

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

February 13, 1979

The meeting of the Local Government Committee was called to order by Chairman George McCallum on Tuesday, February 13, 1979, at 12:30 in Room 405 of the State Capitol Building.

ROLL CALL: All members were present.

Dennis Taylor, staff researcher, was in attendance.

Several visitors were present. (See attachment.)

CONSIDERATION OF SENATE BILL 353: Senator John Manley, of Senate District 14, sponsor of Senate Bill 353, gave a brief resume of the bill. This bill is an act to increase landowner and elector control of zoning by requiring approval of those persons affected before zoning measures are adopted by the Board of County Commissioners; by requiring city-county planning board approval of interim zoning and allowing protest. Senator Manley stated that he felt this bill was very necessary so the people can decide for themselves. He commented that he felt this is a very good piece of legislation. Senator Manley offered some amendments which he felt would only improve the bill.

James Costanagna, Blackfoot Freeholders Association, stated this bill would help insure the rights of landowners in Montana. Mr. Costanagna told that the bill should be amended to include only landowners. If people want zoning they will vote for it.

Charlotte Esther, representing the Environmental Information Center, and Bob Kiesling stated the bill will have a positive effect on planning in Montana, particularly in unincorporated areas adjacent to the State's larger cities. Ms. Esther offered written testimony. (See attachment.)

Alfred Hutchison, of East Missoula, representing the East Missoula and Blackfoot Freeholders, stated that SB 353 would give the people a little weight regarding zoning. Mr. Hutchison told of an example in East Missoula regarding zoning that took place one year ago. (See attachment.)

Albertine (Tina) Fausett, representing the Blackfoot Freeholders Association, commented the people deserve more say in zoning and many are becoming upset with the control. (See attachment.)

Robert Thornburg, East Missoula and Missoula Area Property Holders Association, stated it is essential that the rights of the land owners be protected and the vote of the landowners is what should count for continuation and betterment of property and citizens rights. Mr. Thornburg objected to temporary residents being able to vote.

Walter Vannoy, of Greenough, stated that he was for the bill, as amended. Mr. Vannoy felt that the bill should read freeholders, not just anyone.

Howard Capenhaver, of Ovando, stated his support for the bill, as amended.

David Maclay, representing Land Owners Freeholders, stated that he believes that landowners should have the right to decide whether or not zoning will be placed on the land. Mr. Maclay supports the bill as amended. (See attachment.)

Mr. Lloyd Meske of the Blackfoot Freeholders Association, stated that he was in complete agreement with Mr. Maclay.

Julie Hacker, of Bonner, stated that for the most part, people do not trust county officials anymore. Zoning has set people against each other. This bill would enable people to be made aware. Landowners should have the right to say no. Ms. Hacker felt that landowner control is essential for the good of the country. (See attachment.)

Vera Cahoon, of the Blackfoot Freeholders Association, stood in support of the bill as amended as a way of returning some control to the affected landowners. (See attachment.)

With no further proponents Chairman McCallum called on the opponents. Hearing none, Senator Manley made the closing remarks. Senator Manley stated that this is a start for the landowners and could be implemented into the counties. He asked the Committee to please give Senate Bill 353 a Do Pass, as amended recommendation.

DISPOSITION OF SENATE BILL 353: A motion was made by Senator O'Hara that the amendments that Senator Manely offered be adopted. Motion carried unanimously.

A motion was made by Senator Story that Senate Bill 353 receive a "DO PASS, as amended" recommendation from the Committee. Motion carried.

CONSIDERATION OF SENATE BILL 352: Senator Tom Rasmussen, of Senate District 16, sponsor of the bill, gave a brief resume of the bill. This bill is an act to establish a county compensation board which shall develop a compensation schedule that must be used by the county governing body when setting the salaries for elected county officials.

Bonnie Miller, representing the Montana Clerk and Records Association, stated her support of the bill. Ms. Miller stated that the commissioners need some guidelines in setting salaries for elected county officials. The commissioners from her county,

Powell, favor this bill.

John Bell, representing the Montana Sheriff's and Peace Officer's Association, referred to the Montana Constitution regarding salary setting.

Darlene Hughes, president of the Montana Clerk and Recorders Association, stated her support of the bill and offered some amendments.

R. F. Fisher, representing the Montana Sheriff's and Peace Officers, offered a letter from Dale Dye, president of the Montana Sheriff's and Peace Officer's Association. (See attachment.)

Bill Burley, Lake County Commission, stated his group felt that this was a very good bill. It would take the Legislature out of the salary setting business. Mr. Burley asked the Committee to pass the bill. (See attachment.)

John Muster, Sanders County Commissioner, stated that elected officials need a better system of having their salaries set.

Edith Cox, representing the Montana County Treasurer's Association, stated they would accept the proposed amendments and favor the bill.

Claire Gilreath, representing the Clerk of Courts, stated that they would accept the proposed amendments and favor the bill.

Sheriff Walter Hammermesiter offered an amendment which he handed out to the Committee and thoroughly explained. (See attachment.)

Ray White, Gallatin County Assessor, stated that he felt 11 members could be very cumbersome and the meeting would be costly. Mr. White stated that he is very confused by the bill. He stated the only thing good about the bill is that there is an attempt being made to improve county government.

Mike Stephens, representing the Montana Association of Counties, stated that the bill is a step in the right direction, however, it should be done on the local level completely.

Robert Hoffman, representing the Montana Association of Assessors, stated that he had polled his members, and they all agreed that they did not want the county commissioners to set the salaries.

Al Rierson, sheriff of Flathead County, stated that the responsibilities and duties of the sheriffs are not in unison throughout the state. Mr. Rierson stated that he felt the amendments should be considered as the best single method offered so far.

Perhaps there should be an interim study commission to look into this matter during the next two years, being as this is a new idea.

Ray White, Gallatin County Assessor, spoke again to say he had just read the amended version of the bill and he would support it now.

Glen Osborne, a sheriff, stated that he agreed with Sheriff Rierson and will support the amended bill. Mr. Osborne stated that he favors this amended bill being studied for two years.

Bonnie Miller made the closing remarks for Senator Rasmussen. She stated that she would go along with the offered amendments and asked the Committee to give SB 352 a do pass recommendation.

The meeting was opened to a question and answer period from the Committee. Discussion was held.

A motion was made by Senator Thomas that the amendments proposed for SB 352 be adopted. Motion carried.

Dennis Taylor, staff researcher, was instructed to draft the amendments. It was pointed out that this bill needs a fiscal note.

DISPOSITION OF SENATE BILL 229: Dennis Taylor explained the proposed amendments. The amendments will protect those whose tax base has dropped.

A motion was made by Senator Thomas that the amendments proposed be given a "DO PASS" recommendation. Motion carried.

A motion was made by Senator Thomas that Senate Bill 229 be given a "DO PASS, as amended" recommendation from the Committee. Motion carried.

SENATE BILL 290 REOPENED: Because of lack of time at the previous hearing, it was decided to allow Senator Dover to finish his hearing on Senate Bill 290.

Senator Dover stated that he had gotten together with the power companies and worked out some of the questions which had arisen. He handed out proposed amendments to the bill.

A motion was made by Senator O'Hara to accept the proposed amendments. Motion carried.

Mr. Dave Menter stated that the figure of 200 feet above ground would give the pilots something to work on. He stated one problem is on Boulder Pass. The power lines are less than 200 feet, however, it is very hazardous.

Les Lable, representing the Montana-Dakota Utilities, stated that his groups is opposed to the concept of the bill, however, the amendments are better than the original bill.

Bob Gannon, representing the Montana Power Compnay, stated that he felt the amendments definitely help the bill.

A motion was made by Senator O'Hara that SB 290 receive a "DO PASS, as amended" recommendation from the Committee.

Senator Story stated that he agrees with Mr. Lable that the power companies will have to pay for this costly project and in order to do so the rates will probably be increased on the consumers. Perhaps the pilots should help pay for this.

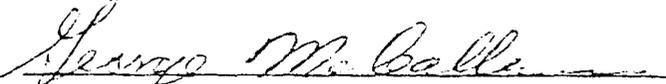
Senator O'Hara withdrew his motion.

DISPOSITION OF SENATE BILL 356: This bill deals with salaries of city judges and county justices. Everyone felt the bill needed to be clearer. The amendments were discussed.

A motion was made by Senator Watt that the proposed amendments be accepted. Motion carried.

A motion was made by Senator Watt that Senate Bill 356 be given a "DO PASS, as amended" recommendation from the Committee. Motion carried.

ADJOURN: With no further business the meeting was adjourned at 2:25. The next meeting will be held on Thursday at 12:30 in Room 405 for the consideration of Senate Bills 397, 412, 417, and 505.


CHAIRMAN, Senator George McCallum

BILL _____

VISITORS' REGISTER

DATE _____

Please note bill no.

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPOSE
Wes Leishman	Lake County	352	<input checked="" type="checkbox"/>	<input type="checkbox"/>
W. B. Bentley	Lake County	352	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Al Pearson	Flethand Sheriff	352	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DON CORRIGAN	LAKE COUNTY COMM	352	<input checked="" type="checkbox"/>	<input type="checkbox"/>
R. F. FISHER	ADJUTANT SHERIFF & PEACE OFFICERS	352	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Robert Campbell	Gallatin Co. Sheriff	352	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ray Brown			<input type="checkbox"/>	<input type="checkbox"/>
JAMES R. CASHELL	GALLATIN CO. SHERIFF	352	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Don [unclear]		353	<input type="checkbox"/>	<input type="checkbox"/>
Mrs. [unclear]	Chico [unclear]	353	<input type="checkbox"/>	<input type="checkbox"/>
Don [unclear]	Potomac - Green [unclear]	353	<input type="checkbox"/>	<input type="checkbox"/>
John Mustler	Sanders County [unclear]	352	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sandra Mustler	Sanders County	352	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Richard W. [unclear]	Powder [unclear]	352	<input type="checkbox"/>	<input type="checkbox"/>

STANDING COMMITTEE REPORT

February 13 1979

MR. President:

We, your committee on Local Government

having had under consideration Senate Bill No. 353

Respectfully report as follows: That Senate Bill No. 353 introduced bill be amended as follows:

- 1. Title, line 5.
Following: line 4
Strike: "AND ELECTOR"
Following: "REQUIRING"
Insert: "THEIR"
Following: "APPROVAL"
Strike: "OF THOSE"
- 2. Title, line 6.
Following: line 5
Strike: "PERSONS AFFECTED"
- 3. Page 3, line 14.
Following: "to"
Strike: "the"
Insert: "certain qualified"

BOEASSIA

(Continued)

February 13 19 79

Senate Local Government

Senate Bill 353

Page Two

4. Page 6, line 17.

Strike: "in the zoning district"

5. Page 6, line 18.

Strike: line 18 in its entirety

6. Page 6, line 19.

Strike: "but"

7. Page 7, line 5.

Strike: line 5 in its entirety

8. Page 7, line 6.

Strike: "zoned and"

9. Page 7, line 7.

Strike: "that area but reside outside"

10. Page 7, line 17.

Strike: "residing or"

11. Page 8, line 14.

Strike: "but whose residential address is"

12. Page 8, line 15.

Strike: "without the county"

And, as so amended, DO PASS

George McCallum

Chairman.

MC

STANDING COMMITTEE REPORT

February 13 19 79

MR. President:

We, your committee on Local Government

having had under consideration Senate Bill No. 229

Respectfully report as follows: That Senate Bill No. 229 introduced bill be amended as follows:

1. Title, line 5.
Following: line 4
Strike: "SCHEDULE"
Following: "OFFICIALS"
Insert: "AT LEAST"

2. Title, line 6.
Following: "ADD"
Insert: "and"
Following: "SALARY"
Strike: "CATEGORIES"
Insert: "CATEGORY"

3. Title, line 7.
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS"
Following: "7-4-2503"
Insert: "7-4-2504"

~~DO PASS~~

(Continued)

4. Pages 1 through 7.

Strike: all of the bill following the enacting clause

Insert: "Section 1. Section 7-4-2503, MCA, IS AMENDED TO READ:

"7-4-2503. Salary schedule for Salaries-of certain county officers.

(1) ~~Except-as-provided-in-subsection-(2),-the-total~~ The salary paid to the county treasurer, county clerk and recorder, clerk of the district court, county attorney, county assessor, county superintendent of schools, and county sheriff; the county surveyor in counties where county surveyors receive salaries as provided in 7-4-2812; and the county auditor in all counties wherein such office is authorized is computed by adding shall-be the sum of the salary shown in column A, based on population as of January 1, ~~1977~~ 1979 ~~when-added~~ to the salary shown in Column B, based on taxable valuation as of January 1, ~~1977~~ 1979 as follows:

(a) Population of County	Column A
Below 3,000.....	\$4,494
3,000 to 3,999.....	\$4,729
4,000 to 4,999.....	\$4,833
5,000 to 5,999.....	\$4,938
6,000 to 6,999.....	\$5,053
7,000 to 7,999.....	\$5,394
8,000 to 8,999.....	\$5,487
9,000 to 9,999.....	\$5,617
10,000 to 12,499.....	\$5,708
12,500 to 14,999.....	\$5,826
15,000 to 17,499.....	\$5,943
17,500 to 19,999.....	\$6,042
20,000 to 24,999.....	\$6,165
25,000 to 29,999.....	\$6,270
30,000 to 39,999.....	\$6,387
40,000 to 49,999.....	\$6,544
50,000 to 59,999.....	\$6,779
60,000 to 69,999.....	\$7,014
70,000 to 79,999.....	\$7,275
80,000 to 89,999.....	\$7,432
90,000 to 99,999.....	\$7,676
100,000 and over.....	\$7,902

(b) Taxable Valuation of County	Column B
Below \$2,000,000.....	\$4,598
2,000,000 to 2,999,999.....	\$4,729
3,000,000 to 3,999,999.....	\$4,833
4,000,000 to 4,999,999.....	\$4,938
5,000,000 to 5,999,999.....	\$5,069
6,000,000 to 6,999,999.....	\$5,394
7,000,000 to 7,999,999.....	\$5,487
8,000,000 to 9,999,999.....	\$5,617
10,000,000 to 11,999,999.....	\$5,708
12,000,000 to 13,999,999.....	\$5,826
14,000,000 to 15,999,999.....	\$5,942
16,000,000 to 17,999,999.....	\$6,047
18,000,000 to 19,999,999.....	\$6,165

(Continued)

20,000,000 to	22,499,999.....	\$6,270
22,500,000 to	24,999,999.....	\$6,397
25,000,000 to	29,999,999.....	\$6,544
30,000,000 to	34,999,999.....	\$6,779
35,000,000 to	39,999,999.....	\$7,014
40,000,000 to	44,999,999.....	\$7,275
45,000,000 to	49,999,999.....	\$7,432
50,000,000 to	54,999,999.....	\$7,657
55,000,000 to	59,999,999.....	\$7,902
60,000,000 to	64,999,999.....	\$8,138
65,000,000 to	69,999,999.....	\$8,372
70,000,000 to	74,999,999.....	\$8,607
75,000,000 to	79,999,999.....	\$8,843
80,000,000 to	84,999,999.....	\$9,078
85,000,000 to	89,999,999.....	\$9,313
90,000,000 to	94,999,999.....	\$9,548
95,000,000 to	99,999,999.....	\$9,783
100,000,000 to	109,999,999.....	\$10,019
110,000,000 to	119,999,999.....	\$10,195
120,000,000 to	129,999,999.....	\$10,398
130,000,000 to	139,999,999.....	\$10,606
140,000,000 to	149,999,999.....	\$10,817
150,000,000 and-over to	\$159,999,999.....	\$11,035
160,000,000 and over.....		\$11,265

(2) (a) The county superintendent of schools shall receive, in addition to the salary based upon the totals of columns A and B above, the sum of \$400 per year.

(b) The county sheriff shall receive, in addition to the salary based upon the totals of columns A and B above, the sum of \$1,200 per year.

(c) Except in counties of population greater than 30,000, the county attorney shall receive, in addition to the salary based upon the totals of column A and B above, the sum of \$1,200. In each county with a population in excess of 30,000, the salary of the county attorney shall be \$30,000 per year."

Section 2. Section 7-4-2504, MCA, IS AMENDED TO READ:

"7-4-2504. Salaries to be fixed by resolution (1) The county commissioners governing body shall by resolution, on or before July 1 of each year 1979, fix the salaries of the county treasurer, county clerk, county assessor, county school superintendent, county sheriff, and county attorney, and the clerk of the district court for the following fiscal year in conformity with the appropriate statutory salary schedule pertaining to each office. The salary schedule used for each office shall be the statutory schedule in effect on the first day of the following fiscal year; however, the salary of the elected county official for fiscal year 1980 must be the greater of the amount computed by increasing the salary authorized for that official on June 30, 1979 by 7% or by

(Continued)

using the salary schedule in 7-4-2503.

(2) The county governing body shall by resolution on or before July 1, 1989 fix the salaries of the county treasurer, county clerk, county assessor, county school superintendent, county sheriff, county attorney, and the clerk of the district court for the following fiscal year by increasing the salary authorized for that official on June 30, 1988 by 7%.

And, as so amended,
DO PASS

J.E.

STANDING COMMITTEE REPORT

February 13 19 79

MR. President:

We, your committee on Local Government

having had under consideration Senate Bill No. 330

Respectfully report as follows: That Senate Bill No. 330,

introduced bill be amended as follows:

1. Page 1, line 24.

Following: "general"

Strike: "shall"

Insert: "may"

2. Page 1, line 25.

Following: "action"

Insert: "including reasonable attorney fees"

And, as so amended, DO NOT PASS

~~DO PASS~~

STANDING COMMITTEE REPORT

February 11 1979

MR. President:

We, your committee on Local Government

having had under consideration Senate Bill No. 356

Respectfully report as follows: That Senate Bill No. 356 introduced bill as amended as follows:

1. Title, line 5.
Strike: "CITY JUDGES AND"
2. Title, line 6.
Following: "AMENDING"
Strike: "SECTIONS"
Insert: "SECTION"
Following: "3-10-207"
Strike: "AND"
3. Title, line 7.
Following: line 6
Strike: "3-11-202"
4. Page 2, line 7.
Strike: lines 7 through 15 in their entirety

DO PASS And, as so amended, DO PASS

Mc

Francis H. Massey

NAME: David Massey DATE: 2/13/79

ADDRESS: 828 Arnold Ave. Miramar 5980

PHONE: 549-7645

REPRESENTING WHOM? Land Owner freeholders

APPEARING ON WHICH PROPOSAL: Senate Bill 353

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: I believe that landowners should have the right to decide whether or not zoning shall be placed on the land

NAME: John Harker DATE: 2-13-79

ADDRESS: Star Hill

PHONE: 244-4444

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: 2000

DO YOU: SUPPORT? _____ AMEND? OPPOSE? _____

COMMENTS: Essential for our

country!

NAME: John R. Matthews DATE: Feb 13 1979

ADDRESS: 3939 Parkway St. Missouri, Mo

PHONE: 5490316

REPRESENTING WHOM? Hollister Furniture Co.

APPEARING ON WHICH PROPOSAL: 353

DO YOU: SUPPORT? _____ AMEND? OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Robert Hoffman DATE: Feb 13 '79

ADDRESS: Virginia City

PHONE: 843-5344

REPRESENTING WHOM? Mont. Resource Assoc.

APPEARING ON WHICH PROPOSAL: 352

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Bonnie J. Miller DATE: 2-13-79

ADDRESS: Deer Lodge, Powell Co.

PHONE: 846-2772

REPRESENTING WHOM? Montana Old Pueblo

APPEARING ON WHICH PROPOSAL: SP 252

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: John Muster DATE: Feb 13, 1979

ADDRESS: Court House Thompson Falls, Mont

PHONE: 827-3941

REPRESENTING WHOM? Sander County Commissioner's "3"

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? AMEND? _____ OPPOSE? _____

COMMENTS: Support as originally written

NAME: R. F. FISHER DATE: 2/13/79

ADDRESS: COURT HOUSE BOX 3022 HAMILTON

PHONE: 363-3033

REPRESENTING WHOM? MT. SHERIFF / PEACE OFF. ASSN

APPEARING ON WHICH PROPOSAL: SB 352

DO YOU: SUPPORT? _____ AMEND? / OPPOSE? _____

COMMENTS: WILL CIPER LETTER FROM
SHERIFF / PRESIDENT DALE E. DYE

NAME: Al Richardson DATE: 2-13-79

ADDRESS: Kalispell, Montana Box 1076

PHONE: 755-3691 Office 257-1174 Home

REPRESENTING WHOM? Sheriff

APPEARING ON WHICH PROPOSAL: SB 352

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE?

COMMENTS: will speak on opposing SB 352

NAME: Bill Bailey DATE: Feb 13/79

ADDRESS: Courthouse Polson, Mont

PHONE: 883-4363

REPRESENTING WHOM? Lake Co. Comm

APPEARING ON WHICH PROPOSAL: Senate Bill 352

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: As it was originally written

NAME: Walt McCarney DATE: 13 / 89

ADDRESS: Greenough West

PHONE: SA 244-5263

REPRESENTING WHOM? Self.

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? AMEND? _____ OPPOSE? _____

COMMENTS: We think this should need
force holders not just anyone.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Robert Thornburg DATE: 2-13-79

ADDRESS: 1201 Cleveland St. Missoula, Montana

PHONE: 542-2350

REPRESENTING WHOM? East Missoula + Missoula Area Property Hold

APPEARING ON WHICH PROPOSAL: SB 353

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: It is essential that the rights

of landowners be protected and the
vote of landowners is what should count

for continuation and betterment of

property and citizen rights. Elections as

originally proposed do not represent the

long range development so the vote should

be reserved for the property owners.

Voting is the proper and democratic

way to go rather than zoning favorably

enacted.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Nora Cahoon DATE: July 12, 79

ADDRESS: Stu Pt. Beacon, N.H.

PHONE: 244-5550

REPRESENTING WHOM? Blackfish Industries Assoc.

APPEARING ON WHICH PROPOSAL: S.B. 353

DO YOU: SUPPORT? _____ AMEND? OPPOSE? _____

COMMENTS: I support this bill
as amended, as a
way of returning some
control to the affected
landowners. JD

NAME: Dillard M. Williams DATE: 2-15-79

ADDRESS: 460 Madison Ave, 10th Floor, New York, NY 10017

PHONE: 212-1619

REPRESENTING WHOM? Prof. William Dillard Williams

APPEARING ON WHICH PROPOSAL: 55 3 B

DO YOU: SUPPORT? Support AMEND? ? OPPOSE? ?

COMMENTS: My first experience with the committee was in 1975 when I was invited to give a talk at the annual meeting of the American Psychological Association in San Francisco. I was invited to give a talk on the topic of "The Role of the Psychiatrist in the Community". I was very nervous and I think I did quite well. I was very pleased to see that the committee liked it and it was very well received!

NAME: Albertini, M. (Tina) Jewett DATE: Feb 12, 1979

ADDRESS: Box 495 Clarks Md. 23304

PHONE: 895-5903

REPRESENTING WHOM? Black Coat Fire Holders (Assoc.)

APPEARING ON WHICH PROPOSAL: 6 ^{Stamp} Bill 353 (as amended)

DO YOU: SUPPORT? _____ AMEND? OPPOSE? _____

COMMENTS: The purpose of the message is
to bring and make good use of the
control.

NAME: James Costamagna DATE: Feb 13 1979

ADDRESS: Star Route, Potomac

PHONE: 244-5288

REPRESENTING WHOM? Blackfoot Freeholder Ass.

APPEARING ON WHICH PROPOSAL: IN FAVOR OF SB 353 as amended

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: To help insure the rights of landowners in
Montana this bill should be amended to
include only landowners (freeholders)

Charlotte G. Baker

TESTIMONY RE SB 353

Having given considerable thought to the concept and implications of SB 353, it is EIC's belief that the bill will have a positive effect on planning in Montana. Particularly in unincorporated areas adjacent to the State's larger cities, there is a critical need for sound management of development patterns. It is EIC's belief that most persons currently living in such areas are anxious for the implementation of some type of land-use controls in their areas. While vocal opposition to planning and zoning can always be expected to arise in most such instances, opponents to planning are a small minority. By bringing zoning plans before the electors, citizen interest and involvement in the planning process would be enhanced. County commissioners would be provided a true measure of the planning and zoning desires of their constituencies.

While we support passage of SB 353, there are some problems with the bill which the committee should be aware of. The initial effect of the bill would likely be to motivate adoption of zoning in many unincorporated urban areas. Much of this new zoning would likely be highly restrictive-type zoning (i.e. low density - single family homes or agricultural zoning). As urban areas grow, these initial zoning classifications might become inappropriate, restricting land from being used in the most appropriate manner (i.e. commercial or industrial). The zoning amendment procedure of SB353 is cumbersome and might make zoning inflexible. Logical development patterns might be restricted from occurring as residents of an area could refuse to grant all land-use changes. A less critical consideration regarding SB 353 is who would pay for special elections required by a zoning change request - the county (i.e. the taxpayers) or the developer requesting the zoning change. Another minor question involves how an affected person would be defined in the instance of a zoning change - would this definition require a court ruling?

A technical question related to the bill involves its procedure for protesting a variance ruling by the board of adjustment. The legal function of a board of adjustment is quasi-judicial - that is, the board interprets a zoning ordinance ~~in a~~

in a manner similar to how a court might interpret a law. The Board of adjustment exists to insure the rights of individual citizens. Present law recognizes this judicial role of the Board - providing that board decisions should be appealed to the district court. The petition procedure provided for in SB 353 is not consistent with historic case law regarding the Board of Adjustment and may be subject to legal challenges.

Conclusion: I would like to reiterate our support for the concepts of SB 353. I would suggest, however, that the committee clear some of the problems which I have mentioned in this testimony.

LAKE COUNTY, MONTANA

JOINT COMMISSIONERS

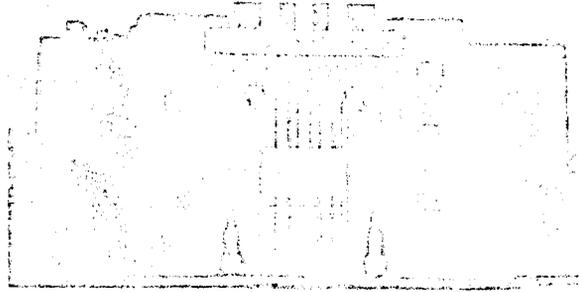
DON CORNINGAN
Donan

WESLEY W. LEISHMAN
St. Ignace

WILSON A. BURLEY
Donan

W. LABURER

MARIONNE D. KNAUS
CLERK AND RECORDER
ETHEL M. HARDING



ASSESSOR
WILL TIDSTY

SHERIFF AND CLERK
GLENN FRAZEE

CLERK OF COURT
ETHEL M. HARRISON

SUPERINTENDENT OF SCHOOLS
GLENNADENE FRANKEL

COUNTY ATTORNEY
RICHARD P. HELGE

COUNTY SURVEYOR

POLSON, MONTANA 59360

February 9, 1979

TESTIMONY ON SENATE BILL 352

Honorable Senator McCullum and the Committee on Local Government:

The Board of Commissioners and most of the elected officials of Lake County support this legislation. We feel this is a good bill. It would take the problems of salary determination from the Legislature and place them in the hands of a State Salary Commission. This Salary Commission could then set salary guidelines more equitably than the present system. It would then be possible for a Commissioner, Sheriff, or other elected official in a County with 18,000 people to receive more compensation than in a County of 6,000 people. Presently an official in a County of 18,000 people receives a yearly salary of \$13,600. An official in a County of 6,000 people would receive \$11,700. In other words, there is three times the workload for the official in the more populated County with only \$800 difference in wages. This is not fair.

We realize some inequities could exist. Some departments will not trust any salary commission, County Commissioners, or other people to set salaries; but we hope everyone will look at this from a trusting nature. This method is better than the one we now have and is a move in the right direction. It would only be in effect one year. If it doesn't work and needs modifications, by then Legislature would be in session and could tackle problems.

Again we ask you to pass this bill and ask all elected officials to work together for the betterment of themselves and the taxpayers they represent.

Thank you for allowing our testimony. I sincerely hope you recommend passage of

Senate Bill 352. *as originally written so that the County budget system would not be killed*

BOARD OF COUNTY COMMISSIONERS

Lake County, Montana

Wilson A. Burley, Chairman

Wesley W. Leishman, Member

LAKE COUNTY, MONTANA

COUNTY COMMISSIONERS

DON CORRIGAN
Polson

WESLEY W. LEISHMAN
St. Ignace

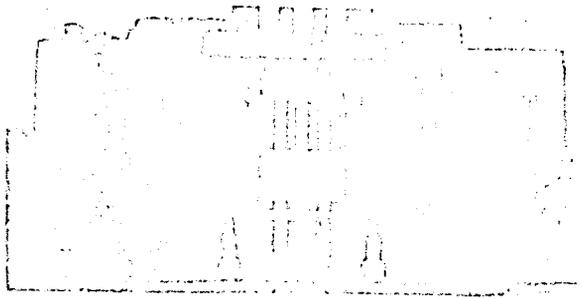
WILSON A. BURLEY
Rogan

TREASURER

MAJORIE D. KNAUS

CLERK AND RECORDER

ETHEL M. HARDING



ASSESSOR
WILL TIDDY

SHERIFF AND CORONER
GLENN FRAME

CLERK OF COURT
LESLIE M. HARRISON

SUPERINTENDENT OF SCHOOLS
GLENNADENE FERRELL

COUNTY ATTORNEY
RICHARD P. HEINE

COUNTY SURVEYOR

POLSON, MONTANA 59860

February 9, 1979

TESTIMONY ON SENATE BILL 352

Honorable Senator McCallum and the Committee on Local Government:

The Board of Commissioners and most of the elected officials of Lake County support this legislation. We feel this is a good bill. It would take the problem of salary determination from the legislature and place them in the hands of a State Salary Commission. This Salary Commission could then set salary guidelines more equitably than the present system. It would then be possible for a Commissioner, Sheriff, or other elected official in a County with 18,000 people to receive more compensation than ~~in~~ in a County of 6,000 people. Presently an official in a County of 18,000 people receives a yearly salary of \$13,600. An official in a County of 6,000 people would receive \$12,800. In other words, there is three times the workload for the official in the more populated County with only \$800 difference in wages. This is not fair.

We realize some inequities could exist. Some departments will not trust any salary commission, County Commissioners, or other people to set salaries, but we hope everyone will look at this from a trusting nature. This method is better than the one we now have and is a move in the right direction. It would only be in effect one year. If it doesn't work and needs modification, by then Legislature would be in session and could tackle problems.

Again we ask you to pass this bill and ask all elected officials to work together for the betterment of themselves and the taxpayers they represent.

Thank you for allowing our testimony. I sincerely hope you receive all passages of Senate Bill 352. *as originally written so that the County budget system would not be killed*

Respectfully,

BOARD OF COUNTY COMMISSIONERS
Lake County, Montana

A handwritten signature in cursive script, appearing to read "Wilson A. Burley".

, Chairman

PRESIDENT
DALE E. DYE
Hamilton

PAST PRESIDENT
JAMES BURNES
Great Falls



SECRETARY-TREASURER
BILL DAMM, Sheriff
Miles City

OFFICIAL PUBLICATION
"THE MONTANA SHERIFF AND PEACE OFFICER"

Sheriffs and Peace Officers Association

1st VICE PRESIDENT
GLEN FRAME
Polson

2nd VICE PRESIDENT
JOHN ONSTAD
Bozeman

3rd VICE PRESIDENT
DEAN MAHLUM
Wolf Point

BOARD OF DIRECTORS
SHERIFFS

GARY GREEN
Livingston

JOHN L. HOWARD
Choteau

W. L. HAMMERMEISTER
Conrad

GLEN OSBORNE
Great Falls

BUZZ DAVIS
Dillon

UNDERSHERIFFS AND
DEPUTIES

WALLY SCHUMACHER
Bozeman

ROBERT SCHERER
Havre

CURT PETTY
Missoula

GARY CARROL
Helena

ROBERT BROWN
Lewistown

OFFICE OF THE SECRETARY
Telephone 232-2237
MILES CITY, MONTANA 59301

PUBLIC RELATIONS
DIRECTOR
LLOYD KALOVSKY

February 13, 1979

The Honorable Senators of Local Government
Committee Hearing on the 13th day of February,
1979, on House Bill 352 and ~~House Bill 229~~

Mr. Chairman:

The Montana Sheriffs and Peace Officers Association fully appreciate the problems faced by your committee and the Legislature as a whole in setting the local elected officials' salaries. We realize the solution to the problem is very complex.

The Board of Directors of the Montana Sheriffs and Peace Officers is in favor of an amended version of Senate Bill 352. We offer this amendment to you as an aid in reaching this important, but most difficult, decision of setting the local government salaries.

The Montana Sheriffs and Peace Officers Association respectfully brings to your attention the following problems:

If the County Commissioners are allowed leeway in the various class counties in establishing salaries, this will surely cause our local government employees to join labor unions to be able to more effectively lobby the Commissioners for pay raises. This problem, I am sure, is self-evident.

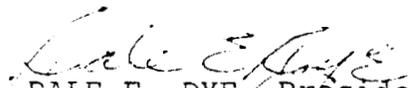
If the County Commissioners are allowed to arbitrarily set salaries, they could effectively remove other elected officials from office that were in opposition to their stand on any item by holding his salary and not authorizing any reasonable pay increase.

The County Commissioners currently control the elected officials' budget, and in the Sheriff's Department, the number of Deputies allowed. If they are allowed to fix salaries, their control over elected officials would be complete.

Recently, resignations and threatened resignation from qualified personnel in the various Sheriff's departments throughout the State of Montana, have added a great deal of pressure to the Sheriff's job in providing adequate qualified law enforcement. If we are not able to offer a liveable wage to our personnel, Law Enforcement in Montana will surely deteriorate and, in the long run, cost the taxpaying citizen more for a lessor service.

I respectfully submit this for your consideration and evaluation.

Very truly yours,


DALE E. DYE, President
Montana Sheriffs and
Peace Officers Association

DED/ts

LINCOLN COUNTY

DISTRICT NO. 1, LIBBY
JIM R. MOREY

DISTRICT NO. 2, TROY
R. W. LINDSEY

DISTRICT NO. 3, EUREKA
~~LEON KEECHER~~
BILL GOULD

CLERK OF THE BOARD AND COUNTY RECORDER, ELEANOR L. VAUGHN

February 8, 1979

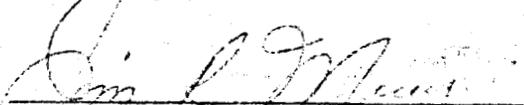
Senator George McCallum
Montana State Senate
Capitol Postoffice
Helena, Montana 59601

Dear Senator McCallum:

We the members of District 10 County Commissioners Association wish to offer our support of Senate Bill No. 352 to establish a county compensation board. We feel the method of establishing salaries for County Commissioners and other elected officials is very unfair and outmoded as to the needs that should be considered for salaries for elected officials. A Board made up of the people mentioned in Senate Bill 352 surely would be better able to understand the pay schedule needed for elected officials as versus private industry in the different areas with comparable responsibilities.

We appreciate your help, support and understanding of our problems in the past and will truly appreciate your continued support of this bill.

Very truly yours,



Jim R. Morey, Chairman
District #10 County Commissioners

County of Yellowstone

CLERK OF DISTRICT COURT



BILLINGS, MONTANA

59101

February 7, 1979

Senator George McCallum
Capitol Station
Helena, Mt. 59601

Dear Senator McCallum:

Wish to thank you for sponsoring S.B. 352. It is most imperative that S.B. 229 be passed along with S.B. 352 so that we will receive a increase this year as well as next year while the salary commission is being formed.

May I suggest the following changes to S.B. 352:

page 5, line 7 delete the word "If" and also delete "fails to pass the". Following the word body, insert "shall pass a".

page 5, line 8 insert a period (.) after April. Delete the rest of the sentence (no salary, etc.).

page 5, line 9 (new) The governing body must set the salaries of all county elected officials and employees using the same factor for all county salaries in a uniform manner.

(This is very important as it insures uniform salaries between offices in each courthouse.)

Thanks again for your support. It is greatly appreciated.

Kindest regards,

Hardin E. Todd
Hardin E. Todd
Clerk of the District Court
Billings, Mt. 59101

LAKE COUNTY, MONTANA

COUNTY COMMISSIONERS

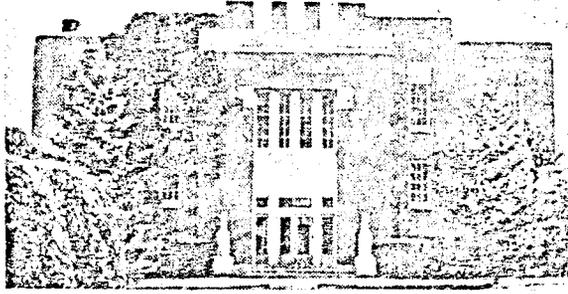
DON CORRIGAN
Polson

WESLEY W. LEISHMAN
St. Ignatius

WILSON A. BURLEY
Ronan

TREASURER

MARJORIE D. KNAUS
CLERK AND RECORDER
ETHEL M. HARDING



ASSESSOR
WILL TIDDY

SHERIFF AND CORONER
GLENN FRAME

CLERK OF COURT
ETHEL M. HARRISON

SUPERINTENDENT OF SCHOOLS
GLENNADENE FERRELL

COUNTY ATTORNEY
RICHARD P. HEINZ

COUNTY SURVEYOR

POLSON, MONTANA 59860

February 8, 1979

Senator George McCallum
House of the Senate
Capitol Building
Helena, MT 59601

RE: SENATE BILL 352

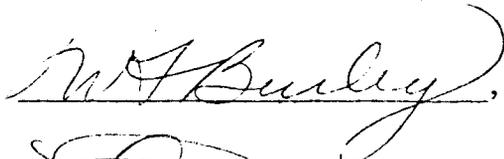
Honorable Senator:

We must compliment you for your introduction of Senate Bill 352. The Board of Lake County Commissioners feels this is the only worthwhile salary bill currently under consideration. We are joined in the support by the Commissioners of Sanders, Lincoln, and Flathead Counties in addition to our Clerk and Recorders and others. We support the concept of a State wide Compensation Board. The eleven member board proposed in this bill is an excellent cross-section of citizens and elected officials.

We feel this legislation is a job well done and we urge your avid support.

Respectfully,

BOARD OF COUNTY COMMISSIONERS
Lake County, Montana

 , Chairman

 , Member

 , Member

BLCC/RSR/gjs

W
A
C
R

Montana Association
of
County Clerks & Recorders

February 8, 1979

The Honorable George McCallum
State Senator
State Capitol Bldg.
Helena, Montana

Dear Senator McCallum,

Thankyou for apprising me of the hearing on S.B.352 and also thankyou for getting it in the hopper. I am unable to attend the hearing but I am submitting testimony for your committee with this letter. Copies will be going to each association so they will know how we stand. I have discussed this bill with many people including Mae Jenkins, President of MECOA; Richard P. Heinz, Lake County Attorney and 2nd Vice President of the Attorney's Association; Will Tiddy Lake County Assessor and President of the Assessor's Association; and Glenn Frame, Lake County Sheriff and 1st Vice President of the Sheriff's Association. All except the Sheriff's Association stated that they were in favor of the bill. The Sheriff's may be proponents with amendments. Our commissioners have discussed this bill with our entire District and they will speak in favor of S.B. 352, individually and as a district, and you will be receiving letters from them. I have urged unity by all associations for this bill and hope that we will receive it. Regardless of what happens I know that you have tried every route and I sincerely thank you and recognize you as a great legislator trying to help local government and its people.

I would like to attend the hearing and will certainly miss being there but know that the testimony will be in good hands as well as the committee.

Sincerely yours,

Ethel M. Harding
Ethel M. Harding
Lake County Clerk and Recorder
Polson, Montana

Montana Association
of
County Clerks & Recorders

February 8, 1979

The Honorable George McCallum
State Senator
State Capitol Bldg.
Helena, Montana

Dear Senator McCallum and Members of the Local Government Committee:

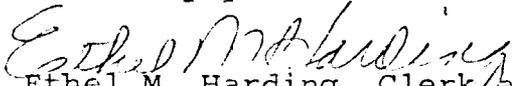
The Montana Association of Clerk and Recorders go on record in support of Senate Bill No. 352 and we wish to thank you for introducing this bill. We believe that by establishing a county compensation board as described in this bill we will be guaranteed a good and knowledgable guideline that will be acceptable by all counties and that by placing a minimum and maximum schedule it will provide a reasonable uniformity throughout the state. This provision of guidelines for the county governing body allows them to be flexible in the individual counties in a reasonable manner, and relieves them of undue pressure from special interest groups.

For budgetary protection we recommend amending line (7) page 5 to read "The governing body shall pass a resolution fixing compensation by the second Tuesday of April annually". The old law provides that a resolution be passed each year and regardless what happens to salaries this is good. That way each department knows what to budget without any guesswork.

The bill provides for the first meeting of the board to be called the second Monday of each November, therefore, we are desirous of S.B. 229 taking precedent until this bill could be activated, and since there was unanimous and favorable testimony given by all elected county officials we believe it is a reasonable request.

Thankyou for your consideration of the above mentioned and we request a do-pass for S.B.352.

Sincerely yours,



Ethel M. Harding, Clerk and Recorder (MACR First Vice President)
Lake County Courthouse
Polson, Montana

cc- Darlene Hughes, MACR President Box 5002, Hamilton, Montana



Office of
COUNTY ASSESSOR

RAMON S. WHITE
Gallatin County
Bozeman, Mt. 59715

February 9, 1979

Senator George McCallum
State Capitol
Helena, MT 59601

Dear Senator McCallum:

As an elected County official, I really do appreciate you and your committee's concern about our salaries. However, I do not endorse Senate Bill 352, for the reasons listed below:

(1) Section 1. A board of eleven members could be cumbersome and meeting would be costly. I question why the Clerk and Recorder is designated as one of the elected official members.

(2) Section 4. Paragraph 3 does not state that a vacancy would be filled by a person representing the same group.

(3) Section 5. The only responsibility that this bill gives to the Compensation Board, is to set minimum and maximum salaries.

(4) Section 6. This section is almost identical to the MACO supported House Bill 387, which all elected officials of the Association object to. The governing body could freeze all salaries if they fail to act on the resolution.

(5) Section 7. This section gives the governing body power to set all deputy salaries.

(6) Section 9. The present law Section 7-4-2503 is repealed. This law specifically names the Treasurer, Clerk and Recorder, Clerk of Court, Attorney, Assessor, Superintendent of Schools, Sheriff, and Surveyor. These officers should be contained within Senate Bill 352 in order that the salaries be identified with the appropriate officers. The present law Section 7-4-2505 specifies the salaries of deputies. They would lose salary protection if it is repealed.

I feel that the salary structure for the elected county officials in Montana is well over-due for a change. But I feel it's important enough for good county government, that a legislative study be made of this problem, to be presented to the next session of legislature.

Sincerely,

Ramon S. White

Ramon S. White
Gallatin County Assessor

RSW/th

LAKE COUNTY, MONTANA

COUNTY COMMISSIONERS

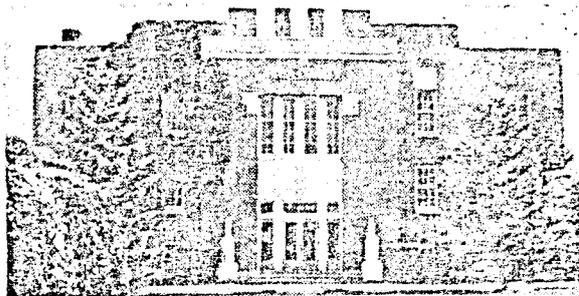
DON CORRIGAN
Polson

WESLEY W. LEISHMAN
St. Ignatius

WILSON A. BURLEY
Ronan

TREASURER

MARJORIE D. KNAUS
CLERK AND RECORDER
ETHEL M. HARDING



ASSESSOR
WILL TEDDY

SHERIFF AND CORONER
GLENN FRAME

CLERK OF COURT
ETHEL M. HARRISON

SUPERINTENDENT OF SCHOOLS
GLENNADENE FERRELL

COUNTY ATTORNEY
RICHARD P. HEINZ

COUNTY SURVEYOR

POLSON, MONTANA 59860

February 9, 1979

Senator George McCallum
Capitol Building
Helena, Montana 59601

Dear Senator McCallum:

I have read Senate Bill No. 352, a bill for an act entitled: "An ACT TO ESTABLISH A COUNTY COMPENSATION BOARD WHICH SHALL DEVELOP A COMPENSATION SCHEDULE THAT MUST BE USED BY THE COUNTY GOVERNING BODY WHEN SETTING THE SALARIES FOR ELECTED COUNTY OFFICIALS", and opt for its approval.

Respectfully

Ethel M. Harrison
Ethel M. Harrison
Clerk District Court
Lake County

EH/e

LAKE COUNTY, MONTANA

COUNTY COMMISSIONERS

DON CORRIGAN
Polson

WESLEY W. LEISHMAN
St. Ignatius

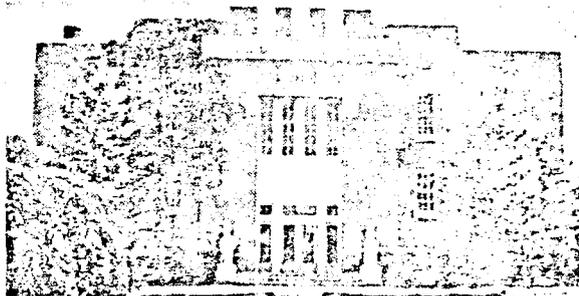
WILSON A. BURLEY
Ronan

TREASURER

MARJORIE D. KNAUS

CLERK AND RECORDER

ETHEL M. HARDING



ASSESSOR
WILL TIDDY

SHERIFF AND CORONER
GLENN FRAME

CLERK OF COURT
ETHEL M. HARRISON

SUPERINTENDENT OF SCHOOLS
GLENNADENE FERRELL

COUNTY ATTORNEY
RICHARD P. HEINZ

COUNTY SURVEYOR

POLSON, MONTANA 59860

February 9, 1979

TESTIMONY ON SENATE BILL 352

Honorable Senator McCallum and the Committee on Local Government:

The Board of Commissioners and most of the elected officials of Lake County support this legislation. We feel this is a good bill. It would take the problems of salary determination from the Legislature and place them in the hands of a State Salary Commission. This Salary Commission could then set salary guidelines more equitably than the present system. It would then be possible for a Commissioner, Sheriff, or other elected official in a County with 18,000 people to receive more compensation than can in a County of 6,000 people. Presently an official in a County of 18,000 people receives a yearly salary of \$13,600. An official in a County of 6,000 people would receive \$12,800. In other words, there is three times the workload for the official in the more populated County with only \$800 difference in wages. This is not fair.

We realize some inequities could exist. Some departments will not trust any salary commission, County Commissioners, or other people to set salaries; but we hope everyone will look at this from a trusting nature. This method is better than the one we now have and is a move in the right direction. It would only be in effect one year. If it doesn't work and needs modifications, by then Legislature would be in session and could tackle problems.

Again we ask you to pass this bill and ask all elected officials to work together for the betterment of themselves and the taxpayers they represent.

Thank you for allowing our testimony. I sincerely hope you recommend passage of Senate Bill 352.

Respectfully,

BOARD OF COUNTY COMMISSIONERS

Lake County, Montana

Wilson A. Burley, Chairman

Wesley W. Leishman, Member

Don Corrigan, Member

NORMAN E. RESLER, Commissioner

JOHN MUSTER, Commissioner

GEORGE W. WELLS, Commissioner

DIXIE VAUGHT
Clerk & Recorder

JUNE M. THAYER
Treasurer

AVERAL BRAUER
Assessor

TIMOTHY G. MCGOVERN
Supt. of Schools

WINIFRED I. VAN DERHOFF
Clerk District Court

ROBERT L. FLETCHER
Attorney

HARVEY E. SHULTZ
Sheriff

C. E. ROSDAHL
Coroner

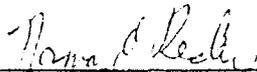
COUNTY OF SANDERS

STATE OF MONTANA

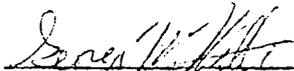
Thompson Falls, Montana 59873

February 9, 1979

WE, THE UNDERSIGNED, DO UNANIMOUSLY SUPPORT SENATE BILL#352



Norman E. Resler, Chairman
Board of County Commissioners
Sanders County



George W. Wells, Commissioner
Board of County Commissioners
Sanders County



John Muster, Commissioner
Board of County Commissioners
Sanders County

1 Senate BILL NO. 352

2 INTRODUCED BY _____

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A COUNTY
5 COMPENSATION BOARD WHICH SHALL DEVELOP A COMPENSATION
6 SCHEDULE THAT MUST BE USED BY THE COUNTY GOVERNING BODY WHEN
7 SETTING THE SALARIES FOR ELECTED COUNTY OFFICIALS; AMENDING
8 SECTION -- 7-32-104, MCA; REPEALING SECTIONS 7-4-2107,
9 7-4-2402, and 7-4-2502 THROUGH 7-4-2505, MCA; AND PROVIDING
10 AN EFFECTIVE DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 NEW SECTION. Section 1. County compensation board.

14 (1) There is a state board of county elected officials'
15 compensation. The board is composed of ~~14~~ 15 members who are
16 appointed in the following manner:

17 (a) The governor shall appoint:

18 (i) three members who must be resident citizens of the
19 general public and who do not hold any other elective or
20 appointive public office;

21 (ii) three members who must be county commissioners
22 recommended by the Montana association of counties, two of
23 whom must be from a first-, second-, or third-class county
24 and the other from a fourth-, fifth-, sixth-, or
25 seventh-class county;

1 (iii) two members who must be elected county officials,
2 other than county commissioners, recommended by the Montana
3 association of elected officials; and

4 (iv) one member who must be a county clerk and
5 recorder.

(iii) seven members who must be recommended ^{one} by ^{by} each of the
following state organizations: County Attorney Association,
Superintendent of School Association, Clerk of Court Association,
Assessors Association, Treasurer Association, Clerk & Recorder
Association, and Montana Sheriffs & Peace Officers Association.

6 (b) The Montana senate shall select one member, who
7 must be a member of the senate.

8 (c) The Montana house of representatives shall select
9 one member, who must be a member of the house of
10 representatives.

11 (2) The board is allocated to the department of
12 community affairs for administrative purposes only, as
13 provided in 2-15-121.

14 NEW SECTION. Section 2. Meetings of the board --
15 officers. (1) The day of the first meeting of the board
16 shall be designated by the governor.

17 (2) The governor shall call a meeting of the board on or before the
18 second Monday of each November 1979 and the board shall meet as many times
19 thereafter as necessary to conduct the business of the board.

20 (3) The board shall elect a chairman and a
21 vice-chairman at the ~~annual~~ first meeting held ~~in November, each~~
22 of ~~them shall serve a term of office for 1 year.~~

23 NEW SECTION. Section 3. Board expenses ---
24 administration. (1) Board members may be paid necessary and
25 actual expenses for lodging, meals, and travel for business

1 authorized by the chairman.

2 (2) The department of community affairs shall provide
3 services necessary for the board's business.

4 NEW SECTION. Section 4. Board term of office --
5 vacancies. (1) -- Members of the board shall be appointed to
6 the following terms of office:

(1) Shall be only until the final day of the regular session of
the 1981 Legislature, unless the 1981 Legislature provides that this
board remain longer into service.

7 (a) -- The term of office for the three resident citizen
8 members is 3 years, except for the first three members who
9 shall serve 1-, 2-, or 3-year terms to insure overlapping
10 terms for subsequent resident citizen members.

11 (b) -- The term of office for the three county
12 commissioners is 3 years, except for the first three members
13 who shall serve 1-, 2-, or 3-year terms to insure
14 overlapping terms for subsequent county commissioner
15 members.

16 (c) -- The term of office for the three elected county
17 officials who are not county commissioners is 3 years,
18 except for the first three members who shall serve 1-, 2-,
19 or 3-year terms to insure overlapping terms for subsequent
20 elected county official members.

21 (d) -- The term of office for the state senator member is
22 4 years.

23 (e) -- The term of office for the state representative
24 member is 2 years.

25 (f) -- Staggered terms shall be drawn by lot by the

1 membership-required-to-do-so-at-the-first-meeting.

2 (3) (2) A vacancy may be filled by the board for the
3 unexpired term of the individual vacating the position on
4 the board, from the recommendation of the association, the
above-mentioned individual represented.

5 NEW SECTION. Section 5. Compensation-schedule. Duties. (1)

6 The board shall annually review the compensation paid county
7 elected officials in Montana. In reviewing compensation, the
8 board shall consider the salaries paid in Montana, other
9 states, and private enterprise and such other factors as may
10 be pertinent to the board's duties.

11 (2)--The-board-shall-compile-a-compensation-schedule-
12 indicating-the-minimum-and-maximum-allowable-salaries-for
13 elected-county-officials,-along-with-notice-of-the-time,
14 place,-and-date-of-a-public-hearing-on-the-proposed
15 compensation-schedule.--The-schedule-must-be-published-in-a
16 newspaper-of-general-circulation-in-every-county-of-the
17 state.

18 (3)--The-board-shall-hold-a-public-hearing-before-it
19 may-approve-a-final-compensation-schedule.--The-schedule-must
20 be-transmitted-to-the-governing-body-of-each-Montana-county
21 by-the-second-Tuesday-of-March-each-year.

22 NEW-SECTION.--Section-6.--Salaries-of-county-elected-
23 officials.--(1)--The-county-governing-body-shall-by-resolution
24 fix-the-compensation-of-all-elected-county-officials.
25 Salaries-may-not-be-set-lower-than-the-minimum-or-higher

1 than the maximum amount set by the current compensation
2 schedule adopted by the state board of county elected
3 officials' compensation schedule.

4 (2) -- The resolution shall state the salaries for the
5 current fiscal year and those established for the ensuing
6 fiscal year.

7 (3) -- If the governing body fails to pass the resolution
8 fixing compensation by the second Tuesday of April, no
9 salary increases for the next fiscal year are permitted.

10 (4) -- The salary of an elected county official may not
11 be set below the level of compensation authorized for that
12 official on (the effective date of this act).

13 NEW SECTION -- Section 7 -- Governing body to fix
14 salaries of appointed officials and employees of county
15 government -- The governing body shall by resolution fix the
16 compensation of other appointed officials and employees of
17 county government.

18 Section 8 -- Section 7-32-104, MCA, is amended to read:

19 "7-32-104 -- Salaries -- The provisions of 7-4-2503
20 notwithstanding, the The salaries of the director and
21 employees of the department of public safety shall be
22 established by the public safety commission and shall be
23 paid by the city or town with the board of county
24 commissioners -- Said salaries in any event shall not be less
25 than those specified in 7-4-2503."

1 Section-9,--Repealer,--Sections-7-4-2407,--7-4-2408,--and
2 7-4-2502-through-7-4-2505,--MCA,--are-repealed.

3 Section-10,--Effective-date,--This-act-is-effective-on
4 passage-and-approval.

5 (2) The board shall recommend to the 1981 Legislature,
6 equitable statewide salary for the various county elected officials,
7 considering the duties, responsibilities, personal inconvenience,
8 and such other factors the board feels may be pertinent.

9 (3) The board shall recommend to the 1981 Legislature at least
10 one plan, or more, that would provide continuing, proper salaries
11 that would take into consideration the raise or fall of the cost of
12 living, and such other factors the board feels may reduce the need
13 for regular salary legislation.

AMENDMENTS

Page 1, line 6, strike everything after the word "schedule."

Page 1, lines 7 through 10, strike completely.

Page 1, line 15, strike the number "11" and substitute the number "15"

Page 2, lines 1 through 5, strike completely and substitute the following:

"(iii) Seven members, who must be recommended by each of the following state organizations: County Attorney Association, Superintendent of School Association, Clerk of Court Association, Assessors Association, Treasurers Association, Clerk & Recorder Association, and Montana Sheriff's and Peace Officers Association.

Page 2, line 17, directly after the word board, add the words "on or before"

Page 2, line 18, strike the word "each", add the year "1979" directly after the word November, after the word "and" add the words "the board shall meet".

Page 2, line 21, strike the word "annual" and substitute the word "first", strike the words " in November, each"

Page 2, line 22, strike completely.

Page 3, line 5, strike everything after the word "vacancies" and everything on line 6 and substitute the following: "(1) Shall be only until the final day of the regular session of the 1981 Legislature, unless the 1981 Legislature provides that this board remain longer into service."

Page 3, lines 7 through 25, strike completely.

Page 4, line 1, strike completely.

Page 4, line 2, strike the number "(3)" and substitute the number "(2)".

Page 4, line 4, directly after the word "board" strike the period and substitute a comma. Directly after this comma, add the following: "from the recommendation of the association, the aforementioned individual represented."

Page 4, line 5, strike the words "Compensation schedule" and substitute the word "Duties"

Page 4, line 6, strike the word "Annually"

Page 4, lines 11 through 25, strike completely.

Page 5, lines 1 through 25, strike completely.

Page 6, lines 1 through 4, strike completely.

The following is to be inserted directly after line 10 on Page 4.

(2) The board shall recommend to the 1981 Legislature, equitable statewide salary for the various county elected officials, considering the duties, responsibilities, personal inconvenience, and such other factors the board feels may be pertinent.

(3) The board shall recommend to the 1981 Legislature at least one plan, or more, that would provide continuing, proper salaries that would take into consideration the raise or fall of the cost of living, and such other factors the board feels may reduce the need for regular salary legislation.