



Local Government Interim Committee 65th Montana Legislature

SENATE MEMBERS

ROGER WEBB--Chair
CYDNIE (CARLIE) BOLAND
MARGARET (MARGIE) MACDONALD
FRED THOMAS

HOUSE MEMBERS

MARY ANN DUNWELL--Vice Chair
DAVE FERN
ADAM HERTZ
JEREMY TREBAS

COMMITTEE STAFF

LEANNE KURTZ, Lead Staff
K. VIRGINIA ALDRICH, Staff Attorney
JENNI CARR, Secretary

MINUTES LOG

November 8, 2017
Room #152, Capitol Building
Helena, Montana

Please note: This document is a Minutes Log and provides a notation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video record of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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Please contact the Legislative Services Division at 406-444-3064 for more information.

COMMITTEE MEMBERS PRESENT

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REP. DAVE FERN
REP. JEREMY TREBAS

COMMITTEE MEMBERS EXCUSED

SEN. FRED THOMAS
REP. ADAM HERTZ

STAFF PRESENT

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VISITORS' LIST (Attachment 1)

AGENDA (Attachment 2)

COMMITTEE ACTIONS

CALL TO ORDER AND ROLL CALL

00:00:05 Sen. Webb brought the meeting to order, the committee secretary took roll.
(Attachment 3)

AGENDA REVIEW, WORK PLAN UPDATES - Leanne Kurtz, Committee staff

00:01:04 Ms. Kurtz went over the agenda, and Sen. Web authorized allowing comments on Washington's Regional Fire Authority ahead of the time scheduled on the agenda.

Overview of Washington's Regional Fire Authority

00:04:55 Geoff Simpson, Seattle area fire chief, commented on the fire authority.
00:07:44 Rep. Fern asked if the standards for fire protection in Washington are different from Montana, and what effect population had on the standards.
00:10:43 Rep. Fern asked for clarity on what the impact of a regional fire authority was.
00:16:06 Rep. Dunwell asked if there is any differentiation for people who built houses in a rural setting versus inside city limits.

SJR 21 STUDY OF EMERGENCY MEDICAL AND VOLUNTEER FIREFIGHTER SYSTEMS

Review study resolution and previous discussions

00:19:02 Ms. Kurtz updated the committee.

EMS Grant Program administered by Montana Department of Transportation - Janet Kenny, MDT Highway Traffic Safety Supervisor

00:20:52 Ms. Kenny provided a report on the EMS Grant Program. (Exhibit 1)
00:24:10 Rep. Dunwell asked for clarification on the map and why some counties appear to not have received grants.
00:25:13 Sen. MacDonald asked for clarification on eligibility and why smaller communities tended to receive the grants over larger ones.
00:26:23 Sen. Webb asked if the request for funding exceeds the amount funded.
00:28:13 Sen. Webb asked how it was decided on "who gets what."
00:29:16 Rep. Fern asked for Ms. Kenny's opinion on if there were any amendments needed to the statute to better serve the community.

SJR 32 study of community paramedicine: overview of Economic Affairs activities - Ms. Kurtz, Local Government Committee staff

00:30:23 Ms. Kurtz updated the committee on the SJR 32 study. (Exhibit 2)

2008 EMS Program Audit: DPHHS/DLI responses and updates - Jim DeTienne, Section Supervisor, DPHHS EMS and Trauma Systems Section; Judy Bovington, Chief Legal Counsel, Department of Labor and Industry

00:32:29 Mr. DeTienne began his presentation on the 2008 EMS Program Audit, and updated the committee on where the program is at today. (Exhibit 3)

00:59:31 Ms. Bovington said that DLI agrees with DPHHS's findings.
 01:00:44 Sen. Boland said it is unfortunate there aren't enough volunteers, and asked for recommendations for the most important pieces needed.
 01:01:58 Rep. Fern asked what kind of "roadblocks" community paramedicine is currently facing in implementation of the program.
 01:04:52 Rep. Dunwell asked if anything could be identified in SB 104 that prevented it from passing during the last session.
 01:11:20 Ms. Kurtz asked the committee to consider studying this further for the March meeting.
 01:11:46 Sen. MacDonald asked to see information from other states.
 01:12:18 Sen. Webb asked for recommendation on three states to look into, and asked if video training sessions are in use.
 01:13:42 Sen. Webb asked for clarification on the complaints about paramedics.
 01:15:00 Rep. Dunwell asked how to make sure efforts aren't being duplicated with the Economic Affairs Interim Committee.

DNRC County Co-op program overview - Mike DeGrosky, DNRC Fire and Aviation Bureau Chief

01:16:26 Mr. DeGrosky began his presentation. ([Exhibit 4](#))([Exhibit 5](#))
 01:27:49 Rep. Fern asked how districts are determined and how the funding works for those districts.
 01:30:32 Sen. Webb asked what's in the arsenal of aviation.

Mutual Aid - Bob Drake, Chief, Tri-Lakes Fire Department

01:32:02 Mr. Drake began his presentation on Montana Mutual Aid.
 01:42:48 Sen. Webb asked if they still color code radio frequency.
 01:43:43 Rep. Dunwell asked what the solution would be to the limitations on the "volunteer" issue in "people having to return to work."

Volunteer firefighters by the numbers--number of districts, total number of firefighters, total enrolled in VFR, estimated with/without workers comp - Leonard Lundby, Montana Fire Alliance

01:53:05 Mr. Lundby began his presentation on volunteers by the numbers.
 02:00:28 Sen. Boland asked for what reasons 2,000 people wouldn't be covered by worker's compensation.
 02:02:59 Rep. Dunwell asked why there's such a disparity in regards to state fund, and asked what it would take to require a subsidy for all insurance providers.
 02:06:11 Sen. MacDonald asked if it would help recruit more volunteers if worker's comp was provided everywhere.
 02:08:27 Rep. Fern asked about MMIA covering the difference.
 02:09:25 Sen. Webb asked who would administer a grant.
 02:10:11 Rep. Dunwell asked about State Funds ability to aid in providing workers' comp.
 02:13:42 Sen. Boland would like to see information from MMIA to see what kind of financial impact they experience.

Local authority to regulate fireworks - Ginger Aldrich, Staff Attorney

02:15:15 Ms. Aldrich began her presentation of fireworks regulations in regards to private property.

02:20:11 Sen. Webb asked for the bill number.
02:20:34 Rep. Dunwell asked for clarification on what direction to take in regards to banning fireworks in high fire hazard situations.
02:22:32 Sen. MacDonald asked about a specific situation in Billings where they block off a section of land during the fire season.
02:24:13 Rep. Dunwell asked for input from the committee.
02:24:55 Rep. Fern asked if there was any way to expedite a statute when fireworks are a public safety hazard.
02:26:57 Sen. Webb asked if 7-33-2212 was modified there would be a need for legislation like SB44.
02:27:16 Sen. MacDonald asked if wording could be tweaked for the March committee meeting on 7-33-2212.

Public Comment

02:28:09 Eric Bryson, Montana Association of Counties, clarified some things on their workers' comp pool.
02:30:31 Mr. Drake provided information in regards to fireworks restrictions.
02:32:14 Kelly Lynch offered clarification on the MACo insurance pool.
02:33:07 Mr. Drake commented on the EMS presentation, and the limitation to the help volunteers are able to give.

BREAK (reconvene 3:49)

HJR 25 STUDY OF MUNICIPAL FIRE DEPARTMENTS **Review study resolution and previous discussions**

Municipal classifications - Ms. Kurtz

02:49:22 Ms. Kurtz went over the statutes that govern municipal classifications. ([Exhibit 6](#))
02:56:12 Sen. Webb asked how current the data is.

Evolution of 7-33-4101, MCA - Ms. Kurtz

02:57:02 Ms. Kurtz talked about the evolution of section 7-33-4101, where it began, and how it's changed over the years. ([Exhibit 7](#))

Overview of Washington's Regional Fire Authority - Ms. Kurtz

03:02:19 Ms. Kurtz gave a brief overview of Washington's Regional Fire Authority. ([Exhibit 8](#))

Other states' service delivery options - Ms. Aldrich

03:08:50 Ms. Aldrich talked about Colorado, Utah, and Oregon and their service delivery options.
03:14:46 Rep. Dunwell asked if the authorities could pass laws/codes such as in regards to the fireworks discussion earlier.

Public Comment

03:16:30 Bob Drake, Tri-lakes, offered input on the regional fire authorities.
03:18:14 Leonard Lundby stated that this concept is supported by Montana Fire Alliance.

- 03:19:08 Doug Russell, Kalispell City Manager, suggested that it's a more effective use of resources.
- 03:21:04 Ted Barkley, Belgrade City Manager, explained Belgrade's situation.
- 03:29:49 Ron Lindroth, Central Valley Fire District.
- 03:32:34 Dave Maslowski, Montana State Council of Professional Firefighters.
- 03:34:50 Joe Nelson, Board of Trustees, Central Valley Fire District.

Committee Questions, Next Steps

- 03:37:22 Sen. Webb asked if there would be any objection from the committee if Mr. Barkley and Mr. Lindroth put together a presentation for the committee.
- 03:37:48 Rep. Fern asked about the relevance of population classes and how they affect the fire districts. And would like to see how annexation would work, as well as fire authority.
- 03:38:54 Sen. MacDonald asked to add someone from the Montana State Council of Firefighters, and adding others from different communities to aid in the presentation.
- 03:40:05 Sen. Webb asked Mr. Barkley if it's something that could be done.
- 03:42:32 Rep. Fern asked for a time line.
- 03:42:45 Ms. Kurtz clarified that they would have bill drafts available at the March meeting.

PANEL DISCUSSION: 2017 FIRE SEASON AND IMPACTS TO LOCAL FIRE DEPARTMENTS (PORTIONS OF SJR 21 AND SJR 25 STUDIES)

Recap 2017 season and local resources, response, costs

- 03:44:39 Rick Abraham informed the committee of the impact on the East Helena fire department.
- 03:53:43 Mr. Drake discussed water regulations and invasive species.
- 03:57:46 Rocky Infanger, Wolf Creek Fire Chief, praised DNRC and the mutual aid partners and how important it is that they continue to be funded.
- 04:02:35 Hoyt Richards, Montana DNRC, discussed the county co-op program.
- 04:05:11 Ron Lindroth, Central Valley Fire Department, discussed the Santa Rosa, California fire, and mutual aid.

Committee Questions, Next Steps

- 04:10:09 Rep. Dunwell asked Mr. Infanger if he had any thoughts on giving incentive to employers to give employees time to fight fires.
- 04:12:52 Sen. Webb asked who held up paperwork regarding the Santa Rosa mutual aid request.

RECESS (5:15pm)



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RECONVENE (8:02am)

ROLL CALL

00:00:26 Sen. Webb brought meeting back to order. The committee secretary took roll.

MSU LOCAL GOVERNMENT CENTER OVERVIEW - Dan Clark, Director, Local Government Center

00:01:45 Mr. Clark began his power-point presentation on the MSU local government. ([Exhibit 9](#))

00:10:50 Mr. Clark pointed out several resources used to explain local government trends and statistics. ([Exhibit 10](#)) ([Exhibit 11](#)) ([Exhibit 12](#))

00:13:32 Rep. Dunwell asked if the map was current.

00:17:39 Rep. Fern asked for clarification on the budget.

00:22:13 Sen. MacDonald asked if the Extension funds were from USDA or where they came from.

00:28:59 Sen. Webb asked if all 56 counties were utilizing Mr. Clark's services.

00:30:39 Rep. Fern asked about strengths and opportunities of local government and trends.

00:34:09 Rep. Dunwell expressed concern that some communities wouldn't be able to afford local government services and asked if there have been any thoughts about scholarships.

LOCAL GOVERNMENT BUDGETING WORKSHOP - Harold Blattie, Executive Director, Montana Association of Counties; Kim Smith, Bureau Chief, Department of Administration Local Government Services Bureau

00:37:57 Mr. Blattie began his presentation with a brief history of his experience with local government.

00:43:10 Ms. Smith began her presentation, pointing out Sen. Tester's letter. ([Exhibit 13](#))

00:50:28 Rep. Dunwell asked if this has ever been attempted in the past.

00:50:43 Sen. Webb asked which states have been looked at.

00:51:29 Mr. Blattie gave overview of budget presentation. ([Exhibit 14](#))

00:55:56 Ms. Smith walked through the presentation, with input from Mr. Blattie.

00:59:09 Sen. Webb asked if the time table is the same.

01:16:48 Rep. Fern asked if Montana has a more complicated process in regards to funds, or if this is normal.

01:22:27 Rep. Dunwell asked for clarification on the statute.

01:26:23 Rep. Trebas asked if the fiscal year affects the budget.

01:40:13 Sen. MacDonald asked if growth was accommodated by the increased valuation.

01:44:15 Rep. Fern asked if 1.5% was the growth, and if there were counties that go under their allowable levy amounts, and could those levy amounts increase.

BREAK (reconvene 10:22 am)

02:20:48 Ms. Smith continued her presentation.

02:39:58 Sen. MacDonald asked for clarification on the gas tax.

02:41:36 Rep. Kenneth Holmlund asked for more information on the gas tax.

02:51:17 Rep. Fern asked about the terms used and how they work together.

Public Comment

02:55:12 Tim Burton, Montana League of Cities and Towns.

ENTITLEMENT SHARE - ORIGINS

Local Government Funding and Structure Committee members - Harold Blattie, Bob Story, Susan Nicosia

03:04:30 Mr. Story, Montana Taxpayers Association, began his presentation on entitlement share. ([Exhibit 15](#))

03:08:11 Ms. Nicosia discussed the importance of the Local Government Committee. Mr.
03:15:55 Blattie discussed SB 184, and the importance of Local Government. ([Exhibit 16](#))
([Exhibit 17](#)) ([Exhibit 18](#)) ([Exhibit 19](#))

03:46:19 Rep. Fern asked would the biennium have to project good years in order for it to be financially doable, and if there is an annual percentage.

03:52:23 Sen. MacDonald asked if there are any regrets over any of it or if it's holding up well.

03:56:57 Rep. Holmlund asked if Mr. Story had ever considered giving the presentation to Appropriation and Finance and Claims Committees.

03:59:00 Rep. Fern asked for clarification on 15-10-420 and entitlement shares.

04:01:36 Rep. Trebas asked for clarification on Cascade County's accumulative percent increase. (See Exhibit 18)

04:04:41 Mr. Story passed out a Montana Property Tax Mill Levy document. ([Exhibit 20](#))

LUNCH (reconvene at 1:01pm)

LAND USE AND HOUSING

DEQ Subdivision and Development Advisory Council - Tim Davis, Department of Environmental Quality Water Quality Division Administrator

04:58:57 Mr. Davis provided an update on subdivision advisory council. ([Exhibit 21](#))

05:08:17 Rep. Fern asked where subdivision activity is occurring and how the numbers look in different regions.

05:09:04 Rep. Dunwell asked what kind of impact impending cuts would have on subdivision development.

HJR 18 TIF STUDY

RTIC activity update - Megan Moore, RTIC staff

05:11:41 Ms. Moore presented an update on the HJR 18 TIF study. ([Exhibit 22](#)) ([Exhibit 23](#))

BRIDGE AND ROAD SAFETY AND ACCOUNTABILITY ACT (HB 473)

Guidance document - Eric Bryson, Assistant Director, MACo; Kelly Lynch, Deputy Director, Montana League of Cities and Towns; Larry Flynn Administrator, Department of Transportation

05:17:09 Mr. Flynn began his presentation and explained the process of revenue for the bridge and road safety funds. ([Exhibit 24](#))

05:23:56 Ms. Lynch began her presentation on the guidance. ([Exhibit 25](#))

05:32:39 Rep. Fern asked for clarification on the account and funding.

- 05:35:05 Rep. Dunwell asked what kind of assurances there would be that this would be an equitable process.
- 05:37:15 Sen. Boland asked about federal funding.
- 05:37:56 Rep. Trebas asked if there was a website for tracking progress up and running yet.
- 05:38:31 Mr. Bryson described the process of implementation.

Public comment on any item within the Local Government Committee's subject matter jurisdiction

- 05:42:47 Eric Bryson, Montana Association of Counties, commented on political expenditure reporting. ([Exhibit 26](#))
- 05:47:11 Kelly Lynch, Montana League of Cities and Towns, stated they will sign off on the letter to submit.
- 05:47:51 Harold Blattie, director of the Montana Association of Counties, asked the committee to consider a panel of "gateway county" members to discuss ways to support the communities that are close to national parks and have impacts from tourism.

March meeting preview

- 05:50:49 Ms. Kurtz went over the work-plan for the March meeting.
- 05:57:50 Ms. Aldrich requested the SAVA committee be notified.
- 05:58:16 Sen. Boland asked for clarification on the entitlement share and whether there was a law that would keep the government out of the Local Government's fund.
- 06:00:11 Mr. Blattie clarified the law of the past.
- 06:00:48 Sen. MacDonald requested a follow-up on the paperwork that held up the fire department this summer.
- 06:01:45 Sen. Webb requested a follow-up on the invasive species.
- 06:01:58 Rep. Dunwell asked to dig further into workers' comp and how to incentivize employers and recruits.

ADJOURNMENT

- 06:02:15 With no further business before the committee, Sen. Webb adjourned the meeting at 4:03pm.

Note: Exhibits 11, 12, and 20 could not be linked due to size, but can be found in the Legislative Services Divisions office upon request.

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