

LOCAL GOVERNMENT COMMITTEE

March 26, 1981

The Local Government Committee met Thursday, March 26, 1981, at 12:30 p.m. in Room 103 of the Capitol. Chairman Bertelsen called the meeting to order and asked the secretary to call the roll. All committee members were present except Rep. Hurwitz who was absent. Staff Researcher Lee Heiman also attended the meeting.

SENATE BILL 291 - sponsored by Senator Tom Hager

SENATOR TOM HAGER said he is from District 30 in Yellowstone County. This is an act to authorize loans from the rural special improvement district revolving fund to fund emergency repairs in a rural special improvement district. This problem arises from where the city water lines extend from the city limits. Usually water lines last a long time but occasionally you get a break in them and when they break, they have to be fixed. The city has been taking care of the repairs on these lines but they have indicated they can no longer afford to do this. The county is trying to get an SID to finance the repairs. This bill will allow the county to get the loan from the revolving fund, pay for the repair and when taxes are levied the next time, they can levy a maintenance charge to reimburse the revolving fund.

PROPOSERS FOR SENATE BILL 291

BILL ROMINE said he is representing the Clerk and Recorders. We support this bill. We feel it grants flexibility for emergency repairs. As Senator Hager said, it is not very practical or wise to maintain a large maintenance fund for possible emergency repairs to the lines. When they break, they must be fixed. If you have no source of funding available except for next year's levy, the contractors will not do the work. It does provide protection for bonds and a maximum of three years for repayment. We will not deplete the revolving fund at the expense of the maintenance fund. We hope you will give SB 291 favorable recommendation.

MERRILL KLUNDT said he is County Clerk and Recorder for Yellowstone County. He furnished written testimony supporting Senate Bill 291, and urged that it be given favorable consideration. (Mr. Klundt's testimony is attached to and made a part of these minutes)

CHAIRMAN BERTELSEN asked if there were further proponents for SB 291. There were none. He asked if there were any OPPONENTS and there were none. He then asked Senator Hager if he'd like to close.

SENATOR HAGER closed. He mentioned that the new language inserted on Page 2 by the committee was done at the request of Bruce McKenzie who worked on the bill.

QUESTIONS FROM COMMITTEE MEMBERS:

REP. HANNAH asked Mr. Klundt if interest is required on the loan to be paid back into the revolving fund?

MR. KLUNDT said he didn't know of any provision in the bill requiring interest.

REP. HANNAH asked if there is any time limit?

REP. BERTELSEN said there is a three-year time limit.

REP. SALES for Mr. Klundt: Since the people in the districts are actually borrowing from their own funds, don't you think it would be senseless to be paying interest on your own money? Doesn't it level out that way?

MR. KLUNDT said the county is required to adopt a revolving fund and the money was taken from the general fund to begin with. Our county, over the years when the districts had been annexed, accumulated a little kitty. With the 2% we built up a fund to guarantee payment of bonds and warrants on RSIDs.

CHAIRMAN BERTELSEN asked if there were further questions. As there were none, he closed the hearing on Senate Bill 291.

CHAIRMAN BERTELSEN said while SB 291 is still fresh in mind, he would entertain a motion.

REP. KITSELMAN MOVED that we CONCUR IN SENATE BILL 291.

REP. HANNAH said he feels we should pursue the discussion on interest. The money isn't free. I think one of the reasons the bill is before us is because of the high cost of warrants. This was mentioned in testimony. People have put money in here and are paying interest on the money they have borrowed. It seems appropriate that if another portion of the city needed to borrow money for a short period of time that they should pay some interest on it.

REP. KESSLER: Is this one part of the county borrowing from another part of the county? ANSWER: Yes. So why charge yourself?

REP. WALDRON: The thing is, this is a Special Improvement District. A small portion of the county is a SID. It could be as small as three or four blocks, and borrowing from the entire county. The other problem is that if we amend this, the amendments have to be over to the other side by Monday.

The question was called on SB 291. The motion PASSED UNANIMOUSLY.

EXECUTIVE SESSION:

CHAIRMAN BERTELSEN pointed out what must be accomplished today and our restrictions. we have five other bills to be acted on. Three deal with salaries, one with disincorporation and one with the 5% revolving fund under SB 96. The numbers on the salary bills are SB 50, SB 84 and SB 175. Senate Bill 362 is disincorporation. It is my intention to act on these today. If necessary, we will go into session at 2:15 and if you want to go through third reading that is fine; but then we'll come back down and try to finish up.

SENATE BILL 50

CHAIRMAN BERTELSEN reminded committee members that Rep. Sales was chairman of the subcommittee to study the bill and make salary recommendations.

REP. SALES said that he, Reps. Vinger and Dussault met several times to study salaries. The first change the committee made was to delete the \$2,500 that Senator Pat Regan put in, so as the bill now stands, County Commissioners would receive the same salary as the Clerk and Recorders.

There is a large section in this bill dealing with coroners and trying to work them back into the system. After discussion, we ran into the same old problem because it varies so much from county to county. So we decided the best thing to do was go back to what was done last session and leave their salary strictly up to the County Commission and let them negotiate. So we are striking Section E.

The Superintendent of Schools will receive the same salary as the Clerk and Recorder plus the \$400.

The Sheriff will still receive the same salary as the Clerk and Recorder plus the \$2,000 per year. The \$2,000 was actually put in last session, but because of the way the bill was written, the Attorney General said that we made a mistake and the sheriffs' never did receive it. They received \$1,200 a year which was granted previously.

The part-time county attorneys' salary is being left as is. They receive the same salary as the Clerk and Recorder plus an extra \$1,200 per year. The county attorneys' salary was left at \$36,500. They are presently receiving \$34,350, so their increase in comparison to the others is in line. This is an increase of about 7-1/2%.

In the section dealing with county commissioners, the \$2,500 has been restricken.

REP. KESSLER asked, "why are you doing this?"

REP. SALES replied the reasoning is that you are paying three people to do one man's work. They are already receiving the same salary everybody else is getting. Their duties as laid out in the codes are no more than are any other single elected official in the court house. There appears to be no justification for them to receive any higher salary.

REP. KESSLER then commented, "then you don't believe their responsibility or workload is any greater?"

REP. SALES: No, especially when you spread it between three people. We felt we could get into a situation where we'd be paying out a large chunk of money if we are talking about them being the administrators of the total program for the county. If you really want to put them in that capacity, I think you'd have to get away from electing three people to do one person's job.

REP. BERGENE spoke in favor of the county commissioners receiving the increase. Their duties are tremendous and they should be treated the same as other county officials.

REP. KITSELMAN said he also feels strongly about this. Knowing what our county commissioners do, the \$2,500 is easily eaten up in incidental things they pay for out of their own pocket. Yellowstone County Commissioner is a full-time job.

REP. SALES said it depends on who is in office. You can make a full-time job out of it.

REP. KESSLER commented, if that is the case, I think attracting competent people to it would be enhanced or encouraged by a decent salary.

REP. SALES said we've found through experience that does not occur. The salary has no relationship whatsoever to the competence of the county commissioner. There are no qualifications whatsoever to start with and you will find that the very best, most qualified people serving as county commissioners are serving in the small counties on a part-time basis for practically nothing. Without question, their qualifications are much higher than those in the larger counties who are full-time people. I think that nearly everyone of them would agree.

CHAIRMAN BERTELSEN commented that he was a county commissioner in a small county.

REP. SALES said "and I was a county commissioner in one of the larger counties and I argued then that we were being overpaid and they still are," but it is hard to pay them less than some of the other elected officials.

REP. SALES continued. The cost of living increment is discussed on page 8. There are several of us who are quite upset about having cost of living increments in any type of retirement or salary schedule. However, when you are using a 70% base, it takes the burn off a little. On page 9, you'll see the first year the salaries are set by the population schedule. No longer is there any evaluation at all, just population increments that are added to the base salary. You have \$10 per hundred population added on to \$14,000 to arrive at the salaries that apply to most elected officials, except the county attorney. The following year is when the cost of living increment will go into effect and they will get an automatic increase or decrease, depending on what the cost of living does, only it will be 70% of that. There is also a clause that if the application of 7-4-2503 does not qualify a county official for a salary increase of at least 7% on July 1, 1981, his salary on that date shall be increased by an amount sufficient to provide him a total salary equal to 7% more than during the previous year.

REP. HANNAH asked: Is that the annual increase by population?

REP. SALES said, no, but it can be figured annually. Figures released through the University and other sources allow salary increases if there are population increases.

REP. HANNAH: What about if it decreases?

REP. SALES said it doesn't apply. You cannot lower an elected official's salary during his term of office, but we can increase it.

REP. HANNAH said the reason he asked that is because in some of our highly impacted energy areas, such as Colstrip, the population used to be twenty people and has several hundred now. What I'm getting at is county commissioners in that area have a boom or bust type of situation where the population may leave again and no one wants to live there. Aren't we creating a situation where we would have a very highly paid county commissioner?

REP. SALES said they would be paid that salary until the next election, as long as he is in office.

REP. HANNAH commented, then after the election, is it reestablished to what it should be.

REP. SALES said that is correct, it would then be reestablished on this schedule.

REP. HANNAH said: "You'll have a situation where perhaps over six years, one county commissioner would be doing the same job and receiving twice as much."

REP. SALES replied, "Yes."

CHAIRMAN BERTELSEN mentioned to Rep. Sales that he skipped the first part.

REP. SALES spoke regarding the \$14,000 base. The Senate provided for a break in population for classes of counties. They said that the lower class counties would start with a base of \$12,000 and the higher class counties would start with a base of \$14,000, but said the lower class counties starting with the base of \$12,000 would have a \$20 increase per 100 in population. They gave them a higher increment. Rep. Vinger fought strongly for the officials in the smaller counties, saying that the base should be established in relation to the duties that are prescribed by law to every Clerk and Recorder regardless of the size of the county, because all have certain responsibilities and the base should be the same regardless of the size of the county. Then applying the same \$10 increment for population to everybody would leave the small counties in an area where they may be getting \$10,000 or \$12,000 a year less than the ones in Yellowstone County. It was Orren's very strong feeling that the small counties should receive the same base salary because the duties and responsibilities delegated Clerk and Recorders are the same under the law as the one in the large counties. The large county may have 40 people working in the office but the small county could have one person on the payroll. In some of the smaller counties one person maybe doing the work of several of the offices. I think it was a good decision.

CHAIRMAN BERTELSEN asked Rep. Sales if he had any concern from smaller counties that they might not be able to meet the increment salary. I had a call from a commissioner last night in Big Timber and he was concerned about that problem, especially if they should lose federal fund money which is now available.

REP. SALES said some of the large counties are getting very large increases, a couple of them as high as 30%. But in dollars it doesn't amount to that much. As an example, Granite County has a population of 2,700. The commissioners are being paid \$11,000 now and this would raise them to \$14,270. Percentage-wise, that is a big increase. A \$14,000 base for that particular job does seem fair in relation to the overall picture.

REP. HANNAH: Can you tell me the rationale of why you went to the \$14,000 base for the fourth through seventh class counties?

REP. SALES said the idea was that the base should be the same in every county because the responsibilities and duties are the same. The committee stayed with \$14,000 because they thought that was a proper salary, and added the \$10 increment increase for every 100 increase in population.

REP. WALDRON: Then you took all the classes and put them on the \$10 per hundred.

REP. SALES said there are no longer any classes.

REP. WALDRON: Then everyone is at a \$14,000 base and the increment is \$10 per hundred of population.

REP. SALES commented we could get into trouble, if Yellowstone County should grow to 200,000. It doesn't work out too badly now, but if the counties keep growing, we will obviously be paying some people too much money under this schedule because you get to the point where a person is only worth so much for so many hours work and for so much responsibility.

REP. WALDRON said he'd like to compliment the subcommittee. They did a good job, but there are two areas that concern me. One is doing away with the \$2,500 increment for the county commissioners. I have gone to zoning meetings and other meetings and the county commissioners put up with a raft of complaints. They get called at night with complaints over which many times they have no control, and they have to deal with that day in and day out. The county commissioner is a full-time job, and it could mean day and night. The other item that bothers me considerably is fixing a set percentage of the Consumer Price Index, which is 70%. There are several problems I see with that. One of them is if there are problems in a county and you can only give your employees 50% of the Consumer Price Index, I think I'd have a good argument that they should get 70% of the CPI. You destroyed

the flexibility of the county commissioners by setting that 70%. In some counties like Mineral County where a good deal of their revenue deals with the wood products industry, their revenue can fluctuate and has fluctuated wildly. If they are stuck with a \$14,000 base, that is going to hurt severely. But on top of that, if they are mandated to have a 70% CPI increase and no flexibility, you are going to cause the county some serious problems. I strongly urge this committee to go back to the original language that says "not more than 70%." That way the elected commissioners can make a determination on how much they want to increase salaries.

REP. VINGER: I think it is better to lock it at 70% so everybody will be getting the same and the people will know what kind of a raise they'll get. Hopefully, if this bill passed like it is, it is something that can go from year to year and you won't be in here every two years changing it. It will establish a positive base; it established an income per hundred capita; it establishes a direct percentage of the CPI, and it is all there. If you start leaving it flexible, it will be jumping here and there and you'll be back here again.

REP. WALDRON said he can see Rep. Vinger's viewpoint. I don't necessarily dispute it. All I'm saying is that if you have some budget problems in a county, then you should allow those county commissioners some flexibility to deal with that, for two reasons. First, the budget reasons and, secondly, you can't tell your employees in the county that they can only have 50% of the CPI because that is all you can afford, and turn around and give the elected officials 70% of the CPI.

REP. HANNAH said he agrees with Rep. Waldron 100%. I think what this committee has done with this bill is very important. It is heading in the direction where I think it should head and that is to allow the counties to deal with it locally. The vast discrepancy and disparities in size of counties has been discussed at length and I feel if we lock in this percentage of increase, it gives no recognition to the size of the state and the disparity in incomes. I think it is crazy and we should go with what Rep. Waldron is talking about.

REP. VINGER said he thinks the more we lock something in, the sooner it will get back to the county commissioners so they can set the salary for everybody. If we make it so it works too well, it is always going to remain here. I'd like to see it back in the hands of the county commissioners too where they set the salary for everybody. That should be their duty.



REP. WALDRON asked the chairman if a motion would be appropriate?

The chairman replied yes.

REP. WALDRON MOVED that we reinsert the language which allows the county commissioners to set the cost of living increments up to 70%. One of the complaints we've had from various other county officials is that they are worried that two county commissioners could get upset with them and really put it to them on salaries. That is a valid complaint. But, as I understand the bill, if the county commissioners decide they are mad at the Clerk and Recorder and tell him he can only get a 20% cost of living increase based on the CPI, that applies to themselves as well. You are going to cut off your nose to spite your face if you are an avengeful set of county commissioners. I think it is important that we allow them that flexibility.

REP. MATSKO said he doesn't know about the commissioners in Missoula County, but I do know what they have said in Cascade County. They said that if there is an increment that can be given and left optional to the county commissioners from 0 to 70%, the percentage figure that will be used is zero percent. If it is 70% to 100%, the percentage figure that will be used is 70%. This is their policy. They have stated it and I think it is a policy of some other county commissioners. If they have an option due to the language in the bill two years ago, the \$2,000 was considered to be optional upon the county commissioners. They chose not to give the full \$2,000 and went to the base they had to give of \$1,200. This has happened before and it will happen again. Perhaps Rep. Waldron would like to see no raises for any elected county officials, because the salaries of all the deputy county attorneys and deputy clerks of the court are tied to the salary of the chief in the department. If the chief does not get the cost of living increase, neither do any of the employees. They cannot negotiate above and beyond that because they are locked into a percentage of their boss's salary. To do this would, in effect, deny any cost of living increase whatsoever to all the employees of the county.

REP. HANNAH: So far this session we have discussed half a dozen cost of living plans that were done years ago and have become a financial burden to everybody in the state. We had to go in and readjust them to make them actuarially sound. Faced with the fact that those problems almost invariably arise when you have a fixed cost increase, we're going to tell the counties who are financial losers this session anyway, as well as last session, that you have to pay them 70%. I think this is running 180 degrees away from what we're trying to do. If the county doesn't have the money and they can't give a cost of living increase, then what? They do one of two things. They will lose all of their people or they are going to figure out a way to come up with a cost of living increase. We should

not be guaranteeing what the cost of living increases are going to be to people, but say "you can do it up to a point" and let them go within that framework.

REP. GOULD said he would go on the Matsko side himself for the reason that Mr. Klundt mentioned in his testimony. I think the 70% should be left the way it is.

REP. MATSKO: Another thing that should be remembered is that with a 70% of the cost of living, if we're looking at a 12% cost of living, we're looking at slightly over an 8% increase in salary. This is what we're talking about in salary increase. They have consistently come in and gone through the entire session on both the floor of the House and the Senate and come up with a pay bill similar to what we've had since 1973. We've battled and fought and finally come out with about a 7% to 9% increase. Sometimes it's been a little more and sometimes a little less, but we've averaged about 8%. What you are doing here is removing that increase. If the cost of living goes down, as it may or may not, you are talking about a lesser increase. I think this is a fair system to work on; you are not talking about the full cost of living; you are talking about a percentage of it, which will amount to about an 8% increase for the elected officials and their appointed deputies.

REP. SALES said he is more in line with what you are suggesting than what we have in here, but the truth is that the only group affected by this bill who seem to think that should be discretionary is the county commissioners. All the other people involved think it should be set.

REP. WALDRON said he's on the Appropriations Committee and it is a funny thing. Those of us in that committee who have to make determinations on spending money seem to be the only ones concerned with how much money we are spending; otherwise you wouldn't have \$200,000,000 worth of requests when we only have \$3 to \$4 million to spend on bills still left. You bet the County Commissioners are concerned about it because they have to set the budget. The Clerk and Recorder doesn't have to do that. If it is said in law that the Clerk and Recorder gets paid 70% of the CPI, then the county commissioners have to lay off their road crew or sell one of their tractors in order to pay that Clerk and Recorder's salary. It is obvious they are not going to be concerned about spending the money; they don't have to do it; all they have to do is receive it. But the county commissioners are responsible for making those budget decisions.

CHAIRMAN BERTELSEN stated the motion on the floor is that we go back to the permissive CPI from zero to 70%.

REP. DUSSAULT asked to speak to the motion. She said she'd like to speak against it for several reasons. I think the main reason is because this bill is not intended to allow the county commissioners to set salaries. That is a very important thing to keep in mind. Such a bill was killed in the Senate. The intent of this bill is to establish equitable salaries among those offices throughout the counties. Whether a person is a Clerk and Recorder in Yellowstone County or Wibaux County, there is some equity in their salary based upon this bill. There are incremental differences based on population. If you change that 70% of the CPI and make it discretionary either way, up to 70% or no more than 70%, what you've done is destroyed the very premise upon which this bill is based which is the equity provision. Year after year the same people will be coming back in here trying to reestablish their salaries, either on a competitive or an equitable level. I don't necessarily disagree that under certain conditions the county commissioners should set the salaries, but that is not what this bill was intended to do and you really undermine the intent by doing that.

REP. WALDRON commented that if we go with the straight 70%, eventually we'll have the same problem anyway. I've worked with enough contracts to understand what the problem is. When you start going on percentage increases, the people at the higher levels start spreading out from the people at the lower levels and eventually you've got a wide dollar disparity there. I don't think you can use the argument that if we pass a straight 70%, the elected officials won't be back in here, because I'm sure they will be.

REP. DUSSAULT: There is no question that regardless of what we do, elected officials will be back at some point. The question is at what point? I think it makes far more sense for us to assume that if we pass this bill, they will be back at some point questioning the cost of living increase they are receiving based on a base that makes some sense rather, than being back in here again in two years or four years because the equity of the whole system has deteriorated due to the continued adjustment in the cost of living. I'd rather see them come in on one issue which is the cost of living increment. At least with that \$14,000 base plus population increment, there is an equity that we can all argue and stand on. If we do anything with that 70%, we've lost that too.

QUESTION: The motion is to put the CPI back at a floating 70%. A roll call was taken, resulting in 11 committee members voting against, 6 voting for and 2 members absent. MOTION FAILED.

REP. WALDRON moved that we reinsert the \$2,500 increment for the county commissioners. I really think they deserve that additional amount. While the subcommittee considered special qualifications for office are unnecessary in determining increments such as the Superintendent of Public Schools having to be a teacher, I think there are some special things the county commissioners have to do while they are in office. They are required to make fiscal decisions on the entire operation of the county, and while they don't have complete administrative control over the county, they certainly have tremendous responsibilities as far as budgeting goes and raising revenue by taxing.

REP. VINGER said he will oppose that motion. In the subcommittee, when we took it out, there were no objections from the Association of Counties and some county commissioners themselves indicated to me that they don't think it should be in there.

REP. AZZARA said there is already an increment for the sheriff.

REP. SALES said yes, the same increment we gave them last session that they didn't get.

REP. AZZARA asked, "What is the difference between that justification and lack of it for the county commissioners?"

REP. SALES said he thinks that generally it has been accepted that the sheriff's position as the leading law enforcement officer in the county does involve a much greater personal responsibility in the handling of his troops on a 24-hour basis than the type of responsibility in carrying out the law and the direct contacts which he has. It has been pretty well accepted over the years that the sheriff's responsibility is one of the greater ones in the county. Getting back to the extra \$2,500 for the County Commissioners, if it was true that they set budgets and if it was true that they actually had that responsibility, I would be more inclined to go along with it. But in practice and as has been backed up by the courts, budgets are set in the various areas by the elected officials responsible for carrying out the duties in that area. If the commissioners try to tamper too much with the budget requested by the elected official, those county commissioners are going to get slapped down by the district court. They do set their own projects and have that responsibility more so than the commissioners do. As far as who gets hassled the most, that depends entirely on what is being hassled at the time. There isn't an elected official who doesn't get hassled 24 hours a day over problems that arise in relation to his office and duties. They are all tough jobs as far as working with the public is concerned, but that is part of the territory.

REP. AZZARA to Rep. Sales: I've heard what you said, but I don't understand the distinction because I guess I don't look at the chief executive offices of the county in the same way you do. But if your argument is right, then I don't think the \$2,000 increment should be in there.

REP. SALES said all I'm doing is going along with what has been accepted.

REP. AZZARA said maybe that is the wrong thing to do.

REP. MATSKO: There is no other elected official in state government who has responsibility over complements of people where any member of that complement may have to decide in the next five seconds whether someone lives or dies. It comes down to that with the sheriff. You don't do that in the Clerk and Recorders office or in the county commissioner's office.

REP. WALDRON: There may be some firemen who could say the same thing, but I don't want to argue about the sheriff's salary because I don't have a problem with it. I do have a problem with Rep. Sales saying that county commissioners don't set budgets. They do set budgets, and if they tried to get a department, I think the court would stop them from doing that. If a Clerk and Recorder came in and said, "I need ten additional people and give them to me or else I'm going to go to court and the court will give them to me," most county commissioners will say "no way" and they won't do it and no court will require that the Clerk and Recorder have ten additional people. County Commissioners do make budget decisions and do have to make decisions on raising revenue. There is no other official in county government that does that.

REP. PISTORIA asked Chairman Bertelsen what he thinks about this.

CHAIRMAN BERTELSEN said he was a county commissioner when they got \$10 a day. This is way beyond my comprehension.

REP. NEUMAN said before we vote, I have to speak in favor of the substitute motion. I can't think of anywhere else where we don't pay our chief executive officer at least as much as we pay the people who work for him. I don't think it makes sense to pay the county commissioners less than you pay the sheriff.

REP. SALES said the real problem boils down to where we'd like to call them an administrative officer, but under the law they don't have that much responsibility or flexibility. They do have greater responsibilities in some areas. But you must consider

the fact that you are stuck with three of them. If there was one person and he had the responsibility that all three have, you'd probably be willing to pay him the \$50,000. But when you have to pay three of them \$30,000 a piece to make that single decision, you have an elective process and a representative process that requires that you have representation of that type. But your are going to end up paying way too much for what you are getting.

REP. KESSLER said you seem to feel, Walt, that if there are three of them, it makes the job easier. I don't think that is always true.

QUESTION: Motion was "Do we reinstate the additional \$2,500 additional for the County Commissioners?" A roll call vote was taken, resulting in the following: Of the 19 committee members, 11 voted yes; 6 voted no and 2 were absent. Those voting no included Reps. Bertelsen, Vinger, Hannah, Holliday, Sales and Switzer. Reps. Hurwitz and McBride were absent.  
MOTION CARRIED.

REP. GOULD moved that the County Attorneys receive a \$3,500 annual increase in their salary. Rep. Gould said he feels that that in a first class county a full-time county attorney is worth as much as a judge. Really I'd like to see it at \$45,000 but in reality I know that would never fly in the Senate. I think that 10%, considering what inflation has done in the last two years, is a meager amount.

REP. HANNAH: I'd like to say it is sure easy to spend other people's money. I rebel against all of that. One of the reasons is that they should be on the county level. They are the ones accountable to the people who elect them so what we have is a system whereby the elected officials aren't responsible for their own salaries and for setting those salaries so we come to the legislature and do it and I'm opposed to it. We don't need the increases; we've been sent up here to work things out; one of the mandates is that we're spending too much money. I think we're being too loose with the pocketbook.

REP. VINGER said he too is going to oppose the motion. I think \$36,500 is a very good salary and we're giving them a \$2,000 a year increase which is about 7%, but still that amounts to \$2,000. I think that is a substantial increase for one year.

REP. GOULD said we still have to set the salary, but I still think 10%, considering what inflation has done, is meager.

REP. AZZARA: Am I correct that the county attorneys are the highest paid county officials of all elected officials?

ANSWER: No.

REP. GOULD said he would equate that to the judges. We set their salary at about \$45,000.

REP. SWITZER said he opposes the motion. There are some counties in which the county attorney position is a form of early retirement and you can hardly get a person to run for the job because he does have to put in an appearance and it might interfere with his other work. You have county attorneys, and then you have other kinds of county attorneys. This is a blanket coverage and I don't think we want to raise the bad ones too much.

REP. GOULD said, we are only talking about the full-time county attorneys, not the part-time ones.

QUESTION: Shall we raise the county attorney's wage from \$36,500 to \$38,000? A roll call vote resulted in the following: of 19 committee members, 14 voted "no"; 3 voted "yes," and two were absent. The only members voting for the increase were Reps. Dussault, Gould and McBride. The MOTION FAILED by a 14 to 3 vote.

REP. ANDREASON moved that on page 4, line 19, we strike "\$10" and insert "\$15." As we look at the bill, that was one of the most fervently and frequently requested amendments made by people coming to speak for this particular bill. If you look at what fourth through seventh classes of counties receive on their population increment, they were to receive \$20.

REP. SALES said that for the small counties, we raised the base from \$12,000 to \$14,000 and then instead of giving them the \$20 increment as opposed to the large counties, we made theirs \$10 also.

REP. ANDREASON said he would withdraw his motion, but at the same time he would ask for a comparison of what that would do in terms of dollars?

REP. SALES said take your own county, take the population and figure \$5 per hundred. In Missoula County you'd get 760 times 5, which is about \$3,850 plus the \$14,000 base.

CHAIRMAN BERTLESEN asked if the committee is ready for the question. The motion is that SENATE BILL 50 BE CONCURRED IN AS AMENDED.

QUESTION: A roll call vote resulted in the following: Of the 19 committee members, 16 voted "aye"; 2 voted "no" being Reps. Hannah and Sales, and 2 were absent. The motion carried and SENATE BILL 50 received a BE CONCURRED IN AS AMENDED recommendation.

REP. VINGER said he made the statement earlier that the Association of Counties was in favor of pulling that \$2,500 out. He was in error on that they supported in testimony of the subcommittee.

REP. MATSKO moved that we reconsider Senate Bill 50 for the purpose of amendments.

CHAIRMAN BERTELSEN asked Rep. Matsko to explain his reason for requesting this.

REP. MATSKO: It has been brought to my attention that on page 9, line 22 at the beginning of the line there is a stricken 7-4-2503 (1) and after that the Senate in their wisdom put in 7-4-2503. It has just been explained to me that if we don't have that sub (1) in there, there are three counties, (Rosebud, Powder River and Big Horn Counties) whose salaries will be cut back because of a grandfather clause effect. This is what happened last time around when the legislature intended to provide a \$2,000 increase to the county sheriffs. This would cut \$800 off the top of their salaries. This is going to happen again if the sub (1) is not replaced.

REP. VINGER said it was the intent of the subcommittee that when these people run for reelection, their salaries will be dropped down to the base salary of \$14,000 plus \$10 per hundred population. We intend it to be that way because the high evaluation counties are way up there. They should be adjusted down next election time so they are equal with everybody else in the state. That was the intent of the subcommittee.

CHAIRMAN BERTELSEN said in other words, you don't favor the reinsertion of sub (1)?

REP. VINGER said , "no", not if that is what it does.

LEE HEIMAN said what the sub (1) would do is you will take the 7% against the salary plus the \$2,000 for the sheriff. Without the sub (1) all you are doing is taking the 7% against the base salary and seeing that the base is increased by 7% then adding the full \$2,000.

REP. MATSKO said it will affect the sheriff, county superintendents of schools, the county commissioners with their \$2,500 and the county attorney. This increment above their salary will be considered part of that 7%.



REP. DUSSAULT said she doesn't understand why that happens. What does sub (1) say.

REP. MATSKO said it is irregular here. There is a fellow here who explained it to me briefly and maybe he could explain it better, if you'd like to call on Sheriff Hammermeister.

CHAIRMAN BERTELSEN asked committee members if they'd like to hear that explanation. They agreed they would.

SHERIFF HAMMERMEISTER: That subsection (1) is the population increment of \$10 plus \$14,000. Subsection 2 is where the county superintendent of schools gets the extra \$400 and the part time county attorney gets \$1,200 and the sheriff get \$2,000. If subsection 1 is in there, the Superintendent of Schools gets the \$400 in those three counties, the county attorney gets the full \$1,200 and the sheriff gets the full \$2,000. If it encompasses the whole section of law, the way it is written right now, the 7% under the grandfather clause is more than the \$400 the County Superintendent of Schools would receive, so they wouldn't receive anything more than the other elected county officials. (they wouldn't receive the \$400) The only amount of the \$1,200 the county attorney would receive is less than the \$2,000 because he would only see the amount of that \$1,200 that exceeds the 7%, and the sheriff would receive only the amount of that \$2,000 that exceeds the 7% which would mean that the sheriff would get about \$1,000 more than the other elected officials in those three counties. This only affects those 3 counties. They are all coal counties and all first class counties. It would repeal a whole section of law and only gives the county attorney and the sheriff what exceeds the 7%. This is the same type of language that caused the sheriffs to lose out on their increases two years ago.

REP. VINGER said what you're saying then, with subsection (1) in there, is that the sheriff will get the base of \$14,000 plus 7% plus \$2,000.

REP. MATSKO said then what happens is in those three counties, the officials will not get any increment above what the other county officials are getting, namely, the \$400 for the County Superintendents of Schools isn't there; he'll get the same exact amount as everybody else. The county commissioners wouldn't get the same differentials as everybody else in the state would get. Is that what it will do?

REP. WALDRON said the reasons the coal county officials salaries were so high is because they have such a huge taxable value, even though nobody lives there. So if we're going to go over to the population basis, I don't think we should be jacking in some extra money to them just because they have a high evaluation.

REP. MATSKO said these three counties are the only counties where the elected officials will not get the same differential as every other county in the state. As a practical matter of fairness, I don't think it is quite right that some of their elected officials, just because of the way things happen, be cut back and not get the same differential as every other county in the state. Regardless of the dollar figures involved, you are talking about fairness.

REP. WALDRON said if you are going to talk about dollars on a comparative basis to other counties, their salaries are going to be similar.

REP. VINGER said after the next election, their salary will be \$14,000, the same as everyone else.

REP. SALES said he doesn't think there is any need to reconsider because actually the officers in those counties are receiving very high salaries in relation to the other counties because their salary has been created based on the evaluation. They have been paid this high salary without any regard to the responsibilities. The valuation part is what is blowing the salary out of proportion, but they don't come out as well in the long run as some of the other counties do. All the counties come out differently but they do get a guarantee of a 7% increase over what they are getting now.

REP. DUSSAULT said she too would resist the motion. Again, remember the intent of this bill is to establish equity among the various counties for the same office. The problem is that in those three counties the salaries are highly inflated as compared to the other counties because of their taxable valuation base because of coal production.

REP. MATSKO said if it was considered by the committee that there would be a flattening in the differential between these various elective offices in these three counties alone and was accepted, and is acceptable to the members of the committee, that is what we're going to have to go along with. I just thought it would be in the interest of fairness to give it a hearing so everybody would know that this is what will happen. I didn't want what happened last session to happen again.

QUESTION: Shall we reconsider our action on Senate Bill 50 for the purpose of an amendment? A roll call vote resulted in the following: Of the 18 committee members now present, 15 voted against reconsidering action; 3 voted to reconsider, namely Reps. Andreason, Gould and Matsko, and Rep. Hurwitz was absent. THE MOTION FAILED.

SENATE BILL 84

CHAIRMAN BERTELSEN asked Rep. Sales if he would like to

present Senate Bill 84, which was also worked on by the subcommittee.

REP. SALES presented Senate Bill 84. This is the bill to increase the salary of District Court Reporters and to clarify the payable expenses and the method of payment of salaries by the counties. We looked at the bill carefully and decided that the increase being allowed the court reporters was actually in line with what we allowed the other county officials. It appeared to be reasonable and we accepted it as the Senate presented it. I move that Senate Bill 84 be concurred in.

CHAIRMAN BERTELSEN asked if it is the recommendation of the subcommittee to approve the bill without any amendments. Is that correct?

REP. SALES said "yes".

REP. SALES said the salary figures out to about a 7½% increase.

REP. HANNAH asked Rep. Sales if the committee discussed the actual work time involved for the court reporters? Can you tell me how many hours they are actually working?

REP. SALES said it depends on which Judge they work for.

REP. HANNAH asked if there was any discussion in regard to the dollar amount per page.

REP. SALES said that is the next bill.

CHAIRMAN BERTELSEN asked if there were further comments on Senate Bill 84. If not, are you ready for the question?

QUESTION: All in favor of CONCURRING IN SENATE BILL 84 say "aye". 14 committee members voted "aye" and the following 4 voted "no". Those opposed were Reps. Azzara, Kessler, McBride and Pistoria. Motion carried and Senate Bill 84 received a BE CONCURRED IN recommendation.

THE CHAIRMAN asked who would like to carry the bill, and Rep. Vinger said he would do so.

SENATE BILL 175 - which would revise the cost of copies of court proceedings.

REP. SALES asked Rep. Dussault to report on the subcommittee meeting.

REP. DUSSAULT: It is my understanding that the Supreme Court decreased the number of words per folio, therefore decreasing the number of pages. So in order to make the same amount of money at the current rate, we'd have to up that 10 cents to about 12 cents for the court reporters to break even, without giving them an increase. That was done through changes in the Supreme Court rules.

REP. MCBRIDE said one of the things the Supreme Court changed is the number of copies required. Formerly 7 copies were necessary and they dropped that to 4. They based it on a 200 page document and took in the basic things of typing, photocopying, binding and paper. Some of those things will be the same per folio, but certain things such as photocopying was reduced from 7 copies to 3. It basically ends up being a 31.5 cent difference between the two. By putting the pay at 10 cents, you are actually causing them to lose 1.5 cents per folio on that 200 page document.

REP. VINGER asked Rep. Dussault, "What does 12 cents per folio mean in terms of dollars for a court case?"

REP. DUSSAULT said she has no idea.

REP. HANNAH: Said a folio in the past has been determined as 100 words. One of the things involved here is pass on of charges.

REP. VINGER: Say there is a deposition of 1,000 words. The reporter would then get \$10, for the deposition on that original. He distributes 20 other copies of the deposition. Does he collect on all those copies?

REP. HANNAH: If we are setting that statute, I think we would need to outline that because on the open market if a court reporter is called in to take a deposition, as in a civil case in an attorney's office where he is not in the court room working for the Judge, that they are getting \$2.75 for an original and one copy per page. I suspect it may vary in other places.

REP. PISTORIA said he'd like the charge kept at 10 cents per folio.

REP. ANDREASON: Under the new formula 10 cents per folio would give them \$1.50. They are now making 7½ cents per folio and are making \$1.80, so they would be losing money under the new formula. To break even they would have to make 12 cents per folio. Do we want them to lose money; do we want them to break even or do we want to increase the amount per folio?

REP. MATSKO said the only thing he doesn't see reflected here and we've had some other input as far as several hundred pages at a time, what is the cost to them per copy per page? The way the new formula works out they get 10 cents per folio. With the Supreme Court ruling, they will get a total per page of \$1.50, but they are producing three less copies. How much does that save them in actual costs?

REP. HANNAH said he feels this is an area where we should be liberal in setting the costs for the court reporters because this is a direct payment for direct work done. I know that we've had a lot of people come before the Judiciary Committee because they were unhappy with the speed with which justice has been delivered. If the court reporters can go out and make \$2.75 a page or \$2.50 a page on the open market for an attorney in a civil case where you take that deposition, as opposed to making a \$1.50 a page at 10 cents a folio, I can guarantee you which case will come first, and I don't blame them.

REP. HANNAH moved that we strike the 10 cents per folio and insert 15 cents per folio.

REP. SALES spoke in opposition to the motion. I think when the Supreme Court did what they did, they tried to figure out a way to economize so they cut the number of copies they wanted. That is what is messing everything up. I think we should stay at 10 cents.

REP. DUSSAULT said she just talked with Chief Justice Haswell. In the past they required a copy of the transcripts for each of the justices, so they needed 6 copies. Under the new rules, which will become effective July 1, they are only requiring 3 copies, which they will share. I'm not sure that we should increase the cost per folio simply because the court reporters now have to produce 3 instead of 6. It doesn't seem logical to me. I realize they are going to be losing what they'd normally make.

REP. PISTORIA said the reason the Supreme Court doesn't want the 7 copies is to reduce the cost to an individual, the county or whoever.

REP. DUSSAULT said the motion is to increase the cost to 15 cents per copy and I speak against that motion.

QUESTION is to increase the cost per folio from 10 cents to 15 cents. A roll call vote was taken which resulted in the following: 9 committee members voted "aye"; 9 voted "no" and 1 was absent. Motion failed.

REP. KITSELMAN moved that we raise the cost per folio to 12 cents

REP. WALDRON said he understands they have to do the same amount of work, but make less copies.

QUESTION on substitute motion of 12 cents per folio. A roll call vote was taken. The roll call resulted in the same as the original vote for .15¢. Nine voted yes and nine voted no. MOTION FAILED.

REP. GOULD moved that the original motion of 15 cents be reconsidered.

QUESTION: All in favor of 15 cents say "aye". The only person voting aye was Rep. Hannah. MOTION FAILED.

CHAIRMAN BERTELSEN said we'll go back to the original motion of BE CONCURRED IN as presented to us by the Senate. A roll call vote was taken on Senate Bill 175 resulting in 16 members voting "aye", 2 voting "no", namely Reps. Hannah and Pistoria, with 1 being absent. Senate Bill 175 received a BE CONCURRED IN Recommendation.

REP. SALES agreed to carry Senate Bill 175.

SENATE BILL 96 - This is an act to provide funds for Special Improvement District Revolving Funds by allowing 5% of the improvement cost to be an initial incidental expense to be deposited in the revolving fund.

REP. KESSLER: Apparently the problem the cities had was with Section 4. The Montana League of Cities and Towns submitted an amendment to line 7, page 4, after the word repaid. They wanted to insert "may be returned to the owners of record of the property of the district in direct proportion to the assessment on each piece of property." They seemed to think they had to have that option, or else not have that section at all.

LEE HEIMAN said he did some research on this. Part of the problem is that the VA may require the early payoff of assessments. So when they use the word "assessment" it could be interpreted to mean the assessment on the last day when the revolving fund is paid out; 15 years after it started. At that time only 15% of the property owners may still be paying assessments. I think the fund should be for the original assessment so it covers the whole area as of the day that the revolving fund got started. The word "original" should be in there or there will be problems.

REP. KESSLER moved that Senate Bill 96 BE CONCURRED IN, with Lee's proposed amendment.

The amendment reads as follows:

Page 4, lines 7 through 12.

Following: "REPAID"

Strike: the remainder of section 4

Insert: "may be returned to the owners of record of the property of the district in direct proportion of the original assessment on each piece of property or as an alternative a municipality may transfer the funds placed in the revolving fund as a result of 7-12-4169 (2) to the general fund after the final payment of the district's bonds or warrants are paid."

REP. DUSSAULT said if we accept the first amendment and it says "may be returned" to the property owner, that is permissive, so if they choose not to do that, what do they do with it?

CHAIRMAN BERTELSEN said it was explained to us that this revolving funds comes in many cases from the county funds so I don't have any real qualm about putting it back into the general fund, in some cases.

REP. DUSSAULT said even with that I wonder if the second amendment wouldn't be more appropriate. That gives a second alternative.

REP. DUSSAULT said as a substitute motion she would move the second amendment.

CHAIRMAN BERTELSEN said we now have the second amendment before us, with the understanding that we strike everything from the bill as it now stands, and include the word "original" before "assessment".

REP. SALES said we talked about the general fund assessment of all the property to go into the revolving fund. About the only time that happens is if you get a depleted revolving fund caused by a budget delinquency. When you sell bonds, you are selling them for a certain amount and you have a schedule of payments for the bonds. The county then makes up an assessment list which tells what these properties will pay each year. When you get your tax notice, that amount of dollars is included. Revolving fund support is also included in the assessment. Many counties will go on for years without ever having a general fund assessment to put into the revolving fund. In a sense it is like borrowing money from the revolving fund to use to make repairs in that district. In a real sense they are borrowing their own money back and that is why they talk of not charging interest. In most cases that is true.

CHAIRMAN BERTELSEN commented that usually by the time the bonds are paid off, the amount in the revolving fund is very minimal. If the payments are down, the revolving fund would not be held at such a high point. They might get to the point where this revolving fund wasn't of sufficient significance to make a lot of difference to the property owners and it would be more simple to put it into the general fund.

REP. HOLLIDAY asked if this is the area where they were talking about the earmarked funds which could be used for repairing and maintaining arterial streets. Answer: Yes. Rep. Holliday continued: If we adopt the amendment which is on the floor now, will that jeopardize the method?

REP. SALES said the only problem he can see is that sometimes the courts will say that cities can do certain things which Helena and Billings are doing. They are doing it in a round-about way and getting it into an earmarked fund and using it.

REP. MATSKO wondered if Helena and Billings would lose the option that they have if we enacted the second amendment because it would be permissive and they could transfer the funds to the city general fund. They could then put it into the earmarked fund.

REP. HANNAH asked, "Why do we need the bill?"

REP. SALES stated we need it to get the 5% up-front money in a legal way.

REP. HANNAH asked if this bill will prevent the developer from borrowing 5% of the total bonds? Will the money come out of the amount borrowed?

REP. SALES asked, "Is your question that the bond buyer include the 5% in the total bond issue?"

REP. HANNAH said, "Yes."

REP. SALES said instead of a 100% issue, it would be a 105% issue?

REP. HANNAH asked if this will prohibit that action?

REP. SALES said, "No", I think the purpose of this bill to establish a way to provide that 5%.

QUESTION ON THE MOTION: All in favor say "aye". All were in favor and the MOTION CARRIED UNANIMOUSLY.



REP. VINGER mentioned that on Page 2, line 10, we will have to change "or" to "and".

REP. KESSLER moved that "or" be changed to "and".

QUESTION on above amendment. A voice vote was unanimous IN FAVOR of the above amendment.

LEE HEIMAN explained Section 3. On page 3, lines 13 through 16 conflict with Senate Bill 382 in the position of the wording, and the words that have been struck. I think I can work out an amendment with Senator Van Valkenburg that will keep the wording from conflicting without any changes being required. This is totally technical so I'll get together with him and work this out.

CHAIRMAN BERTELSEN asked for a motion allowing Lee to do this.

REP. ANDREASON moved that Lee work out the wording to which he referred.

QUESTION: All in favor signify by "aye". All voted aye and the MOTION CARRIED BY UNANIMOUS VOTE.

REP. SALES moved that Senate Bill 96 BE CONCURRED IN AS AMENDED.

QUESTION: All in favor of the motion vote "aye". All were in favor and Senate Bill 84 received a UNANIMOUS vote that it BE CONCURRED IN AS AMENDED.

REP. SALES will carry the bill.

#### SENATE BILL 362

CHAIRMAN BERTELSEN said this bill deals with disincorporation. It was assigned to a subcommittee chaired by Rep. Hannah, who will report the committee's findings.

REP. HANNAH said the subcommittee met long and hard on this bill, and he'd go over the amendments.

REP. HANNAH moved that Senate Bill 362 do pass.

REP. HANNAH said you'll remember that the discussion, when the amendments first came out, was basically around the potential problems resulting from disincorporation under the current law. It states that state shared revenues would be lost in the area, including gas, beer, liquor and miscellaneous taxes. One of the main questions that came up was, "would the amendments that were subscribed (amendments 1 and 2) cover the basic area of state shared revenue?" The answer is "yes, it will."

There are problems in regards to federal funds and proportionate funds that come in; how would they get hold of those funds, and so forth that are not going to be addressed in this bill. It is too comprehensive to try and figure out percentages of funds for two reasons. (1) The federal government is in the process of changing those grants that come to the cities, and (2) the statute has a very separate viewpoint on counties as opposed to cities and the statute treats them very differently. In order to allow the counties to take over and do all of the things that the city does, we have to give them the same authority, which may be in several different areas and we can't do that.

REP. HANNAH continued that Lee worked on the second amendment.

LEE HEIMAN said that on line 10 following the struck through material "fund", strike the balance of the sentence thru "determine" on line 13 and insert: "shall be transferred to the county general fund and shall be used to maintain services within the former municipal limits."

REP. SALES said he'd move the second or above amendment.

CHAIRMAN BERTELSEN: We have a motion to move the second amendment, which reads: after shall be on line 10 and they have already struck the balance through fund, strike the balance of the sentence down through "DETERMINE." on line 13 and insert so the sentence shall read: "money remaining shall be transferred to the county general fund and shall be used to maintain services within the former municipal limits."

REP. HANNAH said the intent of that amendment is that any money the taxpayers within the city limits had put into the city would be used to maintain services for as long as the money is there for the people who were in that incorporated area.

QUESTION on the amendment: All in favor say "aye". All said "aye" and the motion carried unanimously.

REP. HANNAH said in regards to the second set of amendments, I would move the amendments be concurred in, which have to do with the taxes (gas, beer, liquor and miscellaneous).

REP. ANDREASON: I have some questions. My assumption was that amendment #1 on that page had to do with the title, and amendment #2 on the page was the meat of the amendment. So when I am speaking of the amendment, I guess I should clarify that. I mean both amendments 1 and 2 on this page. I move those amendments.

REP. MATSKO: Sub 4 in new section 2 has state funds being deposited in the County General Fund. This would only happen in counties where one or more municipalities would be disincorporated. Is that correct?

REP. HANNAH said, "Yes."

REP. MATSKO wondered if we'd run into problems with that in that a county receiving state funds that no other county is entitled to. Is there any unfairness or undue process?

REP. SALES: I think there is a terrible problem because we've got areas that are incorporated and unincorporated and we have many unincorporated areas. I think if you're going to make one unincorporated area entitled to something, you'd better make all of them entitled to it.

REP. HANNAH: I know Rep. Andreason has some real concerns with that. The problem is that should a city the size of Missoula or Billings want to disincorporate, (the last disincorporation was in 1937 and it was Geyser, Montana) the laws have never been changed to address disincorporation of a major city in the State of Montana. There will be a multitude of problems, but that is a catch 22 situation? If they can't continue and the funds aren't there to run the city, and they want to disincorporate, we are now in a situation where they can't do it.

REP. MATSKO: Mr. Chairman, getting back to this again, I think we are going to run into some problems because I don't see any reason why the county can't go to all the unincorporated little towns around the area, talk them into incorporating and then disincorporating, and add to the county treasury by adding dollars they otherwise are not entitled to have.

REP. VINGER: There is some statutory limitation on the number of people you must have to incorporate.

REP. KESSLER said it is obvious there are a lot of problems with the bill. I have mixed feelings on it, but we are in a situation now where the cities can't expand; they can't shrink; where they have to sit there and basically rot.

REP. AZZARA said that is exactly the objective of the people of the Senate. In my opinion, they are totally irrational.

REP. HANNAH: I'd like to continue on what I'm trying to present. If they do disincorporate, and I'm not sure that they really can, you have a situation where you have a city the size of Billings which has 80,000 people within the corporate boundaries of the city and a county that has 108,000. All of a sudden the

sheriff is going to be responsible for police protection inside the boundaries. What happens to the water district that is owned by the city? The sewer district? What happens to the garbage pick up? We haven't given the counties the latitude to increase taxes or the flexibility to handle an emergency situation. If a city the size of Billings goes under, there is real chaos.

REP. AZZARA said that is very well put. But I don't think we've even scratched the surface of the problems that would result, especially in a situation where there is already political upheaval in a county. This has been said time and time again. They say you either give us consolidated powers that make some sense so we can disincorporate and move into a reasonable form of government, or you allow cities to govern themselves adequately as corporations. But, No. The answers have been no to all those things for three sessions. There is no way that this committee can sit and rewrite a section of law that bears on almost every aspect that government has to deal with in a municipality. Certainly there is no way we can do it in a brief executive session here. We're being asked to consider all of the implications of disincorporation. I think the best thing we can do is perhaps talk about this some more, but get this bill through. It may take the edge off of the chaos that does result when Missoula finally does disincorporate. I have no doubt that it is going to happen if the annexation bill doesn't go through, and I don't think it will. I think the result of all this is that we will be here in a special session if it occurs between sessions of the legislature. I suppose there is a certain bitterness. I feel there hasn't been an open ear to cities. It is just assumed that they've been at fault all the time, and I think we're beginning to see evidence of the fact that the cities have been at fault. At least at fault but no less than this legislative body.

REP. DUSSAULT: Mr. Chairman, I think it is important for us to remember that this bill is designed to provide a second method for disincorporation, or at least a second method to put it to a vote of the people. There is a method on the books that could be used in Missoula or Billings, or any other place now. If somebody got organized and did it, it would probably work. This bill was simply designed to provide an alternative. It was never intended to deal with all the problems disincorporation would create. There is simply no question that if Missoula disincorporated the potential for chaos is unbelievable. I agree with Rep. Sales that the amendment we are considering is probably unconstitutional. What I'm hoping will happen when we pass this bill, and I think it is very important that we do pass it, is the kind of discussion we've finally gotten to today will occur in those areas where the problems exist. You'll finally come up with the people realizing and saying, "the potential for disincorporation is real;" we would have chaos if that were

to occur. What alternatives do we have? And they have some. They can consolidate city-county government and solve a lot of their own problems, but they have to be pushed. I don't think they'll be pushed to deal with their own problems until this bill passes. At least people will start talking about it and talk about it openly.

The County people will realize the impact if Missoula disincorporates and maybe they will be willing to consider some alternatives they have. That is the benefit of this bill. We must have it in order to get the people in those areas off the stick and get moving.

REP. BERTELSEN said he'd like to add that he agrees with the idea that we weren't commissioned to come here and write a complete, comprehensive bill to take care of disincorporation. We're going too far in that direction.

REP. ANDREASON: Mr. Chairman, on the other hand I don't think it is responsible of us as legislators to pass legislation that would make disaster easier, or even give alternative methods to create disaster. If we do pass this bill, or any other bill, we need to do it in a responsible manner so that we take into account the contingencies the bill could create. If we aren't going to do that, we shouldn't pass this bill.

REP. KESSLER said we do it all the time. You can act irresponsibly by passing irresponsible legislation. We do that all the time too.

CHAIRMAN BERTELSEN asked if the committee is ready for the question on the amendments.

QUESTION on the amendments: A roll call vote was taken, resulting in 10 voting "aye", 8 voting "no", with Rep. Hurwitz being absent. Those voting "no" included Reps. Bertelsen, Vinger, Dussault, Matsko, Neuman, Pistoria, Sales and Switzer. Motion carried and the amendments received a DO PASS.

REP. ANDREASON: Now that we are on the bill, may I ask Lee to mention some other areas where we should consider having other amendments.

LEE HEIMAN said he didn't have any other amendments to offer. Just about everything is covered from multiple districts to federal revenue sharing, to the county seat being incorporated, and so forth.

REP. SALES commented that if this was to happen in Gallatin County, his county, the only possible answer I could see if Bozeman did disincorporate, would be an immediate effort to establish a chartered government in order to address the problems that would occur because you could never straighten out the problems we now have. We would have to adopt something that would allow some flexibility immediately.

REP. HANNAH moved that Senate Bill 362 BE CONCURRED IN AS AMENDED.

REP. NEUMAN said he thinks there are some parts of the amendments that the bill can't stand. How could a county government supply the funds if a municipality couldn't do it if they were still incorporated, even though they disincorporated? It isn't possible.

REP. DUSSAULT: I move that we reconsider action on the amendments for two reasons. First of all, I don't understand how an unincorporated area or a disincorporated area which is now an unincorporated area, should be able to receive funds designed for incorporated areas.

REP. AZZARA said there is no way any amendments could be drawn up that would make much sense. He suggests taking anything we have to to the house floor and debating it for educational purposes only. Let the people see what the chances are before us to either deal with cities in a rational way or to deal with disincorporation in a rational way. But we can't solve that problem here. Maybe we can't solve it on the floor either. But maybe the next effect of a debate, if we could get it on the floor, quickly enough, would be to have the Senate Committee reconsider some of its action, or at least have it consider its action of the annexation bills that are over there in the light of the confusion that is going to arise during debate on second reading.

CHAIRMAN BERTELSEN said our problem is that this has to be at the Senate by Monday..

REP. AZZARA continued that the bills can be held in the Senate Committee. Maybe that is too wild a plan, but I think it is a gesture that probably would have some effect.

REP. HANNAH offered the following in answer to Rep. Dussault's question. The wording is because of the unknown that could happen. By making application doesn't necessarily mean you will get it, but with the new federal guidelines that come out of a disincorporated area, the county could then petition to take over.

REP. MATSKO said he feels Rep. Dussault has a valid point. There is currently in law a method for disincorporation that does not address all these areas. That's the way it is. This bill does provide another mechanism to disincorporate. I don't think it is possible for us to address all those problems in this bill, and maybe not in this legislature.

REP. AZZARA said, you should have thought of that when you voted against the annexation bills. Everybody tried to tell you that. The problems are layed out in a way that they raise more questions than are answered. I think we need to deal with that on the floor. That is why I would vote for a DO PASS ON THE BILL AS AMENDED even though the bill is completely inadequate.

REP. ANDREASON: I think everybody's mind is made up at this point. But again in response to what has been said, I don't think we should make it easier by allowing the governing body to do it. I don't think we should provide alternatives. I understand that Rep. Azzara feels very strongly about what is happening to the cities. I can empathize with that and I have some of the same feelings.

REP. SWITZER: The governing body can't disincorporate. All they can do is have an election and they have to do it within 60 days after their action. I think this bill could be improved considerably by amending the title to have the word "in" after the word "body" on line 7 and strike section 2. You would amend the title to where you aren't monkeying with undistributed proceeds. Then strike Section 2 so that all you do is provide for an election to disincorporate after the governing body has determined that is what they want to do. There is no way you are going to address all the problems that will follow disincorporation. How they manage their funds will just be one of the minor problems.

REP. WALDRON: Mr. Chairman, did Rep. Dussault withdraw her motion to reconsider? Answer was "yes". REP. WALDRON said he would then make the motion to reconsider action on the amendments.

REP. KITSELMAN: Dean, I understand what you are doing, but I imagine a small faction group such as we have right now in Billings with the city charter and the mayor form of government, there are lawsuits and other things happening. I can see them saying disincorporation would be an answer to these problems, but the people, without realizing what's going on may say, yes, let's disincorporate. I think it is important that the people realize the ramifications of this. What it entails, the funds, and so forth.

REP. SWITZER offered a substitute motion: I move that we amend the title to a "period" following the word "body" on line

7 and strike section 2.

REP. WALDRON: Mr. Chairman, you are going to need some language that is current law on dealing with the funds.

REP. DUSSAULT said she'd like to support Rep. Switzer's motion. The effect of that motion by striking section 2 is to leave in current law exactly the way 7-2-4919 currently is, which says "the funds shall be transferred to the county general fund." The other effect would be to take out the amendments that we put in relative to allowing unincorporated municipalities to receive incorporated municipality funds.

CHAIRMAN BERTELSEN said, "If we accept Dean's amendments, don't we also have to remove Hannah's amendment?"

REP. DUSSAULT said if you take Section 2 out and conform the title to that, that does exactly what Rep. Switzer's amendment asks.

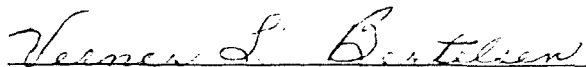
QUESTION ON REP. SWITZER'S amendment. All in favor say "aye". All voted in favor, with the exception of Rep. Andreason who voted "no". Motion on latest amendments PASSED.

REP. DUSSAULT moved that Senate Bill 362 BE CONCURRED IN AS AMENDED.

QUESTION: All in favor say "aye". Opposed raise your hands. Those opposed were Reps. Gould and Andreason. MOTION PASSED. Senate Bill 362 received a BE CONCURRED IN AS AMENDED recommendation.

CHAIRMAN BERTELSEN asked who would like to carry SB 362. REPRESENTATIVE AZZARA agreed to carry it.

The meeting adjourned at 6:00 p.m.

  
\_\_\_\_\_  
Verner L. Bertelsen, Chairman





NAME: William L. Romine DATE: 3-26-81

ADDRESS: Box 1691 Helena

PHONE: 442-2220

REPRESENTING WHOM? Clerk + Recorder's Assn

APPEARING ON WHICH PROPOSAL: SB. 291

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: This bill gives flexibility for emergency repairs  
when the maintenance fund does not have sufficient  
money. Contractors will not work if won't get paid  
until sometime in the future.

# County of Yellowstone



MERRILL H. KLUNDT  
Clerk & Recorder

BILLINGS, MONTANA

59101

March 25, 1981

Representative Verner Bertelsen  
Chairman, Local Govt. Committee  
State Capitol Building  
Helena, Montana 59601

Dear Chairman Bertelsen and Committee Members:

Senate Bill No. 291 is an amendment to Section 7-12-2183 MCA, making a new Section 2, which would authorize the Board of County Commissioners by order, or resolution, to loan money from the Revolving Fund to a district maintenance fund for emergency repairs only when there are insufficient funds currently in the district maintenance fund.

Such loan shall be repaid in one, two, or no more than three years, at the option of the Board of County Commissioners.

As of August 25, 1980, the City of Billings refuses to repair any water or sewer main breaks and therefore Yellowstone County must hire a private contractor to do the repairs and he must be paid when work is complete or within 30 days. When there are insufficient funds, what is the County's option?

County Attorney, Harold Hanser, and the Board of County Commissioners and myself are of the opinion that this is what the Revolving Fund is for and should be used for in these emergency cases.

Here in Yellowstone County, since the inception of Rural Special Improvement Districts, we now number 621.

As far as the Revolving Fund being in jeopardy for its original intended use, the answer is no. On September 4, 1980, the Board of County Commissioners have adopted a resolution that when Rural Special Improvement Districts are created, the district is charged 2% of the total district costs and 25% of these funds are placed in the Revolving Fund and 75% in the General Fund for administrative and county engineering costs.


When the governing body deems it necessary they may change this formula and place a greater percentage in the Revolving Fund if found necessary.

Representative Verner Bertelsen  
March 25, 1981  
Page 2

County Attorney, Harold Hanser, has ruled that to borrow funds for emergency repairs from the Revolving Fund is illegal under the current statutes.

We are asking for your support to pass this worthwhile and needed legislation.

Respectfully submitted,

A handwritten signature in cursive script, reading "Merrill H. Klundt".

MERRILL H. KLUNDT  
Clerk and Recorder  
Yellowstone County

MHK/jc

# County of Yellowstone

BILLINGS, MONTANA 59101



COUNTY ATTORNEY'S OFFICE, YELLOWSTONE COUNTY COURTHOUSE, ROOM 508

Criminal Division - 252-5181, ext. 230  
Deferred Prosecution - 252-5181, ext. 230  
Victim, Witness Assistance - 252-5181, ext. 230  
Civil Division - 252-5181, ext. 352  
Criminal Investigation Division - 245-6625

Child Support Enforcement Division - 259-2239  
1537 Avenue D, Suite 135  
Billings, Montana 59102

April 25, 1980

Merrill H. Klundt  
Clerk and Recorder  
Yellowstone County  
Courthouse  
Billings, Montana

Re: R.S.I.D. #593  
Yellowstone Club Estates

Dear Merrill:

This letter will confirm our discussion of April 23, 1980, regarding your letter raising various questions about R.S.I.D. #593. Your recalculation appears in order.

The revolving fund cannot be used as a loan vehicle to reimburse the county road fund. This can be done only by distributing each year from the assessments against the district.

The county has apparently developed some improper procedures in the use of the revolving fund. I am furnishing a copy of this letter to the Board of County Commissioners, the Treasurer, and the Auditor for their information. The only purpose for which the revolving fund can be used is to insure the payment of bonds or warrants and interest thereon. The Commissioners cannot authorize any loan to a district against the revolving fund for any purpose except for the payment of the bonds or interest. It is my understanding that in the past, some districts have not anticipated their maintenance requirements and funds have been advanced to them from the revolving fund. This is clearly improper. Because some districts may rely on this past procedure it would seem advisable that the Board of County Commissioners put out a directive to all districts that this procedure will no longer be approved.

Very truly yours,

HAROLD F. HANSER  
County Attorney

HFH/mb

cc: Board of County Commissioners  
Treasurer, Yellowstone County  
Auditor, Yellowstone County

# County of Yellowstone



37E

COMMISSIONERS

BILLINGS, MONTANA

59101

March 25, 1981

House Local Government Committee  
c/o Verner Bertelsen, Chairman  
State Capitol Building  
Helena, MT 59101

Re: SB291

Gentle (wo)men:

The Board of County Commissioners of Yellowstone County would appreciate your support in passing Senate Bill 291. This bill will authorize the Board of County Commissioners to borrow money from the revolving fund for emergency repairs when necessary.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

*James A. Straw*  
James A. Straw, Chairman

*Dave Gorton*  
Dave Gorton, Member

JAS:bjs

cc: All Members of Committee  
MACo

# CITY OF BILLINGS PUBLIC UTILITIES DEPARTMENT



GERALD D. UNDERWOOD, P.E.  
*Public Utilities Director*  
CARL H. CHRISTENSEN  
*Asst. Public Utilities Director*

YELLOWSTONE COUNTY  
COMMISSIONER  
**RECEIVED**  
PHONE 248-9191

P.O. BOX 30958

2251 BELKNAP AVE.  
BILLINGS, MONTANA  
59111

JUL 28 1980

July 24, 1980

Mr. James Straw, Chairman  
Board of Yellowstone County  
Commissioners  
Yellowstone County Courthouse  
Billings, Montana

re: MAINTENANCE OF RURAL SPECIAL  
IMPROVEMENT DISTRICT WATER  
AND SANITARY SEWER LINES

Dear Mr. Straw:

Please be advised that the Public Utilities Department can no longer continue to perform for you the maintenance work on Rural Special Improvement District water and/or sanitary sewer lines. Unfortunately, our limited resources prevent our continuing this type of service for the County.

Beginning August 25, 1980 we will no longer be able to offer our services to you in this regard. Hopefully, this will give you ample time to make other arrangements to satisfactorily provide for the maintenance of your Rural Special Improvement District facilities.

If you so desire, after August 25, 1980 I can have our employees respond to Rural Special Improvement District water main break calls for the purpose of isolating and shutting off the water mains when such breaks occur. However, if you desire for us to provide this service, I will have to bill you for our costs of providing same. Also, I will need a designated county official's name to call in case such water main breaks occur. Said official could, upon notice of the water main break, arrange for the necessary repairs to be affected in your behalf.

Please advise me at your earliest convenience if you have any questions or require additional information concerning this matter. And if per chance you would like to meet with me concerning this matter, please so advise and I will be happy to do so.

Very truly yours,

*Gerald D. Underwood*

Gerald D. Underwood, P. E.  
Public Utilities Director

cc: Mr. A. Thelen  
Mr. C. Christensen  
Mr. M. Thomas

**REMEMBER**

File  
**WATER IS PRECIOUS!**

**PLEASE DON'T WASTE IT!**

MAINTENANCE OF RSID WATER & SANITARY SEWER LINES - Letter  
from Gerald D. Underwood, PUD, City of Billings,  
granting 60-day extension.

CITY OF BILLINGS

# PUBLIC UTILITIES DEPARTMENT

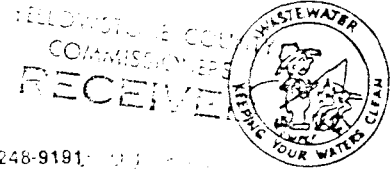


P.O. BOX 30958

GERALD D. UNDERWOOD, P.E.  
Public Utilities Director  
CARL H. CHRISTENSEN  
Asst. Public Utilities Director

2251 BELKNAP AVE.  
BILLINGS, MONTANA  
59111

PHONE 248-9191



August 27, 1980

Mr. James A. Straw, Chairman  
Board of County Commissioners  
Yellowstone County Courthouse  
Billings, Montana 59101

re: MAINTENANCE OF RSID WATER  
and SANITARY SEWER LINES


Dear Mr. Straw:

Receipt of your letter of August 25, 1980 concerning the above referenced subject is hereby acknowledge.

I have discussed your request for a sixty-day time extension with Mr. Al Thelen, City Administrator. We are in agreement that you should be granted said time extension. Therefore, please be advised that we will continue to provide for the maintenance of the RSID water and sanitary sewer lines through October 24, 1980 as we have in the past. Beginning October 25, 1980 the County must then provide for its own maintenance of said water and sanitary sewer lines.

If you have any questions or require additional information regarding this matter, please so advise me at your earliest convenience.

Very truly yours,

  
Gerald D. Underwood, P. E.  
Public Utilities Director

GDU:jbp

cc: Mr. A. Thelen, Attachment  
Mr. C. Christensen, Attachment  
Mr. M. Thomas, Attachment  
File, Attachment

REMEMBER

WATER IS PRECIOUS!

PLEASE DON'T WASTE IT!



Commissioner M. E. McClintock introduced the following and moved for its adoption; Commissioner Christensen seconded the motion and it was unanimously passed:

R E S O L U T I O N

WHEREAS, Yellowstone County incurs certain administrative expense in regard to Rural Special Improvement Districts; and

WHEREAS, Yellowstone County finds it necessary that said Rural Special Improvement Districts bear a portion of the administrative expense incurred thereby.

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. Pursuant to Section 7-12-2153, Montana Codes Annotated, all Rural Special Improvement Districts shall be assessed for Yellowstone County's administrative expenses as follows:

23 of total district cost on all RSIDs.

2. Said assessments shall be paid out of revenue from sale of bonds.

2. Twenty-Five Percent (25%) of the assessment shall be deposited in the Yellowstone County revolving fund and Seventy-Five Percent (75%) of the assessment shall be deposited in the Yellowstone County general fund.

4. This Resolution becomes effective immediately.

DONE this 4th day of September, 1939.

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

James A. Straw

James A. Straw, Chairman

M. E. McClintock

M. E. McClintock, Member

Duane H. Christensen

Duane H. Christensen Member

ATTEST:

Merrill H. Klundt

Merrill H. Klundt  
Clerk and Recorder

SB 362

Potential Problems Resulting from Disincorporation under Current Law

1. State-shared revenues would be lost to the area\*

- A. Gas tax
- B. Beer tax
- C. Liquor tax
- D. Miscellaneous taxes

\*Amendments proposed to SB 362 would resolve this problem

2. Service delivery responsibility and authority is unclear and inadequate

A. Fire protection - fire protection would have to be provided through a taxing district or directly by the county. Fire district approach would probably not permit sufficient revenues to be collected to maintain current level of service, resulting in higher insurance premiums. County governments not permitted to raise sufficient revenues to provide fire protection services directly that would even approximate current service levels.

In most areas county governments would have to create a service or taxing district for each type of urban service now provided by a municipal government. Fire, water, sewer, etc. With a proliferation of districts there could be little coordination and a great deal of duplication and underutilized resources.

B. Law enforcement - financed from general fund; if county at or near the mill levy limit on its general fund, there would be an actual reduction in law enforcement services following disincorporation unless the sheriff moved resources targetted for the rural areas to the now-unincorporated area; the shifting of resources in this manner would have the effect of the county providing a lower level of services to the rural area without a corresponding reduction in taxes. If such a shift did not take place, residents of the now-unincorporated area would be left with a minimum of law enforcement services even though they would still be required to pay taxes as county residents to finance law enforcement services.

C. City-county services, i.e. library, planning, health, would lose revenues formerly provided by the municipality as its share in financing the joint services. There is no mechanism to continue taxing residents in the area of the disincorporated municipality to support cooperative services after disincorporation.

D. County governments do not have the general authority to provide many of the services now provided by incorporated municipalities and to tax only the recipients of those services for the receipt of the service. Under current powers, the county would be required to impose countywide taxes to finance services intended for only a portion of the county. Inequity.

3. Possible loss of federal program funds. In the past, some federal programs required municipalities to be incorporated as a condition of qualification. With a revision of federal programs in general, this may or may not continue to be a problem.

The most obvious examples where problems might result from disincorporation are federal revenue sharing and SMSA designation, although the first program might well be discontinued and the second category made less important.

4. Generally, the current statutes do not anticipate the disincorporation of large cities. In fact, the only towns to disincorporate in Montana are: Pony, Lambert and Geysers. There are probably many other major implications of a large city offering a full array of services disincorporating. One area would include labor contracts: would the formerly incorporated area be responsible for fulfilling a contract with a firefighting union if the city disincorporated after the first year of a two-year contract and the fire department was dissolved?
5. Does state law require the county seat of a county to be incorporated?  
Unclear.

LOCAL GOVERNMENT SUB-COMMITTEE MEETING  
March 18, 1981

CHAIRMAN BERTELSEN appointed a committee composed of Reps. Walter Sales as chairman, Orren Vinger and Ann Mary Dussault to study and research Senate Bills 50, 84 and 175.

The meeting was called to order by Rep. Sales at 10:30 p.m. in room 129. In addition to sub-committee members present, various elected officials and their lobbyists were present.

The committee received input from these people, who provided additional information in connection with the different bills.

The sub-committee will meet again on Friday, March 20.

The meeting adjourned at 12:10 a.m.



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Walter Sales, Chairman

hbm

LOCAL GOVERNMENT SUBCOMMITTEE MEETING

March 20, 1981

The Local Government Subcommittee meeting Chaired by Rep. Sales was called to order at 10:30 a.m. on Friday, March 20, 1981, in room 129 of the Capitol, Helena, Montana.

Reps. Vinger and Dussault were present, as well as Lee Heiman, attorney from the Legislative Council staff.

CHAIRMAN SALES stated that the first thing is to take out the \$2,500 for the County Commissioner's salary in Senate Bill 50. We need to strike Lines 9 through 25 in their entirety regarding County Coroners and leave it as the present law reads, leaving it up to the Local Government Body.

CHAIRMAN SALES stated that the County Attorney would be left as it. Regarding the Cost of Living on page 9, line 2, strike "not more than" and also strike "base". There is a 7% cost of living increase the first year and after that the 70% cost of living increase.

CHAIRMAN SALES suggested putting in "however upon election or reelection the salary would be established by the base".

MIKE STEPHEN, lobbyist for the Counties, stated that it would be a money saving feature. The only thing would be the commissioners who would be in office for six years.

REP. ORREN VINGER stated that he did not feel that he could support the reelection portion.

MIKE STEPHEN stated that it the one thing it does not do. This one sets it for the fiscal year beginning July 1, 1981.

REP. DUSSAULT stated that it would be the base plus the population plus the 70%. She asked when they calculate that population figure plus the base.

CHAIRMAN SALES stated it is done every year. He also commented that the 70% would be applied to their annual salary and not to the base.

REP. VINGER suggested that the base salaries be set at \$14,000 across the board.

CHAIRMAN SALES asked "what is the total number of elected officials?"

MIKE STEPHEN stated that in Lewis and Clark County there are 13 elected officials. This change would affect Petroleum, Golden, Granite, Treasure and Prairie Counties. He stated that he was against going up on the base. By doing that we will be trying to establish one rule and one for everyone.

REP. DUSSAULT pointed out that the counties do have other alternatives.

LEE HEIMAN stated that the committee should strike on Page 4, line 18, "(A)" and "for counties of the first through third class." On line 22, strike ",or" through "AS DETERMINED BY THE", the rest of the subsection on Page 5, line 1.

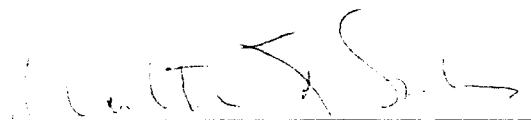
The Committee discussed the Superintendent of Schools in regard to the \$400.

LEE HEIMAN pointed out that on Page 9, Line 2 after striking "base", just put reference to salaries under 7-4-2503(1) and 2(c).

MIKE STEPHEN asked Rep. Dussault why Missoula does not have a chartered form of government?

REP. DUSSAULT stated that the County did try a City-County consolidation but it did not work. They are looking for other alternatives.

The meeting adjourned at 11:30 a.m.

  
\_\_\_\_\_  
REP. WALTER SALES, CHAIRMAN

pb

# STANDING COMMITTEE REPORT

..... March 27, ..... 19 81 .....

MR. ...SPEAKER.....

We, your committee on ..... LOCAL GOVERNMENT .....

having had under consideration ..... SENATE ..... Bill No. 291 .....

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE LOANS FROM THE RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND TO FUND EMERGENCY REPAIRS IN A RURAL SPECIAL IMPROVEMENT DISTRICT; AMENDING SECTION 7-12-2183, MCA."

Respectfully report as follows: That ..... SENATE ..... Bill No. 291 .....

BE CONCURRED IN

DO:PASSx