

MINUTES OF THE LOCAL GOVERNMENT COMMITTEE
January 11, 1983

The House Committee on Local Government convened at 12:30 p.m. on January 11, 1983 in Room 224A. It was called to order by Chairman Kathleen McBride. All members were present.

CHANGE IN FORMAT OF PROGRAM: The order of committee hearings will be Sponsor, Proponents, Opponents, closing by Sponsor followed by questions.

CHAIRMAN McBRIDE suggested and the committee agreed that a review of local government and the Constitution would be presented by the Lt. Governor's office and Lee Heiman next week.

HOUSE BILL 36. REP. STOBIE, Sponsor. The bill reduces the number of copies of the Administrative Rules of Montana to be provided to the counties. The County Clerks were polled to see if the counties used the copies of the Administrative Rules of Montana. They said they were scarcely used, and they didn't want two copies--only one. By not having to send out another 56 copies to the counties, there would be a substantial savings in postage--\$508 per year and two or three days labor by someone in the courthouse.

There were no proponents or opponents.

REP. STOBIE closed the hearing on House Bill 36.

CHAIRMAN McBRIDE called for questions from the committee. She inquired if the bill eliminated the copy that was sent to the County Clerk and Recorder.

REP. STOBIE stated that it would be the copy sent to the Clerk of the Court that was eliminated. The County Commissioners would determine where the set of books shall go.

CHAIRMAN McBRIDE closed the hearing on House Bill 36.

HOUSE BILL 41. REP. NORDTVEDT, sponsor. The purpose of this bill was to move some elections in which the voter turnout is low to other times of the year so we could get better voter turnout for some very important elections in our local communities. The idea is to get a better mandate

for some of these elected officials. This bill deals specifically with city commissioners and school board trustees. The way the bill was designed, it would move their election to the November election, each even-numbered year. City Councilmen (city commission members) have even-numbered year terms. He had instructions that they would fall in even-year general elections where we really get a good turnout. With school trustees, they have five-year terms; therefore, because terms expire on both even and odd-numbered years, one can't set an election for them on odd-numbered years.

The last City Commissioner election in Bozeman had a 33% voter turnout which is actually lower than the usual general election. The percentage of voter turnout for school trustees was even lower. It's even worse with voted levy elections. The timing for voted levy elections is very crucial--they must stay in the spring under our present schedule of school funding. Some other problems were brought to his attention:

(1) The November general election ballot on even years is getting long. The problem may be solved by taking the election on some officers that occur on even years in November and moving them to odd years in November, so that we have a balanced ballot. He stated that there may be some followup legislation and he hoped that the committee would hold this bill to see if additional legislation is forthcoming. The purpose of the bill and additional legislation was to get better turnout in voter elections and, perhaps, even out the length of the ballots.

WAYNE BUCHANAN representing the Montana School Board Association appeared neither in favor or opposed to House Bill 41.

OPPONENTS:

MARGARET DAVIS, President of the League of Women Voters, presented her testimony (EXHIBIT 1). Opposition because of ballot overload.

LEON STALCUP, represented the Missoula City Council (EXHIBIT 2). Opposed because local issues may be lost by national and state issues.

BILL ROMINE, representing the Clerks and Recorders stated that this bill would result in such long, complicated ballots that the voters would probably not vote. (EXHIBIT 3). He would approve splitting the bill in half--having county-municipal elections one time and state elections the other time.

ALEC HANSEN, representing the Montana League of Cities and Towns, opposed the bill in its present form primarily because it would clutter up the ballot if they would combine state and national elections. He would be willing to consider some changes in the current law with respect to combining some elections in odd and even-numbered years.

REP. NORDTVEDT in closing said that he was in agreement with most of the testimony of the opponents. He felt that perhaps a consensus is developing--that the proper kind of consolidation of elections might improve voter participation in various levels of government.

QUESTIONS:

REP. PISTORIA asked if school boards and cities were one year and then you have a general election, you also have a school board election every year.

REP. NORDTVEDT responded by saying that certain school board members have odd year terms. One cannot keep them all on even years or odd years. If we move them from November but keep odd year terms, then sometimes school board members will be elected in even years and sometimes in odd years.

CHAIRMAN McBRIDE questioned whether some years you are going to have some school board people elected and then you are going to have a staggered term. She asked if he saw any problem in separating the time when he would have the mill levy election in April and changing the time when people would vote for school board people to November.

REP. NORDTVEDT indicated that there should be no problem in separating the two. He didn't think there was a good reason for not having the mill levies in the spring.

CHAIRMAN McBRIDE asked REP. NORDTVEDT if he was having other legislation drafted.

REP. NORDTVEDT said that now that he had heard the opponents and their willingness to consider election reforms, he will work with them.

REP. BERTELSEN asked REP. NORDTVEDT if he would give any consideration to having the school board members take office on July 1 rather than in April because it creates a real problem. They come in just about the time that teachers are being hired and the budget is complete.

REP. NORDTVEDT stated that you would not want school trustees in power who had no participation in forming the budget.

REP. DARKO asked who bears the cost of school elections. She was informed that the School District does. She stated that running those elections would probably increase the costs.

WAYNE BUCHANAN replied that there would be a savings in running a general election.

CHAIRMAN McBRIDE closed the hearing on House Bill 41.

HOUSE BILL 51. REP. YARDLEY, sponsor. The bill is an act prohibiting the changing of boundaries of a county commissioner district within six months preceding a primary election. The current law reads six months before a general election. County commissioners are elected by districts. There are three districts in every county. It is required that you live in the district you run in. There is a different district commissioner being elected every two years. They are elected for a six-year term. The statute you are looking at requires that every ten years the county commissioners consider redistricting to make up for any changes in census. Under the current law, it says six months before the general election. Last year the general election was November 2; six months earlier was May 2 and the county commissioners could redistrict any time prior to May 2. People who filed for the office of county commissioner in January 82, had to have filed before the 50th day of the primary election which this year was April 19. That meant, in theory, that the county commissioners could redistrict after the deadline for filing was over. After January 1st, several people indicated they were going to file for candidacy. The county commissioners redistricted and those people were no longer living in a district that they represented. This bill would change the date to be six months before the primary.

PROPONENTS:

MIKE STEPHENS represented the Montana Association of Counties. He stated that this bill helps establish districts so people can file for these districts and participate in a good election process.

There were no opponents.

REP. YARDLEY closed.

QUESTIONS:

REP. KADAS asked REP. YARDLEY if we should drop "general election."

REP. YARDLEY stated that if we would put a period after "primary election" it would accomplish his purpose.

REP. PISTORIA asked LEE HEIMAN to make a comment on that item.

LEE HEIMAN stated that if we would say six months prior to the general election or six prior to the primary that it is not at all needed.

REP. HANSEN asked if this county commissioner law would apply if you consolidated your government?

REP. YARDLEY no.

CHAIRMAN McBRIDE closed the hearing on House Bill 51.

HOUSE BILL 72. REP. ABRAMS, sponsor. This bill is an act to allow a city or town council to set the date for the monthly financial report of the City Treasurer or Town Clerk; deleting the requirement that such report be made on the first Monday of each month; amending section 7-6-4105 and 7-6-4109, MCA; and providing an immediate effective date. (EXHIBIT 4)

PROPOSERS:

ALEC HANSEN representing the Montana League of Cities and Towns stated that under the current system we have a law that cannot be enforced. Sometimes the first Monday of the month is the first day of the month and it would be physically impossible to have reports ready. What this bill proposes is to allow the city or town council to set the date for the monthly report. Many of our councils only meet once or twice a month: for example, those councils that meet on the second Wednesday of the month would not need to have the report ready before the second Wednesday of the month. We proposed that local government set the time when the report is due.

BILL VERWOLF, representing the City of Helena and Municipal Clerks and Finance Officers Association, spoke in support of the bill and what ALEC HANSEN had stated.

There were no opponents.

REP. ABRAMS closed.

QUESTIONS:

CHAIRMAN McBRIDE asked if this meant that there would be a consistent date set by the city or town council for that report or will it vary for when they want it for each month.

REP. ABRAMS replied that it was at the discretion of the City Council and it could vary from month to month.

ALEC HANSEN stated that what the bill intends is to allow the Council to establish a consistant date that fits in with meeting schedules. It would not be the same every place. It would be set up as a regular monthly date--not the same date all over the state but it would be the same date in that jurisdiction.

CHAIRMAN McBRIDE closed the hearing on House Bill 72.

EXECUTIVE SESSION

HOUSE BILL 36. REP. SALES moved DO PASS on House Bill 36. REP. WALLIN seconded the motion. It PASSED UNANIMOUSLY.

HOUSE BILL 41. REP. SALES stated that there was a great deal of interest on a very poor bill. He MOVED that the chairman appoint an election committee and that this bill and some future bills be transmitted to that committee. REP. KITSELMAN seconded the motion.

REP. McBRIDE stated that she would be willing to appoint a subcommittee but felt that it was a little-premature at this point. She said we could hold bill in committee and by the end of the week, bring it up again. If she has not heard anything by then, we can table the bill.

REP. SALES withdrew his motion.

REP. HAND made a substitute motion to table bill.

The vote to table House Bill 41 PASSED UNANIMOUSLY.

HOUSE BILL 51. REP. SALES moved that we amend House Bill 51 to read: Page 1, line 22, following: "election" strike "or" and on page 1 also following: line 22, strike: line 23 in its entirety.

REP. KADAS seconded the motion.

Motion to amend PASSED.

REP. KITSELMAN moved that House Bill 51 DO PASS as amended.

REP. KEENAN seconded it.

HOUSE BILL 51, as amended, received a DO PASS UNANIMOUSLY.

REP. KITSELMAN moved that House Bill 72 DO PASS. REP. SCHYE seconded it. A question was raised whether or not the bill has the intent to require a consistent date to be set.

REP. SWITZER stated that it is the intention of the bill to allow flexibility.

REP. BERGENE said that having to set the date for them was what every city was trying to get away from.

DO PASS, UNANIMOUSLY.

The meeting was adjourned at 1:30 p.m.

Kathleen McBride
Chairman Kathleen McBride

Gene Benett
Secretary

VISITORS' REGISTER

HOUSE LOCAL GOVERNMENT COMMITTEE

BILL HOUSE BILL 36

Date January 11, 1983

SPONSOR STOBIE

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

NAME MARGARET S. DAVIS BILL No. HB 41
ADDRESS 917 HARRISON, HELENA 59601 DATE 11 JAN 83
WHOM DO YOU REPRESENT LEAGUE OF WOMEN VOTERS
SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Ballot overlaid in the even-numbered years would ill-serve the citizens of Montana. Submerging city and school trustees on the bottom of the ballot would effectively reflect the amount of attention these candidates would receive during the campaign. City, school and county officials provide the closest government to the people. The essential services administered by these officials are largely financed by the property tax. The odd year ~~election~~ election gives voters a better opportunity to evaluate the quality of local services and candidates without the competition from those vying for national and statewide office.

The inclusion of school trustees on the November, odd year ballot would be acceptable to the League? Moving the county contests to the odd year

would also be beneficial and could very well stimulate voter turn-out and interest in the odd year elections.

One of the newer aspects of the odd year election is the length of time between the Primary & General elections. It would be very costly for city candidates to campaign from before June to Nov. versus the present September to Nov. time span.

January 11, 1983

Members of House Local Government Committee:

Thank you for this opportunity to give testimony this afternoon.

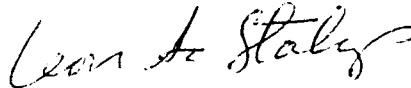
The Missoula City Council, at its legislative caucus on January 10, 1983, considered HB 41 and a unanimous vote was cast to oppose.

HB 41 would appear to save an amount of dollars on local elections by combining local, state, and national elections, from a practical point of view. However, our concern is that local issues would be lost on an expanded ballot, which some feel is already too long.

Many local officials have looked with dismay at the rising costs of a campaign for local office, often with little or no remuneration. This bill would surely drive up those costs.

A final and we hope strong argument against this bill is that a representative democracy should not look at how few elections it has but rather look with pride to the fact it offers comprehensive voter review at all levels of government.

Respectfully,



Leon Stalcup
Missoula City Councilperson

LS/jd

NAME: W. L. Remire DATE: 1-11-83

ADDRESS: Helena

PHONE: 442-2220

REPRESENTING WHOM? Clerks & Recorders

APPEARING ON WHICH PROPOSAL: _____

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

COMMENTS: This bill would result in such long complicated
ballots that the voters would probably not vote. The
lines are already too long. This bill would increase them.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

VISITORS' REGISTER

HOUSE LOCAL GOVERNMENT

COMMITTEE

BILL HOUSE BILL #41

Date January 11, 1983

SPONSOR REP. NORDTVEDT

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Madam Chairman and members of the committee:

For the record, my name is Hubert Abrams, Representative District #56.

House Bill #72 is a bill for "an act to allow a city or town council to set the date for the monthly financial report of the city treasurer or town clerk; deleting the requirement that such report be made on the first Monday of each month: amending Sections 7-6-4105 and 7-6-4109, M.C.A., and providing an immediate effective date."

This bill will provide the following advantages for municipal government and eliminate problems that exist under the present system.

1. The bill will provide for timely preparation of the monthly report.
2. It will free city finance officers of the problem of accumulating and preparing information under a deadline that is often only a few days, and on occasion, only 24 hours.
3. It will promote accuracy. It is not reasonable to expect that the entire financial report of a city can be prepared in only a few days.

By allowing the city council to set the deadline, the report will be due on a routine, scheduled date each month. Finance officers will have the time to prepare an accurate, comprehensive report in accordance with the law.

Because of the unrealistic deadline, this essentially is a law that cannot be followed, and the suggested amendments will provide for a much more practical and efficient reporting system.

VISITORS' REGISTER

HOUSE LOCAL GOVERNMENT COMMITTEE

BILL HOUSE BILL #72

Date January 11, 1983

SPONSOR REP. ABRAMS

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STANDING COMMITTEE REPORT

January 11,

19 83

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 36

first reading copy (white)
color

A BILL FOR AN ACT ENTITLED: "AN ACT TO REDUCE THE NUMBER OF COPIES
OF THE ADMINISTRATIVE RULES OF MONTANA TO BE PROVIDED TO COUNTIES;
GIVING THE GOVERNING BODY OF THE COUNTY DISCRETION ON DISTRIBUTION;
AND REDUCING THE NUMBER OF COPIES PROVIDED TO THE LEGISLATIVE
COUNCIL; AMENDING SECTION 2-4-313, MCA."

Respectfully report as follows: That HOUSE Bill No. 36

DO PASS

STANDING COMMITTEE REPORT

January 11, 1983

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 51

first reading copy (white)
Color

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING CHANGING BOUNDARIES
OF A COUNTY COMMISSIONER DISTRICT WITHIN 6 MONTHS PRECEDING A PRIMARY
ELECTION; AMENDING SECTION 7-4-2102, MCA."

Respectfully report as follows: That HOUSE Bill No. 51

be amended as follows:

1. Page 1, line 22.
Following: "election"
Strike: "or"

2. Page 1.
Following: line 22
Strike: line 23 in its entirety

AND AS AMENDED
DO PASS

STANDING COMMITTEE REPORT

January 11, 19 83

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 72

first reading copy (white)
Color

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A CITY OR TOWN COUNCIL TO SET THE DATE FOR THE MONTHLY FINANCIAL REPORT OF THE CITY TREASURER OR TOWN CLERK; DELETING THE REQUIREMENT THAT SUCH REPORT BE MADE ON THE FIRST MONDAY OF EACH MONTH; AMENDING SECTIONS 7-6-4105 AND 7-6-4109, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Respectfully report as follows: That HOUSE Bill No. 72

DO PASS