

MINUTES OF THE MEETING
SENATE LOCAL GOVERNMENT COMMITTEE
February 17, 1981

STATE LAW LIBRARY
MAY 5 1981
OF MONTANA

The meeting of the Local Government Committee was called to order by Chairman George McCallum on the above date in Room 405 at 12:35 p.m.

ROLL CALL: All members were present with Senator Van Valkenburg coming in late.

CONSIDERATION OF SENATE BILL NO. 442:

AN ACT TO PROVIDE FOR COUNTY AND MUNICIPAL
REGULATION OF BOXING AND WRESTLING MATCHES.

Senator Steve Brown, District No. 15, explained this was a companion bill to the one abolishing the Board of Athletics. When the audit committee recommended termination, they decided it would be best to adopt a law dealing with the basic requirements. The major provisions are: you must have a city permit if within the city limits or county permit if within the county; the ordinance must require reasonable measures for fair conduct and physical examinations; the ordinance must guarantee payment to the officials; the local government shall require promoter to put up a surety bond; the local government will charge a fee to the promoter commensurate with the cost of providing the certificate, this is an alternative revenue measure for local governments because they can collect tax on proceeds of the events; and the local government will not have the power to control amateur events. He submitted two amendments to the bill. (See attached Exhibit A.)

Dan Mizner of the League of Cities and Towns said he had worked on this bill when they were putting it together. The League supports the bill, although he has not seen the amendments.

There were no opponents of the bill appearing before the committee. Senator McCallum then called for questions.

Senator Conover asked if a person could collect on the bond if they were injured.

Senator Brown answered yes they could.

CONSIDERATION OF SENATE BILL NO. 375:

AN ACT TO REVISE THE LAW RELATING TO THE
COMPENSATION OF UNDERSHERIFFS AND DEPUTY
SHERIFFS.

Senator O'Hara, Cascade County, said he introduced this bill at the request of the Montana Sheriffs and Peace Officers Association.

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Sheriffs and peace officers are deserving of a raise. They have been paid as second-class citizens for too long. They are very dedicated and hard working. We have not been paying them what they deserve. In other states they have been going to unionizing and we don't want to see that. It is time we look at what they do in relation to what we pay them. There are some amendments to clean up the wording in the bill.

John Scully, representing the Sheriffs and Peace Officers Association, said there is one amendment on page 4 concerning 1% of his salary being received for longevity payments that was more than cleaning up the wording. The other amendments are strictly clean-up amendments. This bill follows Senate Bill No. 50 and Senate Bill No. 167. One problem with this bill is there is one almost identical to it in the House of Representatives, introduced by Representative Brown. The bill attempts to allow a straight 90% basis and to allow a range for sheriffs to operate to employ deputies. If you want 24-hour-a-day deputies, you have to give consideration to that. We need uniformity throughout the state. The rise and fall of wages causes problems among officers. It might be to the committee's advantage to see if the House bill passes. It is going to be amended with the bill we have. Representative Brown has no objections to that. He hopes we support the bill.

Sheriff O'Reilly, Lewis and Clark County, said this attempts to solve many problems with inadequate pay and benefits for deputies. It is tough to stay in law enforcement with the pay they get. There is a hidden cost when the department or county loses an official. It costs approximately \$7,000 to put an officer back on the street. That is the cost of training them. When you lose 4 or 5 officers a year, that is a substantial amount of money. On page 3, section 2, those figures might have to be changed depending on the outcome of Senate Bill Nos. 50 and 167 because they would have an impact on them. The bill allows undersheriffs to be paid at 95% of the sheriff's salary. Deputy sheriffs' pay would depend on the population of the county, ranging from 55% to 90% of the sheriff's salary. This removes the 90% limit on longevity and overtime. They are currently bound by state law to not pay more than 90% of the sheriff's salary to deputy sheriffs. There is a lot of conflict in the law with the hours a deputy sheriff is allowed to work. One law says they are not to work over 40 hours a week; another one says they are always on call; and another says they cannot be paid more than 90% of the sheriff's salary. They need to have a work period instead of a work week. In Lewis and Clark County they are under a 6 day on, 3 day off shift. Every officer gets 1 weekend off per month. On a nationwide average, the divorce rate among law enforcement officers ranges between 60 and 80%. They are trying to ease the imposition on families through different work shifts. County commissioners are not going to fund the sheriff's office

more than their budget so you don't have to worry there. In section 5, dealing with the longevity payment, there is one amendment added in. On line 14, page 4, "monthly basis" should be scratched. Section 6 deals with existing statute exclusions dealing with exemption of overtime compensation and working in excess of a 40-hour week. On page 8 there is an addition that changes undersheriffs and deputy sheriffs to employees of the sheriff's department. This conforms to what they are asking for earlier in the bill.

Sheriff John Onstad, president of the Sheriffs and Peace Officers Association and sheriff of Gallatin County, said the association has looked over this legislation and does support it. As sheriff of Gallatin County, he supports it. There is a definite turn-over problem. Longevity aids in the retention of officers. This will help the taxpayer to have experienced deputies. The officers are entitled to a fair salary. Many officers are working their shift plus 2 or 3 hours of overtime per day. Most officers have to have a second job. There is a fatigue factor involved there.

Sheriff Al Rierson, Flathead County, said they lose between 40 and 50% of their officers in a 10-year span. It takes from 5 to 10 years before an officer becomes valuable to the department or the community. The bill supports the needs of the officers as well as the communities.

Sheriff Glenn Frame, Lake County, said they work their deputies long and hard and are in trouble with state law for overworking them. We need to take care of people that are our first line of defense.

Sheriff Dale Dye, Ravalli County, supports the concept of the bill for reasons already stated.

Sheriff Hammermeister, Pondera County, said it was the general consensus of law enforcement to support this bill. The percentages in the bill would be too low if Senate Bill 50 is amended or does not pass. He has 4 deputies, 3 of them have to have outside income in order to live. Some put in 40 hours in 2 or 3 days. Most work on their vacation and outside time at other jobs. Sheriff Hammermeister said he gets \$1,400 per month and takes home less than \$800 of it. That is \$134 more a month than his parents receive in Social Security payments. He can hardly make it on his salary and can't expect the deputies to make it on less.

Gerald Hurley, Cascade County, supports the bill. We need to keep good, young officers working.

Senator McCallum then called for opponents of the bill.

Ed McCaffree, Rosebud County commissioner, hates to see sheriffs excluded from the rest of the elected officials in the county. This

basically sets them aside in giving them longevity the others do not have.

Jim Halverson, Roosevelt County commissioner, sees where everyone needs more money to live these days. There would be problems in the county if you separate sheriffs from other elected officials. The system works pretty good the way it is now.

Senator O'Hara added, in closing, in order to have a good sheriff's department you have to pay decent living salaries. We are not going to be able to have a good department without doing that. In making an investment of this sort, it will save money in the long run. He urged the committee to pass Senate Bill No. 375.

Senator McCallum then called for questions from the committee.

Senator Ochsner asked if since 1975 they have been paid on an hourly basis for a 40 hour week.

Sheriff Hammermeister said this was only done by the county commissioners of Pondera County.

Senator Ochsner asked if this is changing it to an hourly basis.

Sheriff Onstad said no, just overtime.

Senator McCallum asked Ed McCaffree if he agreed it would cost \$7,000 to train a deputy by the time they get through school.

Mr. McCaffree said he thought that figure was a little high.

Senator McCallum asked if he agreed a deputy sheriff has to have more training than a clerk and recorder.

Mr. McCaffree said yes because there is liability involved and good common sense.

Senator McCallum said we passed a bill 2 or 3 sessions ago on overtime. Wasn't there a Supreme Court ruling that a deputy cannot work over 40 hours per week?

Mr. McCaffree said he was not aware of that decision.

Sheriff O'Reilly said he was not aware of that decision. State law says they cannot work over 40 hours per week in first and second class counties. Other counties can work more.

Senator Hammond addressed his remark to Mr. McCaffree. He said you hate to see sheriffs pull away from other elected officials. Is there any other official called on to work overtime like the sheriffs are?

Mr. McCaffree said he didn't think so in most cases.

CONSIDERATION OF SENATE BILL NO. 155:

AN ACT LIMITING MEMBERSHIP IN THE PUBLIC
EMPLOYEES RETIREMENT SYSTEM BY REQUIRING
CERTAIN EMPLOYEES TO AFFIRMATIVELY EXERCISE
THE OPTION TO BECOME MEMBERS.

Larry Nachtsheim of the Public Employees' Retirement System said this bill would solve problems that occur in local governments where they have people that come to work temporarily and don't stay on for a long period of time. When they put in permanent full-time and permanent part-time, they didn't take into consideration it would take in schools and seasonal work. In section 1 they exclude people who will not work more than 120 days in one fiscal year unless they want to belong. Section 16 was added for former members receiving a retirement allowance other than as a beneficiary serving in employment if that employment does not exceed 60 working days in any fiscal year. Those former members would be reinstated into membership on the 61st working day in any fiscal year unless they elect to return to membership prior to that day.

Senator McCallum said this bill was heard in the State Administrative Committee. It was thought the person could not draw their pension for 6 months and work.

Mr. Nachtsheim said the original fiscal note did not reflect the amendments. A new fiscal note is being drafted but they have not received it yet.

CONSIDERATION OF SENATE BILL NO. 451:

AN ACT GENERALLY REMOVING MANDATORY PROVISIONS
FOR COMPENSATION AND GROUP INSURANCE BENEFITS
FOR EMPLOYEES OF CITIES AND TOWNS.

Senator Manley, District No. 14 and sponsor of the bill, said the reason for the bill is that 4 sessions ago was the first time he realized the state legislature was setting wages and benefits for people working in class 1 and 2 cities. He has, since then, been wondering why the legislature should be involved in this. He doesn't think they should be. City governments should be negotiating their benefits and wages. This bill would reverse the trend. We should let local governments set their own wages and policies. (See attached Exhibit B.)

Dan Mizner of the League of Cities and Towns said they had sent out a questionnaire on some mandates. Most were in favor of this particular repeal. Group insurance costs \$100-\$110 per month.

This causes problems in the towns when the city council looks at what it is going to cost. Legislators should not be demanding how they have to spend funds at the local level. You can't start with a base when you are bargaining. It should be up to the local government.

Senator McCallum then called for opponents of the bill.

Jack Williams of the Chiefs of Police Association said they are opposed to this bill. He doesn't think these people should have things taken away from them that they have worked so hard for.

Lloyd McCormick, Joint Council of Teamsters #2, said this is not a cost to the city, it is bargained out of the bill. Everyone needs a health plan of some kind. If the city is not forced to provide one, they are not going to do it.

Al Sampson of the Montana State Fire Chiefs Association and the city of Missoula said both oppose this bill. This bill takes about 10 mills of taxing authority away from the cities. If this bill passes, the only way they can pay those benefits is to lay people off. When you start negotiating it causes problems. There is no money to pay for it. If they do negotiate, they always start at minimum wage.

Ed Johnson of the Montana State Fire Chiefs Association opposes the bill. You can't have qualified people when you start with minimum wage. The only city paying the full amount of insurance is Anaconda. This bill takes away vacation and sick leave. He doesn't believe most cities are with Dan Mizner. Mayors and city managers would lose benefits and he doesn't think they would be happy if this bill passed.

Sharon Donaldson of the American Federation of State, County and Municipal Employees, AFL-CIO, recommends do not pass.

Senator Manley closed. He said firemen and chiefs of police have spent a great deal of time coming to the legislature and lobbying to get what they could. They worked hard to do it. Benefits could still be paid and negotiated. These people don't work for the state of Montana. The legislature should not have any part in this. Why have a city government? This bill takes the legislature out of a business they shouldn't have been in in the first place. He can see where the workers could gain, they certainly aren't going to lose anything.

Senator McCallum then called for questions from the committee.

Senator Hammond asked how many restrictions are there on cities, as far as raising funds, that are placed by the state legislature.

Dan Mizner said most cities and towns under an all-purpose mill levy have a 65 mill limitation. If their taxable valuation does not increase by 5%, they can put on the number of mills necessary to equal the growth of the budget. PERS is outside the 2 mill limitation on health insurance for firemen and police. The Attorney General issued an opinion 3 or 4 months ago relative to mill levies outside the all-purpose mill levy. They must come within the 65 mills limitation of 2 mills for firemen and police.

Senator Ochsner asked what the minimum wage was for firemen and police.

Mr. Sampson said \$750 per month.

Senator Ochsner asked if that applies to counties.

Senator Manley said no.

Senator McCallum asked Mr. Mizner if anytime the legislature mandates the cities to do something, don't they also have to mandate revenue.

Mr. Mizner said the law reads if a mandate is placed upon a local government, a method of funding must be mandated also or they do not have to implement it. They have never tested that in the courts.

Senator McCallum asked how many mills in excess of 65 mills has the legislature given permission to levy.

Mr. Mizner said it is not a mill as such. What is says is to cover the cost of comprehensive insurance, you can put on the number of mills necessary to pay those bills.

DISCUSSION OF SENATE BILL NO. 50: Senator McCallum handed out the amendments the subcommittee had prepared for this bill. (See attached Exhibit C.) He said they selected random counties to show the committee what effects the amendments would have. (See attached Exhibit D.) The first through third class counties will receive a \$14,000 base with \$10 per hundred population increments. In Yellowstone County that amounted to about an 8% raise. The base salary in Yellowstone County would be \$24,000.

Debbie Schmidt of the Legislative Council explained the proposal. First through third class counties can levy up to 25 mills and fourth through seventh class counties can levy up to 27 mills. First through third class counties would get a \$14,000 base plus \$10 per hundred population increment. Fourth through seventh class counties would get a \$12,000 base plus \$20 per hundred

population increments. It comes out fairly even for most counties, around 7 or 8%, except for Richland and Rosebud Counties where they have high taxable valuations. Under the present system the salary is based on population and valuation. Under the amendment proposal the taxable valuation is pretty much taken out. After the base salary, the county commissioners can, by resolution, increase the salaries up to 70% of CPI. There cannot be a decrease in the county officials' salaries. In counties where this would not amount to a 7% increase, the salaries will be raised by 7%.

Senator Conover said we should make sure they will not be back in two years asking for another increase.

Ms. Schmidt said they might come in to amend the formula but that would be all.

Senator McCallum said in 1979 we voted to raise sheriffs' salaries to \$2,000 above the base. The Attorney General ruled that was not legal because it was over a 7% increase. The sheriffs only received \$1200 above base so we now want to give them the full \$2,000 above base. County superintendents will still receive \$400 above base. Full-time county attorneys currently receive \$34,346, we are raising that to \$35,000.

Senator Hammond asked about part-time county attorneys.

Senator McCallum said they would receive half. It isn't much different from what they are getting now.

Debbie Schmidt added the coroners' salaries were left in because the subcommittee did not have strong feelings on that. On page 7 there is new language in subsections 1 and 2 that provides for a substantial increase in county commissioners' salaries. This keeps the commissioners at the same level with the other elected officials. In the future the salaries may be raised up to 70% of the CPI.

Senator Thomas moved we put both bills out to the floor and let everyone decide on Senate Bill Nos. 50 and 167. He doesn't think the committee should pass judgement on one or the other without the whole body making the decision. He thinks SB167 should be heard first and if it passes, there would have to be some amendments on how it will effect county attorneys.

Senator Hammond thought that would be ducking the issue.

Senator McCallum said both bills will be down.

Senator Hammond said he likes what the committee has done. He wants to have a little time now to compare the two bills.

Senator McCallum said Senate Bill No. 50, as amended, does basically what Senate Bill 167 does. This just sets a base the county commissioners can work with.

Senator Thomas said he thinks this is a fair compromise.

Senator Van Valkenburg asked where can commissioners pay more.

Senator McCallum said there is nothing to prohibit it. It would be in the future.

Senator Conover said if they can set salaries in the future, that is Senate Bill 167.

Senator McCallum said at least we are setting some guidelines.

DISCUSSION OF SENATE BILL NO. 442: Debbie Schmidt said Senator Brown's amendments on SB442 were to add the rules be adopted by ordinance or resolution and to provide for qualified officials and guarantee payment of those officials by the promoter.

Senator Conover moved the amendments be adopted.

Senator Van Valkenburg asked if there was something that provides for publication of rules so someone at the local level knows.

Debbie Schmidt said they would be rules by ordinance or resolution. She thinks they would have to be available to everyone.

Senator Conover's motion passed.

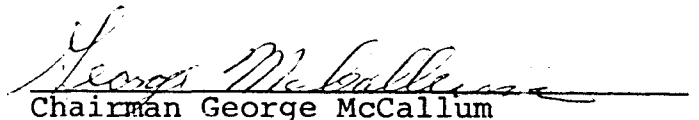
Senator Thomas asked if we could get a fiscal note for SB375.

Everyone agreed that would be a good idea.

Debbie Schmidt said it takes 4 or 5 days to draw up a fiscal note.

Senator Thomas said we would have trouble on the floor without it.

DISPOSITION OF SENATE BILL NO. 155: Senator Hammond moved this bill DO PASS. The motion carried unanimously.


Chairman George McCallum

ROLL CALL
LOCAL GOVERNMENT COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 2/17/81

NAME	PRESENT	ABSENT	EXCUSED
Senator George McCallum	✓		
Senator Jesse O'Hara	✓		
Senator H. W. Hammond	✓		
Senator J. Donald Ochsner	✓		
Senator Bill Thomas	✓		
Senator Max Conover	✓		
Senator Fred Van Valkenburg	<i>Excused</i>		

Each day attach to minutes.

DATE

FEBRUARY 17, 1981

COMMITTEE ON LOCAL GOVERNMENT

BILL NO. SB375

VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppose
Wade E. Gipe Sheriff	Paralle County	X	
E. D. WOLF BETHLEHEM	PARALLEL COUNTY	X	
Walter Hammermeister	Pondera Co Sheriff	X	
W. P. Miller	Flathead Sheriff	X	
W. P. Miller	Flathead Sheriff	X	
Randy Johnson	Lincoln County Sheriff's Off	X	
David Mardal	David Mardal Sheriff	X	
David Mardal	David Mardal Co.	X	
Harvey White	Thermal County	X	
Andrew J. Wyglinski	Hill County Sheriff's Dept.	X	
Mark E. R. R.	Hill County	X	
John W. Christensen	Flathead County		
John W. Christensen	Flathead County		
Ken Anderson	Cascade County	X	
Robert L. Tabor	Hill Co	X	
David Churley	Cascade Co.		
Theresa M. Morn	Jefferson Co. S.C.		
Ed McLeff	Rosebud Co. County		✓
Rick L. Tabor	Benewah County		
Mark Churley	Cascade County		
Chuck O'Reilly	MSPOA	✓	
Chuck O'Reilly	MSPOA	✓	
Bob Lee	Gallatin County Sheriff's Dept.	X	
Brad Binkin	GOSO	X	

(Please leave prepared statement with Secretary)

DATE _____

COMMITTEE ON

BILL NO.

50375

VISITOR'S REGISTER

[illegible]

(Please leave prepared statement with Secretary)

FEBRUARY 17, 1981

COMMITTEE ON LOCAL GOVERNMENT

BILL NO. SB451

VISITOR'S REGISTER

[illegible]

(Please leave prepared statement with Secretary)

John Scully

2/17

3303 Sunrise Rd

582.1365

Student Letter Officer

SA 375

X

AMEND?

OPPOSE?

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: L John Onstad DATE: 2-17-81

ADDRESS: 319 W. Main, Bozeman, Mt.

PHONE: 586-4971 - 587-4809

REPRESENTING WHOM? Gallatin County Sheriff's Dept.

APPEARING ON WHICH PROPOSAL: SB 375

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Al. Rixson DATE: 2-19-81

ADDRESS: 1467 Highway #2 W. Kalispell

PHONE: 257-1174 Office 755-3691

REPRESENTING WHOM? Flathead County Sheriff

APPEARING ON WHICH PROPOSAL: * 375

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

COMMENTS: YES

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: _____ DATE: _____

ADDRESS: _____

PHONE: _____

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: _____

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Dale E. Gage Sheriff DATE: 2-17-81

ADDRESS: Hamilton mt

PHONE: 363-3033

REPRESENTING WHOM? Kavalli Co Sheriff's office

APPEARING ON WHICH PROPOSAL: 513375

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

COMMENTS: I have read the Bill and support
the concept of the Sheriff setting salaries of
his employees rather than Co. Comm. setting
salaries

Dale E. Gage

NAME: Walter Hammermeister DATE: Feb 17, 81

ADDRESS: Box 1153

PHONE: H 278-3163 O- 278-3923.

REPRESENTING WHOM? Sheriff / Ponder Co.

APPEARING ON WHICH PROPOSAL: SB 375

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Donna M. Smith DATE: 8-11-6

ADDRESS: *1234*

PHONE: 614-463-2831

REPRESENTING WHOM? *None*

APPEARING ON WHICH PROPOSAL: 207

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

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Joseph M. Linnick

DATE: 2/17/1951

ADDRESS: 926-14th Ave S. East 7th

PHONE: 452-0482

REPRESENTING WHOM? West Council of American Indians

APPEARING ON WHICH PROPOSAL: 451

DO YOU: SUPPORT? AMEND? OPPOSE? ☒

COMMENTS: Ref. of Trans. Long Beach and this
petition

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Sharon Donaldson DATE: 2-17-81

ADDRESS: 600 N. COOKE, Helena

PHONE: 442-1192

REPRESENTING WHOM? American Federation of State, County & Municipal Employees, AFL-CIO

APPEARING ON WHICH PROPOSAL: SB 451

DO YOU: SUPPORT? NO AMEND? NO OPPOSE? YES

COMMENTS: IF SB 451 WERE PASSED, IT WOULD MAKE EMPLOYERS OF CITIES, TOWNS, AND ALGAS CITIES, WHILE THE LAW PROVIDES FOR EMPLOYEES INS. PARTICIPATIONS FOR STATE & COUNTY EMPLOYEES EMPLOYERS OF THE EMPLOYEES. ALGAS & TOWNS FROM BEING ENTITLED TO THE SAME BENEFITS AS OTHER PUBLIC EMPLOYEES - SB 451 WOULD ALSO REPEAL THE MINIMUM WAGE FOR POLICEMEN & FIREFMEN IN THE STATE OF MONTANA, TO REPEAL THE INS. BENEFITS TO POLICE & FIREFMEN WOULD PUT HIGH RISK EMPLOYEES IN A Tenuous POSITION AT THE MERCY OF THE EMPLOYER - THOSE HIGH RISK EMPLOYEES WOULD HAVE TO SETTLE FOR NOT FULLY INSURED & QUESTIONABLE COVERAGE IF NOT COVERED BY GROUP INS. WOULD HAVE FEDERAL & STATE MIN. WAGE LAWS WHY SHOULD POLICE & FIREFMEN

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Firemen removed

NAME: L. Henry Friedman DATE: 2-17-57

ADDRESS: Box 281, Chula Vista

PHONE: 745-4504

REPRESENTING WHOM? State Council Executive

APPEARING ON WHICH PROPOSAL: S. B. 375

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: ROBERT D. WOLF DATE: 2-17-81

ADDRESS: P.O. Box 1232 HAMILTON, MAIT.

PHONE: 363-3033

REPRESENTING WHOM? RAVALLI COUNTY

APPEARING ON WHICH PROPOSAL: SB 375

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

COMMENTS: PASSAGE OF THIS BILL IS A NECESSITY
IF WE ARE TO MAINTAIN, QUALIFIED,
COMPETENT AND PROFESSIONAL OFFICERS.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: _____ DATE: _____

ADDRESS: _____

PHONE: 725-2221

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL:

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

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INTRODUCED BY Steve Bruner 442
BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR COUNTY
AND MUNICIPAL REGULATION OF BOXING AND WRESTLING MATCHES;
REQUIRING PERMITS THEREFOR; REQUIRING SAFETY RULES;
AUTHORIZING THE COLLECTION OF TAXES ON THE PROCEEDS OF SUCH
EVENTS; AND REPEALING SECTION 7-21-4211, MCA."

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

Section 1. Local government permits for boxing and
wrestling matches -- safety -- tax. (1) No person may
sponsor or promote any prizefight or public sparring,
boxing, or wrestling match or exhibition without a permit
issued and in effect as provided in this section. No person
may provide physical facilities for or act as a second or
principal in any prizefight or public sparring, boxing, or
wrestling match or exhibition, knowing or having reasonable
cause to believe that the sponsor or promotor of such event
does not have a permit issued and in effect as provided in
this section.

(2) A local government may permit and regulate
prizefights or public sparring, boxing, or wrestling matches
or exhibitions subject to the following:

(a) The local government governing body must, prior to
the issuance of any permit, adopt rules, by ordinance,
governing prizefights and public sparring, boxing, and
wrestling matches. The rules shall provide reasonable
measures for the fair conduct of the matches or exhibitions
and for the protection of the health and safety of the
principals. The rules shall require a physical examination
of each principal prior to each match or exhibition ~~and the~~
~~attendance of a licensed physician at ringside~~ ~~the~~ ~~qualification~~
~~of judges, referees, and cornermen~~ ~~the~~ ~~payment of~~
~~such~~ ~~officiaries~~ ~~by the~~ ~~promoter~~
(b) The local government governing body shall require
a permittee to provide a surety bond in an amount determined
sufficient by the governing body. Any person injured by the
willful, malicious, or wrongful act of the permittee may
bring an action on the surety bond in his own name to
recover damages suffered as a result of such act by the
permittee.

(c) The local government may charge the permittee a
fee, commensurate with the cost of providing the
certificate.

(d) For an event under this section, only one permit
is required. A county shall regulate such events within the
county but not within a municipality, and a municipality
shall regulate such events within its municipal boundaries.

(3) A local government may levy a tax, at a rate
determined by the local government governing body, on the

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEES:

SENATE BILL 451 IS AN ACT TO REPEAL SECTIONS AND AMENDS PARTS OF LAWS THAT MANDATE EXPENDITURES ON UNITS OF LOCAL GOVERNMENT. THOSE OF YOU WHO HAVE SERVED IN THE SENATE IN THE PAST HAVE HEARD LOCAL GOVERNMENT OFFICIALS EXPRESS THE UNDESIRABLE EFFECTS OF MANDATES BY THE LEGISLATORS. IT IS THE INTENT WITH SB 451 TO RELIEVE LOCAL GOVERNMENTS OF THESE MANDATES AND PERMIT THE EMPLOYEES AND OFFICIALS AT THE LOCAL LEVELS TO TAKE CARE OF THEIR OWN PROBLEMS AT THE LOCAL LEVEL.

SECTION 1 PAGE 1 AND SECTION 2 PAGE 3 ELIMINATES THE REQUIREMENT OF CITIES AND TOWNS TO COMPLY WITH THE ADMINISTRATIVE RULES OF THE DEPARTMENT OF ADMINISTRATION AS THEY APPLY TO LEAVE, HOLIDAYS, SICK PAY AND CONDITIONS OF EMPLOYMENT AS OUTLINED IN (1) THRU (12) PAGE 1 PAGE 2 AND TOP OF PAGE 3 THRU LINE 17. SECTION 23 PAGE 3 AMENDS 2-18-702 BY ELIMINATING THE REQUIREMENT THAT CITY AND TOWN GOVERNMENT PAY \$10.00 PER MONTH ON GROUP INSURANCE AND LEAVES THE AMOUNT TO BE PAID UP TO THE LOCAL GOVERNMENTS AND ITS EMPLOYEES.

SECTION 4 PAGE 4 ELIMINATES THE MINIMUM WAGE OF FIREFIGHTERS IN 1ST AND 2ND CLASS CITIES AND LEAVES THE DETERMINATION OF SALARY TO NEGOTIATIONS BETWEEN THE EMPLOYER AND EMPLOYEES.

SECTION 5 PAGE 5 AMENDS 7-3-4465 BY STRIKING SUB SECTION (5) 7-4-4202 WHICH IS MINIMUM SALARY OF THE CHIEF OF POLICE IN CITY MANAGER FORM OF GOVERNMENT AGAIN LEAVING THAT TO THE LOCAL OFFICIALS AND THE EMPLOYEE.

SECTION 6 AMENDS THE WORKERS COMPENSATION SECTION TO PROVIDE THAT THE LOCAL GOVERNMENT AND EMPLOYEES OF 1ST AND 2ND CLASS CITIES CAN NEGOTIATE THE PAYMENT OF THE DIFFERENCE BETWEEN WHAT WORKERS COMPENSATION PAYS AND THE EMPLOYEES SALARY.

SECTION 7-4-4202 IS THE MINIMUM SALARY OF POLICE CHIEF IN 1ST AND 2ND CLASS CITIES AND IS REPEALED.

7-32-4116 IS THE MINIMUM WAGE FOR POLICE IN 1ST AND 2ND CLASS CITIES. 7-32-4117 IS THE MANDATED PAYMENT OF GROUP HEALTH INSURANCE FOR POLICE IN ALL CITIES AND TOWNS FOR THE POLICE AND HIS DEPENDENTS.

7-33-4128 IS THE MINIMUM WAGES FOR FIREFIGHTERS IN 1ST AND 2ND CLASS CITIES.

7-33-4130 IS THE MANDATED PAYMENT OF GROUP HEALTH INSURANCE FOR FIREFIGHTERS AND HIS DEPENDENTS.

THOSE SECTIONS REPEALED RETURN TO THE LOCAL GOVERNMENT THE RIGHT TO NEGOTIATE WITH THEIR EMPLOYEES FOR BENEFITS AND SHOULD NOT BE MANDATED BY THE LEGISLATURES. THERE ARE OTHER MANDATES THAT HAVE BEEN PLACED ON CITY AND TOWN GOVERNMENTS BUT IT IS MY OPINION THAT BY THESE AMENDMENTS AND REPEALERS WE HAVE SHOWN OUR FAITH IN LOCAL GOVERNMENT TO WORK WITH THEIR EMPLOYEES TO THE BEST ADVANTAGE OF BOTH PARTIES AS WELL AS THE TAXPAYERS.

Exhibit C

PROPOSED AMENDMENTS TO SB 50

1. Page 4, lines 11 through 16.
Following: "of"
Strike: the remainder of line 11 through line 16
Insert: ": (a) \$14,000 for counties of the first through third class to the population increment of \$10 for each 100 persons or major fraction thereof included in the county's population as determined by the 1980 federal decennial census; or

(b) \$12,000 for counties of the fourth through seventh class to the population increment of \$20 per 100 persons or major fraction thereof included in the county's population as determined by the 1980 federal decennial census."
2. Page 4, line 19.
Following: "\$400"
Strike: "\$500"
Insert: "\$400"
3. Page 4, line 23.
Following: "\$2,000"
Strike: "\$5,000"
Insert: "\$2,000"
4. Page 5, line 5.
Following: "\$30,000"
Strike: "\$45,000"
Insert: "\$35,000"
5. Page 5, line 13.
Following: "\$30,000"
Strike: "\$45,000"
Insert: "\$35,000"
6. Page 5, line 15.
Following: "be"
Strike: "\$22,500"
Insert: "\$17,500"
7. Page 7, lines 7 through 10.
Following: "-r"
Strike: the remainder of line 7 through line 10.
Insert: "."
8. Page 7, line 12.
Following: "-a"
Strike: "an annual"
Insert: "a"
9. Page 7, lines 14 through 16.
Following: "-beard"
Strike: the remainder of line 14 through the word "\$80" on line 16
Insert: "of not more than \$50"

10. Page 8, lines 12 and 13.
Following: "salary"
Strike: "of \$14,000, 100%"
Insert: ", not more than 70%"
11. Page 9, line 7.
Following: "least"
Strike: "10%"
Insert: "7%"
12. Page 9, line 9.
Following: "to"
Strike: "10%"
Insert: "7%"

February 16, 1981
Arlee, Mont.

I'm employed by Lake County as a resident deputy sheriff. I live in Ravalli, a small community in the southern area of the county, it is this area that I'm responsible for. There are two paved roads, numerous gravel roads and two unincorporated towns, Ravalli and Arlee. There are approximately 2500 people who live in the area, a mixture of native Americans and white's. There are ranches, both large and small, townspeople and people with various levels of income, both povertish and wealthy.

The area that I patrol covers about eighteen miles of U.S. 93 from the Missoula County line south of Arlee to a point just south of St. Ignatius. This is one of the paved roads. The other main road is the Jocko Canyon Road, the first three miles being paved, the remaining fifteen miles being gravel to the Missoula County line to the east.

The basic function of a resident deputy, like myself, is that he handles all law enforcement problems in the area in which he lives. He has to be a police officer, marriage counsellor, arbitrator and a good listener. The job involves being on duty or on call twenty four hours a day, seven days a week, including holidays. The resident does not work a shift then goes home until the next shift. There generally is not a relief man to cover the area for the resident. The people become so accustomed to the resident that they will not share information or their problems with anyone outside the area. It's a matter of trust. A relief deputy coming into the area would also create an open position in the office area or it would cause another resident to double up and cover two areas. In a department like the one in Lake County, relief coverage of this type is almost impossible due to the large area covered by so few deputies.

The hours can and do become quite long. Some days can be somewhat normal. This might be going out on patrol during the day and getting home for supper. The duties involved in day time patrol usually consist of checking school traffic before, during and after school. It also involves contacting local businesses. The main purpose for this is for public relations, keeping a pulse on the local events and happenings in and about the area. The rest of the day could take up a multitude of things. Sometime during the evening or after going to bed, a call could come in. This type of call usually involves some type of serious problem or crime. It could involve anything from homicide, burglary or theft to a domestic situation, the most dangerous to police officers. The call could interrupt an evening at home after a long day or could come just after getting to sleep. Some nights, more than one call might come in. The deputy might be up all night taking someone to jail thirty-five miles away, writing reports or attempting to settle a domestic situation so that a criminal act isn't committed. It should also be kept in mind that during these occasions the deputy might have been up for almost eighteen to twenty hours. If a crime is committed during the night, the deputy might have to spend the day time hours investigating the incident. There might be more than one case being investigated at the same time. There are some crimes committed that might require all night surveillances in addition to the required day time

duties. Court appearances are another important duty that takes up time. This requires traveling to the county seat and spending either part or the entire day standing by. This could happen after being up all night on a call of some sort. All of these activities are done in addition to keeping up with the flow of activities and news of the area. In between all of these activities, the deputy has to find time to sleep, eat, be a husband, parent and keep his sanity.

During the first six weeks of 1981, I have worked schedules as previously described. There have been all night surveillances on local businesses everynight for three straight weeks. There have been two occasions within the last twelve days in which I have been awake and working for twenty eight and twenty six hours respectively. I've had one complete day off since the beginning of the year due to the present work load. This work load has been department wide. This office has only five deputies to cover the whole county every day of the year. Due to the work load and time involved, relief is almost impossible unless more people are hired and this isn't possible due to the lack of funds. There are also transportation details out of the county that have to be made, this causes doubling up among the deputies.

My income is based on a monthly salary. There isn't any paid overtime or compensation time off. The county furnishes a patrol vehicle and all the equipment except for the weapon and ammunition. The vehicle is kept at the deputies residence at all times, however, its used for only official buisness. It would be difficult to give an accurate account of my working hours. I check in with the dispatcher whenever I'm in the vehicle and this is recorded. There are times when paper work such as reports are done at the house, this is not recorded. My average work week consists of about seventy five or so hours. These hours are necessary otherwise the work could not be completed. This does not include phone calls during meal time nor during the evening hours spent with the family.

One question comes to mind at this point, that is " WHY "? Why put up with the long hours, minimum compensation and other hardships that accompany this job? In order to answer that question, one has to know and understand my Sheriff, Glenn Frame. This man is a very dedicated, honest, compassionate, fair and unselfish individual. He asks nothing that he hasn't or won't do himself. I've been in law enforcement almost twenty years and have never had the opportunity and good fortune to work for a better man. Due to my experience, education and training in the field of law enforcement, I consider myself a professional. I look at my position, not as a job but rather a highly technical and skilled profession. There is more to a job then monetary compensation, it's personal achievement and inner satisfaction. If the question of monetary compensation is raised, yes, I'm under paid for the work and effort that I put forth.

I believe that any intelligent, reasonable, understanding individual would have to agree that the income paid for the work performed by any deputy in this department is not adequate. A substantial raise is needed to upgrade the income level in order to keep and maintain qualified officers so that law enforcement remains the highly skilled profession that it is in the state of Montana.

L.R. Merryman
L.R. Merryman
Lake County Sheriff's Off.
Polson, Mont.

LAKE COUNTY, MONTANA

COUNTY COMMISSIONERS

DON CORRIGAN

Polson

HAROLD FITZNER

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

KATHERINE PEDERSEN

SUPERINTENDENT OF SCHOOLS

GLENNADENE FERRELL

COUNTY ATTORNEY

RICHARD P. HEINZ

COUNTY SURVEYOR

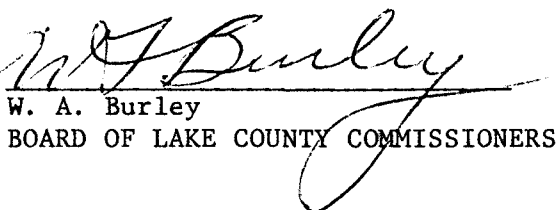
POLSON, MONTANA 59860

Testimony: Senate Bill Number 375

My name is Bill Burley. I am presently a member of the Board of Lake County Commissioners. I have been a Commissioner for almost three terms. I'm here today to testify in opposition to S.B. 375.

Each fiscal year the county budget process presents new challenges. One of the hardest items to reconcile each year has consistently been salary accounts. A major portion of every county budget is earmarked to meet payroll demands. For this reason it is essential that the Board of Commissioners have control of salaries. S.B. 375 would remove this discretion from the control of the Commissioners and place the authority for setting Deputy salaries in the hands of the Sheriff. It would require overtime pay and longevity benefits at the rate of 1% for each year of service - potentially a very expensive item. While I believe the majority of sheriffs to be fiscally responsible and believe the percentage limitations proposed by this bill are good, (in our case, deputies would begin at a minimum of 70% of the sheriff's salary) it is necessary for Commissioners to retain this budgetary authority. It would be inconsistent to legally instate this authority for the sheriff apart from other elected department heads and break up the unified approach that now exists. This could potentially jeopardize other general fund budgets by creating an independent and uncontrollable arm not overseen by Commissioners' management. The questions surely will arise: Why aren't all employees entitled to similar longevity benefits and why should the Sheriff be separate from the established budget process? The result is chaos, ill-will and potential budget crisis.

I urge the committee to consider these questions and not pass favorably on this bill.


W. A. Burley
BOARD OF LAKE COUNTY COMMISSIONERS

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 2/17/81 Senate Bill No. 155 Time 12:30

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	✓	
Senator H. W. Hammond	✓	
Senator J. Donald Ochsner	✓	
Senator Bill Thomas	✓	
Senator Max Conover	✓	
Senator Fred Van Valkenburg	✓	

Gail Stockwell
Secretary, Gail Stockwell

George McCallum
Chairman, GEORGE MCCALLUM

Motion: Senator Hammond moved SB 155 NO PASS.

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

February 17

81

19.....

PRESIDENT

MR.

LOCAL GOVERNMENT

We, your committee on

SENATE

having had under consideration Bill No.

155

SENATE

Respectfully report as follows: That Bill No.

155

DO PASS

Hc.