# MINUTES OF THE MEETING SENATE STATE ADMINISTRATION COMMITTEE FEBRUARY 2, 1977

The meeting was called to order by Senator Towe, Chairman, at 11:00 a.m. in Room 410 of the Capitol Building. Committee members present were Senators Towe, Story, Brown, Rasmussen, Roskie, Jergeson and Blaylock.

The committee met in Executive Session from 11:00 a.m. to 11:30 a.m.

Senator Towe explained the Legislative Administration Committee had officially stated there were to be no more recordings or transcripts of any appointment hearings and that any transcripts which were being worked on were to be terminated immediately.

After discussion, Senator Blaylock moved to inform the Legislative Administration Committee that the State Administration Committee would not send up any further appointments until the Legislative Administration Committee rescinded its action regarding completion of the transcripts on Mr. Lackman and Dr. Wambach.

There was further discussion of the transcripts and a discussion of the salary being paid the committee secretary. Senator Towe remarked Mrs. Rohyans' salary had been set at the base level for committee secretaries despite the fact there were as many, and in some instances more, bills in State Administration as in the three "heavy" committees, i.e. Judiciary, Taxation, and Finance and Claims. Further, State Administration was also handling close to one hundred state appointments and hearings on a number of those appointments. It was also noted that Mrs. Rohyans is one of the few secretaries with prior legislative experience. The committee agreed the Legislative Administration Committee should be approached regarding this situation also.

Senator Roskie seconded the motion and the motion carried with Senator Rasmussen voting No. Senator Devine will be given the opportunity to vote on the matter. A letter will be prepared by the Chairman requesting a meeting of the Legislative Administration Committee to consider action by the committee.

Executive Session was closed and the following bills were discussed in hearings:

SB 120

SB 121

SB 183

SB 101

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Senator Story, District 37, stated the bill is very similar to SB 101 and is intended to put the citizen on a par with state regulatory agencies. He stated it would prevent capricious rule-making as it would only take a request by ten or more senators to request a review of a regulation.

#### Proponents

Rod Gudgel, representing the Montana Nursing Homes Association, stated support of the bill saying we must have checks on unrestrained rule-making.

Doris Dietzen from the Secretary of State's Office, spoke neither in support or opposition, but suggested amendments were needed to make the bill workable and offered to meet with the committee in that regard.

Senator Roskie stated the Administrative Code Committee is meeting soon and requested those interested to meet with them to work out problems.

### Opponents

Bob Lohn, attorney from the Governor's office, opposed the bill and suggested the bill be referred to the Administrative Code Committee. He stated under joint rules the legislature can now act on rules as five are now under consideration.

Bob Cochran, counsel for the Department of Revenue, reminded the committee of the testimony on SB 101 and urged support of the Administrative Code Committee's work.

Senator Story closed by saying he supported the Administrative Code Committee and its work. He was concerned that an individual who is adversely affected by a rule should not have to bear the burden to prove the point but rather, that burden should be on the state. He stated he wasn't too sure there are many departments of government who are concerned about individual's rights.

There being no further proponents or opponents the hearing was opened to questions by members of the committee.

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Senate State Administration
February 2, 1977
Page Three

SB 121 Senator Manley, District 14, sponsor of the bill, stated the purpose of the bill is to return the property tax assessment of property in the county to the county government. He felt the proposal should be submitted to the electors for their decision.

Floyd Irion, Chairman of the Powder River County Commissioners presented a fact sheet to the committee (see attached #1). He also is Chairman of the Committee for Local Control of Taxation. He felt there is not equalization existent now and gave examples of that problem in his county. He felt that by submitting the problem to the people they can make their choice.

Ken Nyquist, Roosevelt County Commissioner, stated he concurred with Irion and felt the issue should be submitted to the electorate.

Leo Kamp, Yellowstone County Commissioner, stated he supported the previous testimony. His input from the people in his county was strongly in favor of putting the issue on the ballot.

Dan Carrigan, Lake County Commissioner, stated he fully supported the previous testimony.

John St. Germaine, Cascade County Commissioner, stated he has dissatisfied people in his office constantly and feels they should be able to vote on the issue.

Mr. Jensen concurred with previous testimony.

George Sager, Gallatin County Commissioner, stated the Gallatin County Commissioners were being sued by the Gallatin Stockmen and the stockmen won \$160,000. The Commissioners are now in trouble with the school districts as the schools feel they should have their money regardless if taxes are paid. The assessor is elected by the voters in Gallatin County and directed by the Department of Revenue, and he finds himself in a no man's land.

May Jenkins, Yellowstone County Treasurer, presented her statement in support (see attached #2).

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Ray White, Gallatin County Assessor, stated the troublemakers are just aware taxpayers. He said he has had seven lawsuits filed against him in the last two years. He quoted figures showing the increase in valuations in the last six years that amounted to over \$500,000. The situation has caused chaos in his office the last three years and his staff can't keep up. It is up to him to get the assessment figures on which the County Commissioners base their budget and as a result of the present situation, the commissioners are not able to even begin a budget.

Senator Ed Smith, District 1, co-sponsor of the bill, thanked everyone who came and testified. He said he believes in equalization as the closer taxes are kept to the people, the better they'll be paid. If the legislature can't find out what is going on, how can the people? He stated a mass reappraisal program will create total chaos.

Darlene O'Leary, Lewis and Clark County Treasurer, stated she supported the measure completely.

John Thompson, Gallatin County Tax Appeal Board, stated the rules aren't consistent even in Helena. He stated the system is terrible and must be straightened out immediately.

Bill Asher, representing the Agricultural Preservation Society, from Bozeman, stated full support of the bill.

#### Opponents

Dennis Burr, Department of Revenue, stated section 4 takes away local appraisal powers and that may be in conflict with what the authors want to do. He stated this was the most controversial section of the new Constitution and the people had the opportunity then to correct the situation.

He realized there are problems such as sharing offices in some counties and salaries being different due to the state pay plan being higher than many counties. Meeting Minutes Senate State Administration February 2, 1977 Page Five

He stated the Tax Appeal Board does travel the state and that many standardized assessments have been established.

There being no further proponents or opponents, Senator Manley asked Mr. Irion to close. Mr. Irion stated the whole meat of the argument is not the pro or con of the actual functioning, but whether or not the people can vote on the issue.

Senator Manley stated he would support any amendments which would clarify the bill.

### Questions from the Committee:

Senator Blaylock asked if good help had been lost in Yellowstone County and why.

The assessor answered they had, definitely, due to salaries not being commensurate with the rest of the courthouse staff. He believed the assessor should, as an elected official, be an employee of the county and not of the state and he has requested an Attorney General's opinion on the matter.

Several questions were voiced concerning the merits of a joint tax commission. It was felt this might be more acceptable on the local level because local input would be recognized. However, there was disagreement with the concept of commissioners from one county making decisions in other counties.

There being no further discussion, the hearing was closed.

Senator Roberts, District 11, sponsor of the bill, stated it deals with the pension fund for volunteer firemen in unincorporated areas. The money has gone into an earmarked fund and reached the \$1,000,000 several years ago. The fund is solvent and doing well and the bill would raise the premium to \$100. He stated Mr. Nachtsheim has no objection to the increase.

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### Proponents

Art Korn, Secretary of the Montana State Volunteer Firemen's Association, spoke in support of the bill.

Andy Keily, Industrial Accident Board, stated he had no objection to the bill.

Dave Fisher, representing the Montana State Firemen's Association, stated they wished to be on record supporting the bill if the money is available.

R. A. Ellis, Helena Valley Fire Department, stated his support of the bill.

Henry Lawrence of the Montana State Firemen's Association urged support of the bill.

There being no further proponents and no opponents, the hearing was opened to questions by the committee.

Senator Story asked how many volunteer firemen are there.

Mr. Fisher answered 9,000.

Senator Towe asked how much a fireman contributes to the fund.

Mr. Fisher replied nothing.

Senator Towe asked how the fund is funded.

Senator Roberts stated five percent of the fire insurance premium goes into the fund.

Mr. Fisher stated Montana has the only fully funded pension program in the United States.

Senator Story stated he would like to hear from Mr. Nachtsheim regarding the future health of the plan.

Senator Towe stated Mr. Nachtsheim would be invited to answer any questions regarding the fund.

Senator Brown asked Mr. Korn to review the procedure for setting up a volunteer fire department and further asked how many volunteer firemen associations there are in the state. Meeting Minutes Senate State Administration February 2, 1977 Page Seven

Mr. Korn reviewed the procedure and stated there are 301 associations presently active in the state.

There being no further questions, the hearing was closed.

SB 101 Senator Jergeson moved the amendments to the bill (see attached committee report). THE MOTION CARRIED UNANIMOUSLY WITH SENATORS DEVINE AND ROSKIE ABSENT.

Senator Jergeson moved SB 101 Do Pass As Amended. THE MOTION CARRIED UNANIMOUSLY WITH SENATORS DEVINE AND ROSKIE ABSENT.

There being no further business, the meeting adjourned to reconvene February 4 at 11:00 a.m.

Thomas E. Towe, Chairman

## STATE ADMI

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## ROLL CALL

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45th LEGISLATIVE SESSION - - 1977 Date  $\frac{2}{2}$ 

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Senator Pete Story, V. Chrm.	X		
Senator Bob Brown			
Senator A.T. "Tom" Rasmussen	<del></del>		
Senator George F. Roskie	<u> </u>		
Senator John W. Devine			X
Senator Greg Jergeson	<del></del>		
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## Committee for Local Control of Taxation

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Box 194 BROADUS, MONTANA 59317

RECTORS:

MIKE MCCLINTOCK yellowtone Co. Comm. 210 tris Lane Biffings, Mt. 59102 tele: 656:1751 Res.

W. A. BURLEY, Lake Co. Comm. Box 71 Star Route Ronan, Mt. 59864 Tele: 676-2138 Res.

GEORGE W. SAGER, Gallatin Co. Comm Rt. 2, Bozeman, Mt. 59715 Fale: 586-5790-Res

OHN ST JERMAIN Lascade Collidomin. 4611 2nd Avel North Great Falls, Mt. 59401 Tele: 452 2838 Res.

DOUGLAS ALLEN Madison Co. Comm. Silver Star, Mt. 59751 Tele: 084-5415 Res.

PRIS H. GARDNER. WIS & Clark Co. Comm. 405 East Sixth Ave. Helena, Mt. 59601 Tele: 442-6613 Res.

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RE:

STATE ADMINISTRATION SENATE CONNITTED Senator Tom Tove, Chairman

Senator Pete Story, Vice Chairman

Members Bob Brown, Tom Rasmussen, George Roskie, John Devine,

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Tele: 430 205

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Powder River Co. Clerk

Broadus, Mt 59317

Tele: 436-2361 436-2265 Res

CHARLOTTE EDWARDS.

KENNETH V. NYQUIST, Roosevelt Co. Comm Rt. 2, Froid, Mt. 59724 Tele: 653/1322

Powder River County Consu

Chairman

Greg Jergeson, Chet Blaylock

FROM: COMMITTEE FOR LOCAL CONTROL OF TAXATION

Senate Bill 121 FACT SHEET giving a few of the reasons for support of change from STATE CONTROL to LOCAL CONTROL OF THY ADMINISTRATION. (July 1, 1973 the state assumed responsibility of tax adminstration as mandated by the NEW CONSTITUTION and the Dept. of Revenue was assigned duty of implementation)

The staggering sum of 325,214,835.00 has been appropriated to the Dent. of Revenue through the biennium ending July 30, 1977. And this does not to do not the cost at the local level, particularly in the Clerk and Recorder's office in receing accurate and legal records of service agreements, equipment use and rental contracts between state and county.

County government spends approximately \$20,000,000.00 annually the finance multiple services for a minimum of half million people in 56 counties, including:

1. Collecting all local, all school, most city and town, and ate taxes.

2. Conduct all state, federal and county elections; provide assistance in all elections.

3. Maintain and audit all school and county financial records.

4. Record and safe-keep for the public, over 100 different kinds of legal documents in such a manner that they are available for instant retrieval for the public.

5. Essue all vehicle licenses, collect taxes thereon; issue driver licenses.

f. Provide district court services; maintain law enforcement.

7. Haintain an information bureau for all state and federal agency services.

3. And many many more services too numerous to mention.

Our committee members feel little has been accomplished by the State Dept. of Revenue and at a very high cost to the taxpayers....see below:

1. The last reappraisal was done by many counties in less than 3 yrs at a low cost.

3. Jan. 1977...three state agency men from Helena arrive in county via Miles City, they walk in and immediately call Miles City for motel reservations. They arrived in local office at approxmately 3:30 P.M.——went for coffee and left at 4:45 P.F.

In many of the 56 counties new appraisers were hired without receiving any instruction. They were not allowed to exchange work with the Assessor as had been done. Many days they had absolutely nothing to do but were not allowed to assist any county officers: •••• The low cost of county government sited above is not achieved in this

REPRESENTING WHOM? APPEARING ON WHICH PROPOSAL: DO YOU: SUPPORT? AMEND? OPPOSE? Hellowstone County Trues. The Chainan & Mindere of Their Comm. 2 Hadri Hentleman . Land May Joshum, Hellowstone the Mont Elected Country Affectale. Die C. Officer, who are Made up of the following asso's: Mont. Dressey fo asso. " Gerk & Levordere" Gerk of Stuit. Court " " County Let Berendich " Mont. Elev. Official Make up an tembrelle committee Thes committee electer 3 delegates a year from their asso, to I muit Kuth other asso. menden to alescur Ajoblem that buse in County Bout they are given the feel power of support Their ast, to speak out on issue Concerning our position + office It is which their auchout of speak in support of Alb 121 Hurther an Co. Bussum for

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# Board of County Commissioners

Virginia City. Montana 59755

**Ohone 843-5444** 

Clarke Raymond Russell Anderson

To: Committeeon State Administration Hon. Thomas Towe, Chairman Hearing On Senate Bill 121

## Mr. Chairman and Committee Members

I wish to urge approval of Senate Bill 121 which would place on the ballot an amandment to Article VIII of the Montana Constitution to return property tax assessment to the counties within which such property is located. The assessment of property by the State Department of Revenue, has not allowed forefficient and equitable taxation between counties as it was intended to do under the present system. There is no reason equitable taxation and levying of state levies between counties cannot be achieved through control. under state law, at the local level.

Douglas allen

Madison County ommissisoner

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

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## STANDING COMMITTEE REPORT

	February 7	19 . <b>7.7</b>
AR President		
We, your committee on	State Administration	
naving had under consideration	Senate	Bill No. <b>101</b>

Respectfully report as follows: That Senate Bill No. 101, introduced bill, be amended as follows:

1. Amend title, line 5.

Following: "RULES"

Insert: "TO WHICH AN OBJECTION HAS BEEN FILED BY A LEGISLATOR"

2. Amend page 1, section 1, line 9.

Following: line 8

Strike: section 1 in its entirety

Insert: "Section 1. Legislator's objections — repeal. A rule adopted or amended by agencies since the convening of the previous regular session is only temporarily effective until the end of the regular session of the legislature convened following its adoption. If any five legislators during the first seven legislative days of the session, object to a rule by filing a statement setting forth reasons for their objection with the legislature and the department head of the agencies adopting the rule, the rule is repealed effective the last day of that session unless the legislature by joint resolution reaffirms the rule, or replaces with a new rule in accordance with the objections stated."

\*XXXXXXXXX

Renumber: subsequent sections

a.a

Chairman.

STATE PUB, CO. Helena, Mont.

## Page 2 Senate Bill 101

3. Amend page 1, section 2, line 18.

Following: "an" Strike: "order"

Insert: "objection"

4. Amend page 1, section 2, line 19.

Following: "by" Strike: "an act"

Insert: "a joint resolution"

5. Amend page 1, section 2, line 24.

Following: "rule"

Insert: "but may adopt a rule in accordance with the objections"

6. Amend page 1, section 3, line 25.

Following: line 24

Strike: section 3 in its entirety

Renumber: subsequent section

7. Amend page 2, section 4, line 6.

Following: "Sussion"

Strike: "adjourned"

Insert: "to which objections have been filed"

AND AS SO ALLIDID, DO PASS

g. a