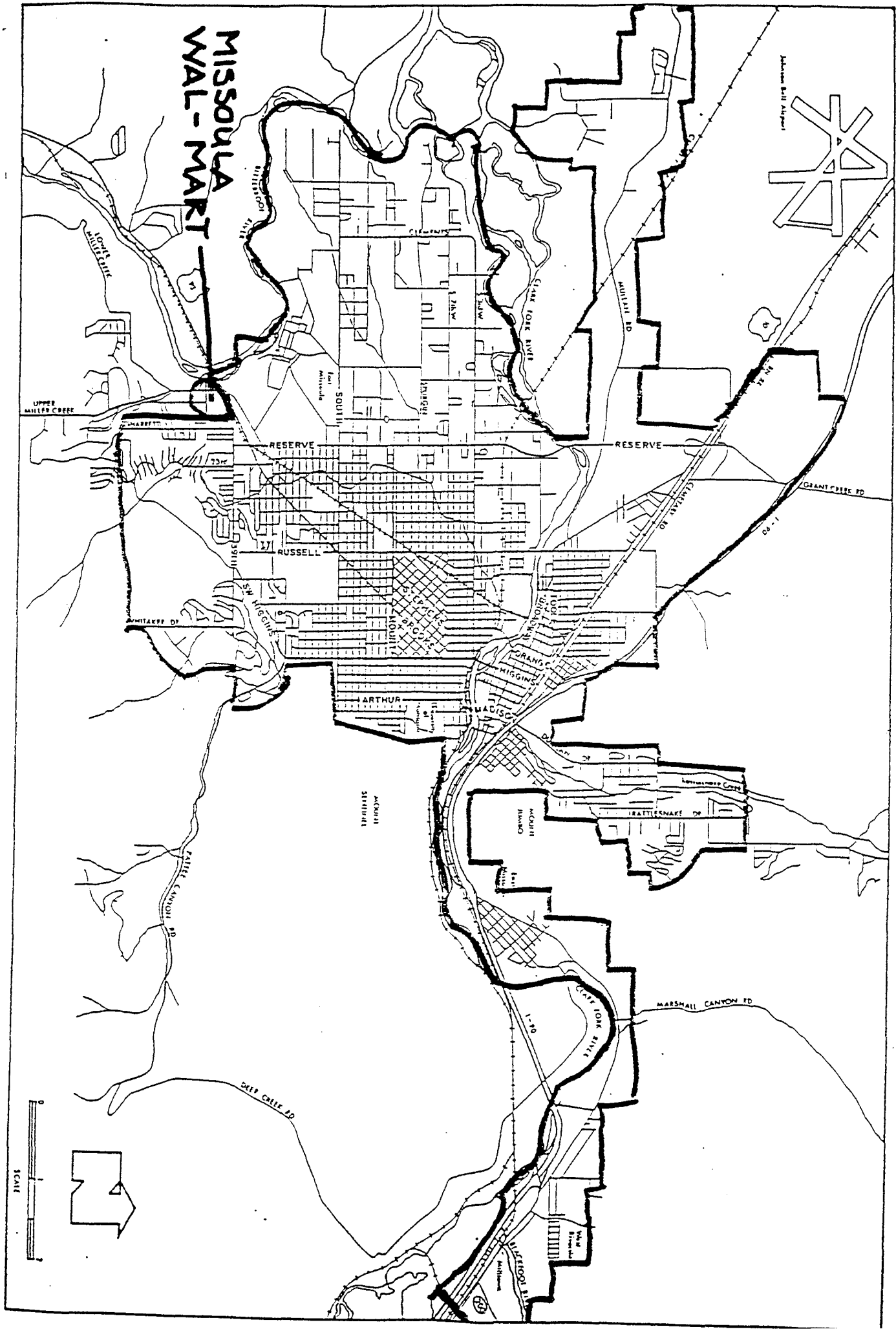
Some form of property owner signature or petition should be provided for commercial, industrial, and vacant residential areas where there is a willing applicant and no registered voters. Wal-Mart, which lies just outside the district boundary (see attached map) and wants bus service, is a recent example of the problem that exists when no registered voters reside in an area that wants to be in the district so bus service can be provided.

A variation of this problem occurs where a major development is proposed that is a good candidate for future transit service, but no registered voters live there. In Missoula, this situation occurred in the Lower Miller Creek area where a major development (approximately 700 dwelling units) was proposed, and the developer was willing to petition into the district. Note:

this project was subsequently withdrawn. State law, however, does not allow for property owner petition. This effectively prevents transportation districts from doing any planning for the future. The current available method only allows expansion *after* the demand for service exists.

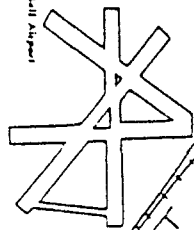
Thank you for your consideration of this request, and I will be happy to address any questions or comments you may have.

Prepared by: Michael E. Kress, AICP
Assistant General Manager, Mountain Line
1221 Shakespeare
Missoula, MT 59802
1.406.543.8386 (phone)
1.406.543.8387 (fax)



MISSOULA VAL-MART

Johnson Hall Airport



UPPER
MISSOULA CREEK

LOUISIANA
CREEK

CLARK FORK RIVER

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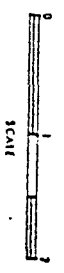
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HB 289
Senate Hearing
March 14, 1995
Room 405

Testimony by: Nancy McCaffree, Chair
Public Service Commission

Mr. Chairman and Members of the Committee

The Public Service Commission testified before the Governor's Task Force regarding regulation on water for municipal utilities and supported whatever action the Task Force chose. We support Representative Soft's bill as amended. As the regulations are now written, the statute gives only an illusion of regulation.

We have one concern, and that is to be sure that local governments set rates to cover water and/or sewer only. They should be very conscientious that these costs do not become a source of general revenue.

Mr. Ron Woods from our Utility Division is here to answer any technical questions you may have. Thank you.

DATE March 14, 1995

SENATE COMMITTEE ON LOCAL GOVERNMENT

BILLS BEING HEARD TODAY: HB 101 HB 259
HB 270 HB 289

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Edward G. Benadett	ADL Court, Alaska	101		X
MIKE KRESS	Mountain Line	HB 270	X	
TIM SHANKS	MT Police Prot Assn	HB 101		X
Dewey Francisco	A.D.L.Co. P.D.	HB 101		X
Jerry Williams	MT Police Protective Assn.	HB 101		X
Tom Foley	ATSCME, MT Council	HB 101		X
DAVE McCLAM	I.A.F.F.	HB 101		X
JEFF SCHOENEN	I.A.F.F.	HB 101		X
W. James Kembel	City of Billings	HB 101 HB 289	X X	
John Lawton	City of Great Falls	HB 101 HB 289	✓ ✓	
Mike / Steve	Anaconda P.D.	HB 101		✓
Dan Blumie	Anaconda P.D.	HB 101		✓
JOHN SULLIVAN	ANACONDA P.D.	HB 101		X
Tim Barkell	ANACONDA POLICE DEPT.	HB 101		✓

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE _____

SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY: _____

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Check One

Name	Representing	Bill No.	Support	Oppose
Jack Eblum	Anaconda Police	HB 101		✓
Steve Barclay	ANACONDA POLICE	HB 101		✓
Tom DETENAUER	ANACONDA POLICE	HB 101		✓
John P. BDEIBE	ANACONDA POLICE	HB 101		✓
John	Anaconda Police	HB 101		✓
Gary Shelton	Anaconda Police	HB 101		✓
Ken A. Kovacich	Anaconda P.D.	HB 101		✓
Tim BERGSTROM	INTERNAT. ASSOC. of FIREFIGHTERS	HB 101		X
Pat Clinch	Montana State Council Prof. Firefighters	HB 101		X
Vern Erickson	mt State Firemen's Assoc	HB 101		X
Harvey McCaffree	Pub Ser. Comm	HB 289	✓	
Ron Woods	Public Serv. Comm	HB 289	✓	
Dave Ashley	Dept of Admin	HB 289 HB 101	✓	
DEAN RIGG	FIRE FIGHTERS	HB 101		✓

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BILLS BEING HEARD TODAY: _____

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Check One

Name	Representing	Bill No.	Support	Oppose
Larry Fashen	City of Mt. Falls	HB-101 HB-289	✓	
" "	Cascade City	HB-259	✓	
Doc MYERS	GARRET FALLS FIRE	HB-101		X
RAY BERRYMAN	BUTTE-SILVER BOW FIRE DEPT	HB101		X
Bill Verweel	City of Helena	HB289	✓	

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