

MINUTES OF THE MEETING
SENATE LOCAL GOVERNMENT COMMITTEE
January 31, 1981

The meeting of the Senate Local Government Committee was called to order by Chairman George McCallum on the above date in Room 104 at 10:25 a.m.

ROLL CALL: Roll was called with Senator Van Valkenburg being excused due to a Natural Resources Committee meeting. All other members were present.

CONSIDERATION OF SENATE BILL NO. 167:

AN ACT CHANGING THE METHOD OF ESTABLISHING
SALARIES FOR ELECTED COUNTY OFFICIALS.

Senator Regan introduced the bill once before, two years ago, to address the problem of how salaries of elected officials should be set. Since 1945 there have been set salaries based on population and taxable valuation of the counties. In 1979, in answer to that bill, another bill was introduced to call for a special salary commission to come up with recommendations for this legislative session. Senate Bill No. 50 will cost the counties' general funds \$2.5 million per year for the next two years. She would like a technical amendment to strike "or assistant" whenever it follows "each deputy" in the bill. Once salaries are set at a local level, the salary will be a base salary that cannot be reduced. These salaries will stay in relative position, one to another. You could not raise one person's salary without raising another one that is comparable to it. Section (2) calls for the governing body to give public notice that they are going to have a salary-setting hearing. There are three counties that will not be effected by this. They are Silver Bow, Deer Lodge and Madison Counties. Senator Regan then called on Dave Wanzenried of the Department of Community Affairs to address some of the issues in which salaries will be effected.

Dave Wanzenried, Department of Community Affairs, neither supports the bill nor opposes it. He handed out a chart of the 1980 taxable valuations of the 56 counties and the total amount paid to county officials. (See attached Exhibit A.) Mr. Wanzenried said the current system is not working to the satisfaction of the elected county officials. The raise granted each legislative session is not enough to keep pace with inflation. On an annual basis there is never a systematic evaluation of the system. When you compare county officials' salaries to their counterparts in the public or private sectors, they just don't compare. There needs to be equity among counties. The salary level is far too low for the work they perform. In Beaverhead County, under fiscal year 1981, the total of county officials salaries is \$155,360. A 10% increase

would amount to approximately \$15,000. The county would have to increase their levy by one mill to cover this. In Cascade County a 10% increase would be about \$35,000. One mill in that county is \$92,000 so they would have to increase their levy by a half mill. They are very near their general fund maximum now. The counties would have to reduce services. There is disparity between offices. Some elected officials feel they do more than others and should be paid more. We need local discretion to make adjustments on salaries. The current formula requires a growth in population of 10,000 before counties can get an increase. The current formula is not working. This bill provides county commissioners with the discretion to set salaries. In some rural counties where energy resources development is taking place, the taxable valuation is rising. In Cascade County the economics and tax base is dropping so salaries will drop. We need a safeguard to be added to protect these officials.

Alan Ostby, representing Montana Common Cause, said it is common sense that county decisions be made at the county level. (See attached Exhibit B.)

Carole Brass of the Citizen's Legislative Coalition supports giving counties control over its financial affairs. The additional effort to include the public in these decisions makes this bill even better. She urges a do pass.

Joe Gottfried, Toole County Commissioner, supports the concept of Senate Bill No. 50 but also wants to go on record for requesting more self-determination so he supports this bill also. Commissioners are not necessarily in their positions for the money. They have a job to do. There is no reason they should not be adequately compensated for their efforts. It is next to impossible to have uniform salaries. There are a great many people employed by the county that are making more than elected officials and the officials are responsible for everything. He would like to propose an amendment to page 2, line 12 so public hearings would be set to coincide with budget hearings.

Mike Stephen of the Montana Association of Counties supports Senate Bill No. 50. This bill, Senate Bill No. 167, is a segment of Senate Bill No. 50 concerning local control in setting wages. They find a problem with the high end of the scale with larger counties being able to get pay equal to their city sisters' pay. The problem on the low end is with small counties being able to afford the level we are looking at. There is a problem with how the cost of living should be set. Every county is different, the quality of life and services are local options and are reflected in the pocketbook of that county. That is where the county commissioners come in. People elect the commissioners and will be represented through them. Who, other than local people, knows

what is best for that county. The association does not agree with several points of this bill but does support the local control.

Ed McCallfree, Rosebud County Commissioner, feels this bill lets each county do their own thing. He agrees with the concept of local control. He questions the resolution date on page 1, lines 17 and 18.

Lorraine Molitor of the Clerk and Recorders Association was speaking for herself. She does not believe in uniformity of salaries for everyone but is for local control. You have to take into consideration longevity and how the person is doing his job. County commissioners are best suited to know what people are doing in their own county.

Morris Billehus, Daniels County Commissioner, has served for 18 years as county commissioner. He believes we should have local control of salaries.

There were no further proponents appearing before the committee. Senator McCallum then asked for opponents of Senate Bill No. 167.

Glennadene Ferrell, Lake County Superintendent of Schools and member of the salary commission, said the board spent many months and many state dollars to propose a method of determining salaries. The result was Senate Bill No. 50. They were to figure an equitable salary, not to determine where the money was coming from. The compensation board was a board of compromise. The board voted twice against having county commissioners set salaries. The first vote was 5-2 with 1 abstaining. The second vote was 6-2. Mrs. Ferrell would like to see this bill, SB167, killed. She had letters from Marjorie D. Knaus, Lake County Treasurer and Ethel Harding, Clerk and Recorder of Lake County. (See attached Exhibit C.)

Nadlean Jensen, Montana State Council No. 9, AFSCME, is not really in opposition to this bill but is neutral. She finds a problem with the setting of county elected officials salaries, Section 1, subsection (4), maintaining present ratios between elected officials and deputies. If Senate Bill No. 167 were to protect the deputies under federal and state overtime laws by allowing them to receive overtime pay even though it would exceed the ratio presently in Sections 7-4-2503 through 7-4-2505, then she would have no problem with this bill.

Bill Romine, representing Montana Clerk and Recorders, said the majority of the association opposes this bill. It is a difficult position to have separate but equal elected officials setting salaries of others. Many clerk and recorders would have no problem with the commissioners setting salaries but you could have a problem in the future. Counties would be forced to raise mill

levies and create more pressure in the counties. Commissioners would be very reluctant to raise salaries because at the public hearings people would be saying we can't raise taxes. The argument that local officials know what local problems are won't work because that applies to all aspects of government. The state always passes laws that effect local people. Another problem is there is different work loads in different counties and this bill does not address that. It appears Senate Bill No. 50 is a better bill and addresses the issues.

Lorraine Molitor said she is not a proponent of this bill but supports it with the thought in mind that should Senate Bill No. 50 fail, then this bill should be given consideration.

Charles Hereim, Wheatland County Treasurer and County Superintendent of Schools, said he is representing the smaller counties. He feels there is a basic difference between county commissioners' attitudes toward jobs of elected officials in smaller counties as compared to those in larger counties. If county commissioners were allowed to set salaries, the smaller counties would suffer. He was required to have a college education and teaching experience to qualify for his job. His salary is not even comparable now to the salary of a first year teacher right out of school. He surveyed the taxes collected in Wheatland County in 1979 and county elected officials were receiving, in salaries, 5.06% of the total taxes collected. Schools were getting 67.15%.

Kathryn A. Humphrey, Clerk of Courts Association and member of the salary commission, has permission from the Judith Basin County Commissioners to say they oppose this bill in their county. They have more problems now than they can cope with and don't consider themselves employers of other elected officials. She then gave a handout to the committee. (See attached Exhibit D.) She ended by saying she hopes the committee will kill Senate Bill No. 167 and consider Senate Bill No. 50.

Tom Honzel, representing county attorneys, said county attorneys are county and state officials, half of their salary is paid by the State of Montana. They have a number of state duties including prosecution of criminal offenses and representing various boards and agencies at the local level. One problem with this bill is that the county attorney is the legal advisor to the county commissioners as well as other elected officials. There is a problem with the county attorney being able to provide independent legal judgement in matters of collective bargaining. He hopes we will take care of that problem with an amendment if we do decide to pass Senate Bill No. 167.

Ruth Baenen, president of the Assessors Association, said Senate Bill No. 50 has a solid base, you would know from year to year

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what your salary would be. It takes care of the cost of living and they can't support both bills. They support Senate Bill No. 50.

Glen Drake, Association of County School Superintendents, said something has been overlooked in this bill. County commissioners would set salaries including their own. It would not be fair because they are under the scrutiny of the public so they would have a tendency to not give themselves enough money. The bill cannot work in an equitable manner. He recommends this bill do not pass.

Sally Price, Mineral County Assessor and member of the compensation board, said salaries should be set by the legislature. County commissioners have stated their workload is very heavy. Salary setting is a very time-consuming task. She feels strongly that the compensation board's work is very important. She supports entirely Glennadene Ferrell's presentation. It says totally what they want to say. Please kill Senate Bill No. 167.

Dale Dye, Sheriff of Ravalli County and member of Montana Peace Officers Association, said county commissioners at this time have plenty of local control of elected officials. They control their employees' salaries and operating expenses. They have general supervisory power to see they are carrying out their obligations.

Sheriff Hammermeister, Pondera County Sheriff and member of the compensation board, spoke against Senate Bill No. 167. (See attached Exhibit E.)

John Onstad, Gallatin County Sheriff, said this bill has been previously available to legislators. Now there is a fair alternative to this bill in Senate Bill No. 50. Please reject Senate Bill No. 167.

Mickey Nelson, Lewis & Clark County Coroner, felt the county compensation board's Senate Bill No. 50 was the only one being introduced in regard to salaries. Five or six counties receive no compensation for county coroners. No county receives the 20% compensation allowed them for combining positions of sheriff and coroner.

John Scully, representing sheriffs and Peace Officers Association, feels the current system is the compensation board. Since SB50 has not been decided on, they don't know if the current system will work. County commissioners will set salaries for elected officials and for their staff within his authority. The disparity that exists today will continue to exist if this bill passes. You cannot have local control over all matters. Instead of having

elected officials, you might as well have the county commissioners appoint these people. He doesn't think you can support both bills. Senate Bill No. 167 does away with SB50. We have two separate alternatives. Setting salaries is very difficult but the legislature should be able to do it. If you want full local control, pass SB167 but you would also have to give full local control in other items coming before you also. The task is to make SB50 workable.

Al Rierson, Flathead County Sheriff, said they are basically officers of the state. They enforce laws passed by the legislature. If county commissioners set the salaries, you would have too many bosses and that doesn't work. The committee that studied this came up with a good recommendation. It would be a failure of the legislature if they do not consider SB50.

Ruth Daniels, Justice of the Peace of Ravalli County and president of Montana Magistrates Association, wants to endorse arguments of opposition of SB167. She appreciates the hours and efforts put forth by the salary commission.

No further opponents appeared before the committee.

Senator Regan added, in closing, in terms of what we have heard from the opposition, much of what they object to is current law. Deputies receiving a percentage of the elected officials salary is law. County commissioners feel they can receive this obligation. Legislators cannot set salaries for 53 counties - you will never get justice from them. The best chance rests with the county commissioners. If you can't get your own people to pay you what you think you are worth, maybe you are not worth it. Don't be fearful to ask for it. Senate Bill No. 50 raises salaries about 50%. This can happen and has. She cannot believe the fear she has heard today. Most objections are against current law and that they are underpaid. She agrees. Cities are being paid more than counties. This is a philosophic question, where should salaries be set, by whom, and in what manner. They should be set at the local level by county commissioners as part of a budget hearing. Also, if you will notice, the majority of proponents were common cause citizens and people speaking on behalf of good government. She hopes we will pass the bill.

Senator McCallum then called for questions from the committee.

Senator Thomas asked Carole Brass who makes up the Citizens Legislative Coalition.

Ms. Brass said it is comprised of citizens around the state. They are not a large group yet. They are interested in the legislative process. Their headquarters is in Butte. They are equally

represented throughout the state. Three people act as coordinators, there is no president.

Senator O'Hara asked Sheriff Hammermeister how SB50 would be funded when, in the case of Cascade County, they are almost at their limit.

Sheriff Hammermeister did not feel they had the right to introduce a bill for any different mill levy. Cascade County commissioners did come to the last meeting of the salary commission and strongly supported the higher population increments proposed. If SB50 passes, they will find the money. They need a salary that can be lived with even if they have to have fewer employees. If a person is paid adequately, he is worth every penny he gets.

Senator Conover asked Mickey Nelson about the coroners saying if SB50 did not pass, counties would combine the offices of sheriff and coroner.

Mr. Nelson said none of the counties that have consolidated those offices have received additional compensation.

Senator O'Hara asked Dave Wanzonried how the State of Iowa handles this.

Mr. Wanzonried said the state creates, under statute, a board comprised of elected county officials, municipalities, school district representatives and general taxpayers. They meet twice a year to make recommendations on alternative salary funding.

Senator McCallum asked Sally Price what her salary was in a 7-class county. She said \$11,063 per year. He then asked Sheriff O'Reilly what his base salary is. Sheriff O'Reilly said \$16,293.

There were no further questions from the committee.

ADJOURN: There being no further business before the committee, the meeting adjourned at 11:55 a.m.


Chairman George McCallum

VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppose
Wade E. Joyce	Sheriff		✓
William E. Skinnard	Sheriff		✓
Messina Robert Brown	Sheriff		✓
Walter H. Hammon	Sheriff		✓
Robert Frank	Justice Assoc.		✓
John Ostad	Sheriff's Assoc + Gal. CO		✓
John P. Smith	" "		✓
W. Ruth Samson	Assoc. of Municipalities		✓
Richard D. Britzman	SHERIFFS ASSOC. + VALLEY CO.		✓
Chuck O'Reilly	Sheriff's Assoc.		✓
Miss M. H. Hines	Assoc. of Municipalities		✓
Walter A. Hammon	Clark of Court (Assoc)		✓
Clara Reynolds	Clark of Court & Co.		✓
Wesley D. Began	Clark Co.		✓
Joseph P. Matton	Madison Co. Recorder		✓
Wendell J. Ferrell	Co. Commissioner Bd. and Lab. Co. Dept. of Schools		✓
Mike Schaffer	Yellowstone		✓
Robert Ash	Bozeman Co. Sheriff		✓
Wm. Damm	Custer Co. Sheriff		✓
Jim Haupt	Flathead County - deputy sheriff		✓
Ruel A. Daniels	Justice of the Peace, County Attorney		✓
W. P. Pinner	Sheriff		✓
Tom Dukich	Clark of Court - Battle		✓
Ed. Cremer	Sheriff - Jordan, Mont.		✓
J. S. Burtner	Just. Co. Commission - M.A.		✓

(Please leave prepared statement with Secretary)

DATE _____

COMMITTEE ON _____

BILL NO. 58167

VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppose
Ed McCallum	M. A. P. C.		
R. Nadeau Jensen	AFSCME, B		—
M. E. "Mickey" Nelson	INT. COVENANTS ASSN - MT. ELIZABETH		—
Marrie Butcher	Co. Treasurer	✓	
Mike Stepha	MT Assoc. of Counties	✓	
Carol Beth	Mount. Special Services Assn		✓
Alan Robley	Common Cause	✓	
George Wood	Co. Treasurer		✓
Jennobent	Co. Treasurers' Assoc.		✓
William L. Revine	Clerk & Recorders Assn.		✓
Maria McMillan	Missouri Co. Commissioners	✓	
Theresa Madich	Co. & Co. + Comptroller		✓
William Baker	Wholesale Credit Fund Assn		✓
Wm. Conner	Assoc. of County School Superint.		✓
Tom J. ...	CAS. CO. ELECTED OFF.		—
Wm. ...	MPA		✓
Alvin Hassel	Treasurer - Broadcasters Co.		✓
Carol Bras	Citizen - Legislative Coalition	✓	
Charles E. Heron	Treasurer - Co. Sup. - Wheatland Co.		✓

(Please leave prepared statement with Secretary)

NAME: CAROLE BRASS DATE: JAN 31, 1981

ADDRESS: 705 13th ST BUTTE, MT 59701

PHONE: 792-2015

REPRESENTING WHOM? CITIZEN'S LEGISLATIVE COALITION

APPEARING ON WHICH PROPOSAL: SB 167

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: C.L.C. SUPPORTS GIVING COUNTIES

CONTROL OVER ITS FINANCIAL AFFAIRS.

THE ADDITIONAL EFFORT TO INCLUDE

THE PUBLIC IN THESE DECISIONS ~~IS~~ MAKES

~~THE KIND OF LEGISLATION~~ THIS BILL EVEN

BETTER. WE URGE A DO PASS

NAME: Lorraine P Mottea DATE: 1-31-81

ADDRESS: Box 306 Virginia C, F,

PHONE: 843-5311

REPRESENTING WHOM? Clark & Record Ass'n.

APPEARING ON WHICH PROPOSAL: SA 167

DO YOU: SUPPORT? _____ AMEND? OPPOSE? _____

COMMENTS: Have enacted in
Distinction

NAME: R. Nadean Jensen DATE: 1-31-81

ADDRESS: 600 N. Cooke Helena

PHONE: 442-1192

REPRESENTING WHOM? MT. ST. Council #9 AFSCME

APPEARING ON WHICH PROPOSAL: SB 167

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: Have no concerns with setting salaries of elected officials. Do have a problem with Section 1(4) maintaining present ratios between elected officers and deputies. If ~~this~~ SB 167 were to protect the deputies under Federal and State over-time laws by allowing them to receive over-time pay even though it would exceed the ratio presently in - 7-4-2503 through 7-4-2505 MCA then I would have no problems with ~~this~~ SB167

NAME: William L. Romine DATE: 1-31-81

ADDRESS: P.O. Box 1691 Helena

PHONE: 442-2220

REPRESENTING WHOM? Mont. Clerks & Records Assn.

APPEARING ON WHICH PROPOSAL: S.B. 167

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

COMMENTS: The Association does not support the idea of the county commissioners setting their salary. I ~~do~~ concept of having one set of local elected officials setting the salary of other local elected officials will cause many problems. The pressure which could be applied locally could easily result in salaries being kept unreasonably low. If it is now difficult to fund salary increases mandated by the legislature, it would be more difficult under S.B. 167. This bill does not really solve problem of different work loads of different officials, since it requires some proportionate increase across the board.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Charles E. Herstein DATE: Jan 31 - 81

ADDRESS: Box 124 Hanlontown, mt

PHONE: 632-4754

REPRESENTING WHOM? Co. Treasurer & Co Supt of School

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE?

COMMENTS: I am opposed to Co. Commissioners
setting Elected officials Salaries

NAME: Katherine A. Humphrey DATE: Jan 31, 1981

ADDRESS: P.O. # 3 Box 41 Stanford - Judicial Branch Cnty

PHONE: 566-2191 - office 566-2472 home

REPRESENTING WHO? Clerk of Courts Circuit

APPEARING ON WHICH PROPOSAL: S.B. 167

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: K. Ruth Pearson DATE: 1/31/1981

ADDRESS: Rte 2 Box 4 - Liberty, Mo.

PHONE: 93-7781- ext. 215

REPRESENTING WHOM? Assessors Association

APPEARING ON WHICH PROPOSAL: S.B. # 167

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE?

COMMENTS: _____

I feel that S.B. # 50 is a fair
and ~~equal~~ equal bill and should
be considered for County officials
salaries.

NAME: Allen White DATE: 1-3-77

ADDRESS: 2001 W. 1st St. Lincoln, NE 68502

PHONE: 822 4571 days 822 4446 even

REPRESENTING WHOM? Members Assoc

APPEARING ON WHICH PROPOSAL: S.P. 1-7

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

COMMENTS: I stated that the location of
the new office building should be
located in the area between the
old and new schools should be set up in the

area. The County Commissioner has
stated that the work load is very heavy
and a member of the committee should be
appointed to assist in the work.

I would want to assume this very large
and find a way of making it successful.
Adding buildings and then going into a
new area to work in the area.

I would like to see the
work done in a timely manner.

NAME: Dale E. Pfeiffer DATE: 1-31-81

ADDRESS: 58200 Grantdale Rd.

PHONE: 263-3033

REPRESENTING WHOM? Montana Sheriffs & Peace Officers Assn

APPEARING ON WHICH PROPOSAL: SB167

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE?

COMMENTS: We feel this would give added unnecessary
control of law enforcement to County
Commissioners and would only hamper proper
local government effectiveness.

Dale E. Pfeiffer
Sheriff

NAME: Walter L. Hammermeister DATE: Jan 31, 1981

ADDRESS: P.O. Box 1153 Comod. Mont 59425

PHONE: ^H278-3163 0 278-3923

REPRESENTING WHOM? Sheriff

APPEARING ON WHICH PROPOSAL: S B 167

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: L. John Onstad DATE: 1-31-80

ADDRESS: 319 W. Main Bozeman, Montana

PHONE: 587-4809 Work 586-4971

REPRESENTING WHOM? Montana Sheriffs + Peace Officers Assoc. + Gal. Co.

APPEARING ON WHICH PROPOSAL: SB -167

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: M.F. "Mickey" Nelson DATE: 31 Jan 1981

ADDRESS: Lewis & Clark County Courthouse, Helena, MT

PHONE: 442-7398

REPRESENTING WHOM? MT coroner's Assn - MT County Elected Official Assn.

APPEARING ON WHICH PROPOSAL: SB-167

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

COMMENTS: Compiler comments Sec 7-4-2501 make it clear to me that the salary committee county official Sec this session were to come under control of the County Compensation Board, SB-50 was introduced by them & we support that bill. The Board spent much time on what SB-167 would do and had little if any support.

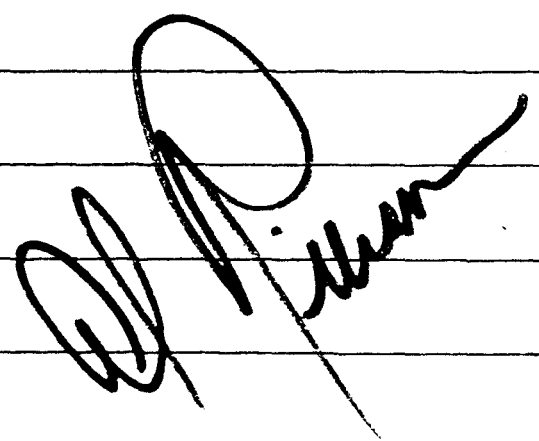
NAME: A. L. Rierson DATE: 1-31-81
ADDRESS: 1469 - Highway 2 - Kalispell, Mont
PHONE: 955-3691

REPRESENTING WHOM? Sheriff Dept.

APPEARING ON WHICH PROPOSAL: Against Bill S. # 169

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: Dont want County
Commissioner to set
budget



NAME: Ruth A DANIELS DATE: 1-31-81

ADDRESS: 110 Tanager Hamilton, MT

PHONE: 913-1351

REPRESENTING WHOM? MT MAGISTRATES ASSN

APPEARING ON WHICH PROPOSAL: S 167

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENTS: We strongly oppose the setting up
of a judicial governing body. This would
eliminate the responsibility of voters to
elect judges. It is our position that the Co. Comm.
would tend to act ^{conscientiously} as ~~best as possible~~ to
keep the courts happy, thereby keeping
salaries at a level unacceptable to the hard-of-
family wage earners. The salaries would be a
decreased quality of applicants for all ^{the} public-elected
court, official positions. This bill would be a
step backwards. We support the ~~legislative~~ legislative
committee's report on ~~repealing~~ this bill S. 50.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

Form 4255 Counties

State Publishing Co. Helena, Montana	FY80	Class	FY81		FY91
	Tax Valuation		Authorized General Fund	Actual General Fund Levy	Total County Off. Salaries
Beaverhead	11,947,532	4	27	23.50	155,360
Big Horn	109,351,036	1	25	14.67	175,700
Blaine	35,765,477	2	25	15.40	152,200
Broadwater	7,458,822	6	27	20.55	126,449
Carbon	23,663,761	2	25	16.37	155,180
Carter	8,940,655	4	27	19.00	124,154
Cascade	92,985,125	1	25	24.42	353,990
Chouteau	29,524,371	2	25	14.44	151,580
Custer	21,063,119	2	25	22.62	164,180
Daniels	8,777,461	4	27	19.52	125,684
Dawson	24,245,513	2	25	21.30	162,020
Deer Lodge					
Fallon	46,398,640	2	25	2.10	147,140
Fergus	24,998,487	2	25	22.03	164,180
Flathead	80,509,842	1	25	23.46	282,750
Gallatin	59,346,356	1	25	17.14	291,620
Garfield	7,599,647	3	27	19.50	123,473
Glacier	41,904,139	2	25	13.56	158,230
Golden Valley	4,645,036	1	27	22.00	129,583
Granite	6,138,494	2	27	27.00	122,950
Hill	43,077,358	2	25	15.35	191,000
Jefferson	10,225,256	2	27	19.94	132,440
Judith Basin	10,702,744	2	27	23.64	125,372
Lake	28,287,318	2	25	14.00	172,580
Lewis and Clark	58,963,634	1	25	20.73	270,150
Liberty	16,049,601	4	27	13.25	124,917
Lincoln	29,395,534	2	25	3.65	173,591
Madison					
McCone	11,668,238	2	27	25.50	125,561
Meagher	6,281,903	2	27	26.50	124,613
Mineral	4,923,698	2	27	24.54	127,061
Missoula	129,649,605	1	25	24.76	345,410
Musselshell	19,997,725	2	27	14.43	116,328
Park	19,126,865	1	27	21.00	163,460
Petroleum	3,267,622	1	27	11.78	99,447
Phillips	25,135,616	2	25	21.50	135,912
Pondera	21,851,305	3	25	21.25	152,460
Powder River	50,773,300	1	25	14.60	147,700
Powell	12,685,502	5	27	21.45	132,257
Prairie	5,174,002	3	27	26.21	127,930
Ravalli	25,248,876	3	25	16.27	180,536
Richland	74,549,978	1	25	3.46	162,560
Roosevelt	26,118,329	3	25	9.50	159,220
Rosebud	103,277,016	1	25	2.03	153,600
Sanders	19,486,853	1	27	25.05	156,210
Sheridan	37,201,463	2	25	1.20	150,320
Silver Bow					
Stillwater	14,166,609	5	27	25.00	130,268
Sweet Grass	8,270,469	6	27	27.62	126,296
Teton	18,560,821	4	27	23.00	152,300
Toole	34,611,904	2	25	11.08	150,680
Treasure	4,159,449	7	27	27.00	111,670
Valley	22,213,570	3	25	7.89	158,960
Wheatland	5,736,074	6	27	27.00	112,938
Wibaux	10,805,080	5	27	14.18	128,075
Yellowstone	191,777,515	1	25	12.30	403,605

MY NAME IS ALAN OSTBY. I AM A LOBBYIST FOR ~~THE~~

COMMON CAUSE.

OUR SYSTEM OF GOVT. BEST FUNCTIONS WHEN EXECUTIVE

DECISIONS ARE MADE BY THE PEOPLE TO WHOM THEY APPLY.

SB 167 EFFECTIVELY ACCOMPLISHES HOME RULE IN AN

APPROPRIATE CASE. THE SALARIES PAID TO COUNTY OFFICIALS ARE

TO BE SET BY THE COUNTY. THIS IS ^A COMMON SENSE APPLICATION

OF DEMOCRACY. SECONDLY, THIS BILL WOULD ~~ALLOW~~ ^{GIVE} THE RESIDENTS

OF EACH COUNTY THE OPPORTUNITY TO PARTICIPATE IN THEIR COUNTY

GOVT. THROUGH THE PROCESS OF HOLDING PUBLIC HEARINGS.

MAKING COUNTY DECISIONS AT THE COUNTY LEVEL AND

DOING THIS PUBLICLY ARE PROCEDURAL MATTERS OF GOVERNMENT

WHICH ~~THE~~ ~~COMMON~~ COMMON CAUSE SUPPORTS.

Exhibit C01

LAKE COUNTY, MONTANA

COUNTY COMMISSIONERS

- DON CORRIGAN
Polson
- WESLEY W. LEISHMAN
St. Ignatius
- WILSON A. BURLEY
Ronan
- TREASURER**
MARJORIE D. KNAUS
- CLERK AND RECORDER**
ETHEL M. HARDING
- ASSESSOR**
WILL TIDDY



- SHERIFF AND CORONER**
GLENN FRAME
- CLERK OF COURT**
ETHEL HARRISON JAMES
- SUPERINTENDENT OF SCHOOLS**
GLENNADENE FERRELL
- COUNTY ATTORNEY**
RICHARD P. HEINZ
- JUSTICES OF THE PEACE**
VIRGINIA MALLORY
Polson
CHARLES C. MEYER
Ronan

POLSON, MONTANA 59860

January 29, 1981

Local Government Committee
 George McCallum, Chairman
 State Capitol
 Helena, Montana 59620

Honorable Senator McCallum & Committee Members:

As I will not be able to attend the Committee Hearing on SB 167, allowing the county governing body to set salaries of elected officials, I am taking this means of voicing my opinion.

As a member of the State Association of County Treasurers and as an elected official since November 1970, I wish to state my objection to SB 167. It is my belief that the majority of elected officials have previously stated their disapproval to the Legislature of similar bills proposing that county governing bodies setting salaries.

The 1979 Legislature passed a bill authorizing a Salary Commission, requesting that the Commission work together on a bill to present to the 1981 Legislature that would meet with the approval of the elected officials of all Associations. The Salary Commission, after arduous study of testimony from representatives of all of the Associations, has drafted a salary bill, S. B. 50, which has already been presented. A Senate Hearing on SB 50 was held January 17th and was very well attended, with the overwhelming majority of testimony in favor of the bill. Obviously, no proposal will be completely satisfactory to all individuals who will be affected, but SB 50 is a fair bill which has met with the approval of the various Associations and should be given the consideration it deserves.

I sincerely and humbly voice my request that SD 167 be killed in Committee and that the Local Government Committee work on passing a viable version of SB 50.

Thank you.

Sincerely,

Marjorie D. Knaus
 Lake County Treasurer
 Polson, Montana 59860

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A
R
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Montana Association
of
County Clerks & Recorders

January 28, 1981

TO: THE HONORABLE MEMBERS OF THE 47TH LEGISLATURE, SENATE
LOCAL GOVERNMENT COMMITTEE: GEORGE, McCALLUM, CHAIRMAN,
JESSE O'HARA, VICE-CHAIRMAN, MAX CONOVER, DONALD OCHSNER,
PETE STORY, BILL THOMAS and FRED VAN VALKENBURG.

FROM: Ethel M. Harding, Clerk and Recorder of Lake County and
member of Montana Association of Clerk and Recorders'
Legislative Committee

RE: SENATE BILL NO. 167

Gentlemen:

Please enter this testimony in opposition to Senate Bill No. 167
for the following reason:

The 46th Legislature, in its wisdom, gave Local Government elected
officials, through their associations, the power, responsibility and
privilege of forming a Local Government Salary Commission. This
commission has worked hard and been diligent in their effort to
produce a formula for Local Government Elected Official salaries.
They have accomplished this successfully and submitted it in the
form of Senate Bill No. 50. You have held the hearing on Senate
Bill No. 50 and received favorable testimony from all Local Govern-
ment Associations. A special group, which the 46th Legislature
created, studied, researched and held meetings for months to pre-
sent Senate Bill No. 50 for passage. This bill is sanctioned by
all Local Government Associations. No bill will be ideal for each
individual but Senate Bill No. 50 has all the Associations' support.

Please honor the 46th Legislature's commitment to Local Government
Elected Officials by voting "NO" on Senate Bill 167 and then do
your best with Senate Bill No. 50.

Thankyou for your consideration. I personally appreciate each of
you on this Local Government Committee and I respect the seriousness
of your position. I will keep you in my thoughts and prayers as
you make this important decision.

Sincerely,



Ethel M. Harding
Clerk and Recorder

Exhibit 1

Honorable Senators:

I wish to express my very strong opposition to Senate Bill 167 (An Act to Change the Method of Establishing Salaries for County Elected Officials and Deputy or Assistant County Officials by Providing that the Salaries be Determined by the County Governing Body; etc.)

A Bill of this nature has been before the Legislature many times in the past and has been defeated. County Elected Officials, including many County Commissioners, have never favored this type of approach to County Salary Setting and I am sure that you will find that they do not favor it now. I have been an elected Official for 12 years and none of the different County Commissioners we have had during that time have ever been in favor of this added responsibility.

I was President of the Clerk of Courts Association during their Convention in June of 1980. Forty-seven Clerks were in attendance and many of their Chief Deputies. During the discussion on the work of the County Salary Commission at that time, a vote was taken on whether there was any favor for Commissioners setting salaries and it was a unanimous "no."

As a member of the County Salary Commission I would again urge you to give serious consideration to Senate Bill 50. It may need some amendments to be acceptable, if you can't agree to pass it as written may I suggest the following:

Senate Bill 50: Figures using present proposal of \$14,000.00 base, comparison of percentage increase using \$12,000.00 base. (Section 1)

Yellowstone:	(14,000.00)		(12,000.00)	
proposal:	\$31,655.00		proposal:	29,655.00
'80-'81	<u>21,681.00</u>		<u>21,681.00</u>	
	9,974.00 = 46% increase		<u>7,974.00</u> = 36.7% increase	
Golden Valley:	14,200.00		12,200.00	
	<u>10,678.00</u>		<u>10,678.00</u>	
	3,522.00 = 33%		<u>1,522.00</u> = 14%	
Judith Basin:	14,520.00		12,520.00	
	<u>11,575.00</u>		<u>11,575.00</u>	
	2,945.00 = 25%		<u>945.00</u> = 8%	
Missoula:	26,810.00		24,810.00	
	<u>18,692.00</u>		<u>18,692.00</u>	
	8,118.00 = 43%		<u>6,118.00</u> = 33%	

Section 2 (b) - Increase for Sheriffs; consider \$3,000.00 rather than \$5,000.00

I beg you not to consider the 30% factor allowing County Commissioners to adjust salaries. The discrepancy between large and small Counties is too great now and that factor would only add to the problem.

The above comments I have made to you, I discussed with my County Commissioners on Jan. 29th, 1981. I have the permission of Arnold Haack, Chr.; Robert McCray and Russell Hodge to express to you their very strong opposition to Senate Bill 167.

Thank you for your consideration.

If the County Commissioners are allowed to set any portion of the elected officials salary, it open the door for the Sheriffs Deputies & even the other officials to unionize. With the present qualifications and training requirements of the sheriffs deputies if they unionize state wide they can control who could attend our Montana Law enforcement academy, so that local government or the sheriff could not hire & train a replacement deputy sheriff without the unions approval.

Due to the rapidly increase of the filing of Civil rights law suits, that are prevalent over most of the United States, they are just beginning to be filed in Montana. In a few years the county & the sheriffs department cannot afford to put an untrained deputy sheriff on the streets.

Therefore if the Montana Deputy sheriffs unionize state wide the County Commissioners will still not be setting salaries but the deputy sheriffs will mandate there own & our salaries.

Sheriffs deputies should not unionize because a union deputy sheriff possibly may not cross a picket line to serve legal papers or to stop violence that may occur inside a picket line. In plain words, unionized law enforcement possibly may not enforce laws against other striking unions. For example a present statute even prohibits the Montana Highway Patrol from getting involved in strikes. I quote from M.C.A. 44-1-1002 "Such highway

patrolmen have no authority and are expressly forbidden to make arrests in labor disputes or to prevent violence in connection with strikes and may not perform any duties whatsoever in connection with labor disputes, strikes or boycotts." unquest.

Presently there is little to be gained by the Deputies joining a union, because all salaries are set by state law, but a few of the larger counties deputy sheriff have joined a union, and several of them have joined the Teamsters union.

Deputies should not unionize & we do not want too. But if SB 167 is passed or any form of allowing the County Commission to discretionarily set the sheriff's salaries, I believe they will join a union before the new law would ever take effect.

Walter L. Hammermeister
Pondera Co. Sheriff

1.

Sheriffs object to SB 167 of allowing the County Commissioners to ~~set~~^{set} the salaries of other elected officials, for several reasons.

To control a persons wage is to control that elected official. The County Attorney - Sheriff must enforce the law no matter who it hurts or involves. Nearly all of our duties and the laws that we enforce are mandated by legislature. The only way we can do our job efficiently & unencumbered is for the State Legislature to set our wages.

I'm sure that the supporters of S.B. 167 hope that by allowing the county commissioners to set the salaries of the various elected officials and their deputies, that it will solve all of the vast problems of the variety of population & of each counties ability to pay the salaries.

But it will not solve those problems. It will hinder the equitable salaries & prevent the larger counties from paying a competitive salary, and as a small county does increase in prosperity it will hinder their ability to properly increase their wages. The reason for this is because SB 167 tries to freeze all salaries into the same ratio, that they presently are. (subsection 4)

There is no way the larger counties can pay a wage, that their County Commissioners had indicated to the County Compensation board they wanted to pay & had to pay to their elected officials to be competitive, with the salaries of the city officials, when SB 167 freezes all salaries of deputies & elected officials in the same ratio they must pay the starting salary of all Deputy Sheriff

at 75% of the elected official (for example if Yellowstone County needs to pay the elected official \$32,000. - they must pay as a starting salary for their deputy sheriffs \$24,000. -)

In the other extreme if in a 4th thru 7th class county, their happens to be a discovery of a new oil field, or they develops a good mining business or even develops a shale oil ~~field~~ and mining field that is now possible in some of the 6th & 7th class counties of Central Montana. As their taxable valuation skyrockets & prosperity increases in their area. They are hindered even worse because they are also froze into the current rate & must pay all deputy sheriffs 90% of the salary of the elected official.

SB 167 will drastically hinder the proper compensation of all the elected official & administration of county government, as it freezes all salaries into the present ratios.

SB 167 must be defeated in its entirety to prevent a Coaster situation that in time even Legislature could never cure.

Walter L. Hammermeister
Pondera Co. Sheriff

January 31, 1981

Mr. Chairman and Members of this committee, I am Glennadene Ferrell, Lake County Superintendent of Schools, and a member of the County Compensation Board.

This Board, at the direction of the previous legislature, spent many months and many state dollars carrying out a specific charge: to propose a method of determining county elected officials' salaries and relieve the legislature of the problem of doing so every two years. The Board has carried out that charge and Senate Bill #50 is the result of our work.

And then Senate Bill #167 appeared.

As a result I attended a Stress Management Workshop last week and received a list of Murphy's Fundamental Laws, many of which certainly apply here.

The Compensation Board tried to be a board of compromise, but we found Murphy's Law #5 to be true. "By trying to please everybody, somebody will be displeased." These somebods are those who wish to have the county governing body, the county commissioners, have a hand in setting the salaries.

Murphy's Law #10, "By making something absolutely clear, someone will become confused." The Compensation Board, at its September meeting, voted 5-2, with one abstention, against letting the county commissioners set a part of the salaries. Somehow we seem to be unable to get this point across, even though in November the vote was 6-2 against such a proposal.

If Senate Bill #167 should pass, I will take it as a reflection of the regard the legislature has for county officials. We were charged with the task of making a recommendation for county salaries. If no one intended to accept our recommendations, why were we given the task in the first place! If any bill dealing with county official salaries is to come out of this legislature, it should be Senate Bill #50.

By now you can see the truth in Murphy's Law #13. "Persons disagreeing with your facts are always emotional and employ faulty reason."

Well, perhaps. But I must state the consensus of the Board, those members of the Board in the majority, who in turn are following the directions of their counterparts across our State. *I have my association's full support for Senate Bill #50*

Please kill Senate Bill #167. Don't let Murphy's Law #1 be the epitaph for the County Compensation Board. "If anything can go wrong, invariably it will."

Thank you for your time.

Glennadene Ferrell

The League of Women Voters would like to speak in support of Senate Bill #167.

We feel strongly about more control at the local level and more citizen participation in government. This bill speaks to both of these matters.

The legislature is far too busy to concern itself with such small and unimportant items as setting county salaries and passage of this bill would help to relieve some of the pressures so time could be spent on more important issues.

OFFICE OF
COUNTY TREASURER

OF TREASURE COUNTY

CLARIBEL BONINE, TREASURER

HYSHAM, MONTANA 59038

1-28-81

I WANT TO GO ON RECORD AS BEING VERY OPPOSED TO ANY BILL
PROVIDING FOR THE SETTING OF COUNTY SALARIES BY COUNTY COMMISSIONERS!

Claribel Bonine
County Treasurer
Treasure County