

MINUTES OF THE MEETING OF THE LOCAL GOVERNMENT COMMITTEE  
February 17, 1983

The meeting of the Local Government Committee held on February 17, 1983, 12:30 p.m., in Room 224A of the Capitol Building was called to order by Chairman Kathleen McBride. All members were present except Reps. Neuman and Waldron, who were absent.

EXECUTIVE SESSION  
HOUSE BILL 634

REP. COMPTON, sponsor. This bill would amend the law so that the county commissioners when they sell, lease, or exchange mineral interests, they would not have to have that mineral interest appraised first.

REP. SWITZER: Moved HOUSE BILL 634 DO PASS.

REP. SALES: It does bother me that they can sell or exchange.

CHAIRMAN McBRIDE: Would you consider amending it so that the appraisal would not be necessary for a lease but would still be required for an exchange or a sale.

REP. SALES: I think there should be an appraisal when they sell it or exchange. Leasing, I have no problem with.

REP. KADAS: Could we move the intent of that and have LEE HEIMAN write it up?

REP. SALES: Moved two amendments be adopted.

1. Title, line 5.

Strike: "SALE,"

Strike: ", OR EXCHANGE"

2. Page 1, lines 23 and 24.

Strike: "sell, exchange, or"

REP. SWITZER: I don't believe we need the bill at all without "sale or exchange" in there. Leases have land policy and they go right on with it.

CHAIRMAN McBRIDE: Without an appraisal?

REP. SWITZER: They get an industrial appraisal.

REP. KADAS: Aren't they breaking the law if they don't get an appraisal?

REP. SWITZER: Maybe they appraise it themselves.

REP. SCHYE: How do they appraise mineral rights to begin with? Who would be an appraiser of mineral rights? Nobody knows if there is coal or oil under there.

REP. SALES: It would be difficult but I don't think they ought to sell it.

REP. HANSEN: The way they do it--they ask a realtor how much is a certain piece of property worth on the market?

REP. SCHYE: They take the going rate of the land.

REP. BERGENE: The appraisal is done for taxation purposes, isn't it?

CHAIRMAN McBRIDE: It is done for value.

REP. BERTELSEN: If a man goes to an auction of county lands, he should have the right to purchase the mineral rights with the land that he buys.

CHAIRMAN McBRIDE: Does this bill even cover the situation? This covers the situation where the surface rights were already severed from the mineral rights and dealt with mineral rights that were still retained by the county.

REP. BERTELSEN: They said sever or not.

REP. SCHYE: Aren't more people not selling the mineral rights now? In 90% of the land being sold in the eastern part of the state, no one is selling the mineral rights.

REP. VINGER: When we talk about trade or sale on buildings, you can observe that and put a proper appraisal on that. Some counties own the mineral rights and they have some production on those.

CHAIRMAN McBRIDE: In that situation if you are a county taxpayer and your county owns mineral rights, don't they want an appraisal?

REP. VINGER: Nobody knows what is down there until production starts.

CHAIRMAN McBRIDE: But what if some of that has been done?

REP. VINGER: I don't think they would sell a producing well.

REP. SALES: That you could appraise yourself.

REP. SWITZER: I am sure in any area where you have an active industry, the county would retain a royalty. Royalty reservation gives complete protection in case the property is developed.

CHAIRMAN McBRIDE: How does royalty enter in in acquiring an appraisal of that land?

REP. SWITZER: The property can be sold with the minerals in tact but the minerals are worth only as much as the minerals can produce. The royalty exchange is worth more to the county than owning the minerals.

REP. HANSEN: Doesn't the appraisal also include the research of the title and we sell a lot of land where the title to the mineral rights has not been cleared. In that appraisal, doesn't that include the title research? I think it does.

REP. SWITZER: It would be declared in your deed.

Question was called on the motion to accept the amendments.

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REP. SCHYE: Can they sell the mineral rights if they have an appraisal?

REP. SALES: Yes.

The motion to accept the amendments was voted on and PASSED with REP. SWITZER voting no.

REP. SALES: Moved that HOUSE BILL 634 DO PASS AS AMENDED.

The motion was voted on and PASSED with REPS. SWITZER, HANSEN and SCHYE voting no.

#### HOUSE BILL 598

REP. SEIFERT, sponsor. This bill would require a government to verify the weight of sand and gravel that is purchased by the municipality.

REP. SALES: Moved to TABLE HOUSE BILL 598.

The motion was voted on and PASSED with REPS. VINGER, WALLIN, and SWITZER voting no.

#### HOUSE BILL 602

REP. KITSELMAN, sponsor. This bill would authorize county water and county sewer districts to regulate utilities they own.

REP. KITSELMAN: Moved that HOUSE BILL 602 DO PASS.

CHAIRMAN McBRIDE: We had asked LEE HEIMAN to draw up some coordinating language. There are at least two other bills that deal with this subject that could radically affect each other--one allowing more discretion for the county and one allowing less. LEE's suggestion was that we take action on this bill. The Attorney General ruled that they had to be covered under the PSC. If we said that they are not going to be covered by the PSC, there would be no question and we would still be consistent with what the Attorney General said.

REP. WALLIN: We need to check on sunseting.

LEE HEIMAN: The sunset audit on the Public Service Commission--one provision in that bill deletes the water and sewer districts from the definition of utility. So it would be totally unregulated under the PSC bill. This bill would come under the 12% mandate situation. It would be up to the Committee to decide which way it should be coordinated.

REP. KITSELMAN: As a substitute motion, I move to TABLE the bill.

REP. KADAS: Is this bill to totally deregulate?

CHAIRMAN McBRIDE: I would prefer that we make this one contingent on the other one.

REP. KITSELMAN: Withdrew his motion to TABLE HOUSE BILL 602.

REP. SWITZER: Don't we have a statute that allows 15%?

REP. KADAS: I am moving to amend this so that if the other bill passes, it would take precedence.

CHAIRMAN McBRIDE: The motion is that HOUSE BILL 602 DO PASS with coordinating language that the PSC bill have precedence over this one.

REP. KITSELMAN: What does the other bill look like? Is it going to pass?

LEE HEIMAN: The chances are, it will.

REP. KITSELMAN: Moved that we TABLE HOUSE BILL 602.

REP. KADAS: I think we ought to guarantee that we get something through here.

REP. KITSELMAN: Withdrew his motion to TABLE HOUSE BILL 602.

The motion that HOUSE BILL 602 DO PASS with coordinating language was voted on and PASSED with REP. SWITZER voting no.

#### HOUSE BILL 622

REP. HARPER, sponsor. This bill would eliminate employer contributions by cities and counties to sheriffs', municipal police officers, and firefighters' unified retirement systems.

REP. SALES: Moved that HOUSE BILL 622 DO NOT PASS.

REP. HOLLIDAY: Moved a substitute motion that HOUSE BILL 622 be TABLED.

REP. KADAS: Could someone explain to me what this bill does?

CHAIRMAN McBRIDE: It would make the state responsible for the whole contribution.

REP. BERGENE: In referring to DAVE GOSS' testimony, it would go back to the city or county where it belongs. How is that funded?

CHAIRMAN McBRIDE: Right now there are three contributions-- part is by the employer, part by the employee, and part by the state. The state portion comes from part of the insurance premium tax. In addition to the state contribution coming from the state premium insurance tax, they want the employer contribution to also come from that tax. That is taking money that is going to the General Fund.

REP. HANSEN: If they want to do that, they should be state regulated.

REP. SWITZER: My notes tell me that the state sets the pay scale now. Maybe they do have some obligation.

REP. KADAS: The state does set the retirement levels. Since they are setting it, the state ought to be picking it up. If we passed this, then this amount of money would probably be taken out of the block grant program.

REP. SALES: There is a much better bill coming over from the Senate trying to get the level of what cities and towns are paying down to 13% rather than the 18%.

The motion that HOUSE BILL 622 be TABLED was voted on and PASSED with REP. KADAS voting no.

#### HOUSE BILL 675

REP. KOEHNKE, sponsor. This bill would require a fire department to fight a fire outside its jurisdiction if it is called to such a fire wrongfully or accidentally.

REP. SALES: Moved that the amendments be adopted (EXHIBIT A).

The motion was voted on and PASSED UNANIMOUSLY.

REP. HAND: Moved that HOUSE BILL 675 DO PASS AS AMENDED.

The motion was voted on and PASSED UNANIMOUSLY.

#### HOUSE BILL 643

REP. J. JENSEN, sponsor. This bill would provide for municipal annexation of contiguous high-density land under certain conditions.

REP. SALES: Moved HOUSE BILL 643 DO PASS.

REP. WALLIN: The word "equitably", page 2, line 6--what type of equity?

REP. KADAS: I think that means one man - one vote.

REP. WALLIN: Somebody said it was a defective bill because it didn't put in the different classes of cities.

LEE HEIMAN: 7-2-4734 would be codified in 43. This does not apply because each part is a separate part of annexation. It requires that the highest type of procedure to go through to annex is that which is required for first class cities and so for third class cities, you still have to do the same procedures as a first class city for most of the types of annexation because it tends to be more detailed.

REP. BERTELSEN: Does this bill still leave the fire district prohibition that was in another law?

LEE HEIMAN: The fire district prohibition only goes to the planned community development method of annexation. This is under the contiguous land method and the fire district provision is not applicable

REP. SWITZER: What is the protest provision?

LEE HEIMAN: 72-4312(2) line 22, page 1, and that does not apply.

The motion that HOUSE BILL 643 DO PASS was voted on and PASSED with REPS. VINGER and SWITZER voting no.

#### HOUSE BILL 654

REP. FAGG, sponsor. This bill would provide additional alternatives for the assessment of costs for special improvement districts.

REP. SALES: Moved HOUSE BILL 654 DO PASS.

REP. SALES: This bill allowed them to use the taxable valuation and the taxable valuation option for determining assessments and I think it is a good option.

CHAIRMAN McBride: Does that allow a community to choose on a building by building basis for evaluation or will we go with linear footage or frontage?

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REP. SALES: The City Council will determine which option will work the best.

REP. SANDS: Why does a city with self-governing power require this statute.

LEE HEIMAN: Local government is prohibited from exercising taxing power other than the maximum mills that are set.

Question was called and the motion to DO PASS HOUSE BILL 654 was voted on and PASSED UNANIMOUSLY.

REGULAR SESSION  
HOUSE BILL 197

REP. QUILICI, sponsor. This bill would make the state welfare matching grant-in-aid program permanent. This bill was supposed to have been sunsetted. This bill would also include administrative, supervisory, and materials of workfare as expenditures qualifying for matching grant-in-aid computation. There is another bill pertaining to this that I am sure the Committee will address,

PROPONENTS: None

OPPONENTS: None

REP. QUILICI closed saying the Committee could hear the testimony on the other bills and didn't want to waste time hearing this one separately.

QUESTIONS:

REP. HAND: What do you think this bill should be doing?

REP. QUILICI: It should eliminate the sunseting of the program. I would be satisfied if the administrative costs could be picked up by the state rather than the local governments.

CHAIRMAN McBRIDE closed the hearing on HOUSE BILL 197.

HOUSE BILL 374

REP. McBRIDE, sponsor. This bill provides for making the matching grant-in-aid program established in Special Session I, 1981, permanent. It provides retroactively to July 1, 1982

that certain expenditures are qualifying ones under the program. The items are county attorney services; interest on registered poor funds; and administrative, supervisory, and operational expenses of workfare. On July 1, 1983, the trigger point for matching grant-in-aid would drop from 8 to 3 1/2 mills. A supplemental appropriation is made to SRS to cover the expenses to be recognized retroactively. The amount is not set forth in the bill.

REP. McBRIDE: During the first special session there was a concern about the changes going on at the federal level. Costs were being shifted from federal level to state level. There was supposed to be a safety net somewhere along the way and HOUSE BILL 13 was dubbed the "safety net bill." It recognizes that counties that are putting forth a taxable effort should be first in to try and get any state aid for people on welfare or in need of assistance. First of all, HOUSE BILL 13 set up a trigger level at 8 mills. A county that reached the 8 mills could then, on a 50-50 matching basis, match with the state up to 13.5 mills. Instead of the county having to reach 13.5 mills to come in for an emergency grant, they could get matching grant aid between 8 mills and 13.5 mills. Partly to continue that and partly for discussion, I have drafted HOUSE BILL 374. This bill is a direct takeoff on HOUSE BILL 13 changing the trigger level from 8 mills to 3.5 mills. The impact is there are many more counties that would qualify under this bill. The impact would be: FY 84 - \$5 million and FY 85 - \$5.3 million. There are several other factors aside from lowering the mill levy trigger that are included in HOUSE BILL 374. The interest on registered poor fund warrants, reasonable and necessary expenditures for such things as legal services related to welfare cases, and costs for the administrative and supervisory phase of the workfare program are currently not recognized as allowable costs and would be assumed by the state. Out of the discussions that have taken place since HOUSE BILL 13 passed are issues of what costs should be recognized as allowable. How do you decide. The other issue is at what level or when should you even go for any kind of state assistance? Out of those discussions comes the other bill I will be talking about. It would serve as a background for what has happened in the past and also what has been the culmination of a lot of other discussions.



PROPOSERS: None

OPPOSERS:

BEVERLY GIBSON, Montana Association of Counties, said last fall when counties were looking at the various funding alternatives for welfare and, in particular, at the problems of funding workfare programs which are not an allowable expenditure by the state, MACO pulled together a task force of people to study this problem. We discussed these various options for funding welfare costs, especially general assistance and county medical, which are totally county funded in the poor fund. The task force reached a consensus that any variation of state reimbursement compounds current problems, regardless where the county mill levy was set. Task force members concluded that the most practical method of funding the program is the county option for state assumption of welfare programs. (EXHIBIT 1)

REP. McBRIDE closed saying HOUSE BILL 374 appears to be cumbersome because it requires a lot of auditing time and the kinds of time that doesn't add to direct service that people would like to have the money spent on. For that reason, I would hope that the Committee would consider tabling this bill.

QUESTIONS:

REP. WALLIN: How much would the present program cost?

REP. McBRIDE: The highest cost would be around \$4 million and the lowest cost would be \$3 million. The amount that was projected during the Special Session was just over \$4 million.

REP. SWITZER to BEVERLY GIBSON: How would you answer that same question that REP. WALLIN asked.

BEVERLY GIBSON: As far as we can determine, the funding will be up to \$4 million, and probably below.

#### HOUSE BILL 798

REP. McBRIDE, sponsor. HOUSE BILL 798 represents my continued interest to try and help counties with their welfare costs. It is more an evolution of HOUSE BILL 13 rather than something new and radical. The fiscal impact meets the dollars that we projected to be available and are part of the Governor's budget right now. The purpose of the bill is to continue the current amount of state aid to the counties for welfare costs. The structure of the assistance is substantially changed because the present method for determining assistance is cumbersome and expensive to administer and

creates an ongoing adversarial relationship between the counties and the state. Regarding proposed structure, a county may choose to have the state assume all responsibilities and costs associated with administering public assistance and protective services. Once that choice is made, the county assumes no further financial obligation in regard to these services (unless the county chooses to retake certain responsibilities). The state funds the costs through a mill levy and general fund appropriation. The state-imposed mill levy is set at 12 mills or the mill levy in place in fiscal 1982, whichever is lower. If a levy is set at a level under 12 mills, it will be increased to 12 mills in fiscal 1988. A county may opt into the structure at any time. A county may also opt to keep responsibilities relating to county medical and general assistance. In addition to the levy, an annual general fund appropriation of \$4 million is needed to support current level operations. This is the same annual amount now expended for state assistance (EXHIBIT 2). She went through the bill with the Committee.

PROPONENTS:

JOHN LAFAVOR, Director of the Department of Social and Rehabilitation Services, appeared in favor of HOUSE BILL 798. He stated there are a number of people who have worked very hard to come up with a proposal that would be generally acceptable to all those that have something to do with county funding and county welfare. The discussions at the special session were characterized by a very deep split between the urban counties and the rural counties. We could see a fiscal impact shifting to the counties but it was very hard to get the major actors to agree to one way that that sort of assistance could take place. HOUSE BILL 13 did succeed in getting a level of aid to the counties. The Montana Association of Counties helped in developing an overall task force that was participated in by urban counties and rural counties. Over time, we produced a bill that is workable and succeeds in getting the same level of assistance to the counties. Some of the types of programs carried on at the county welfare office are state programs or state federal programs--medicaid, food stamps, aid to families with dependent children--these are protective services and are entirely funded with state money and federal money. The interest in controlling those costs and structuring those costs to meet state

priorities--the interest in doing that is at the state level. There are two county programs that are entirely funded by the county--county general assistance and county medical assistance. People who receive assistance under those programs are those who don't qualify for the state and federal programs, although it is very clear that there is a need. When a county meets the needs that it finds in that area, but crosses a certain threshold, then the state steps in and funds the entire amount. The problem with the HOUSE BILL 13 approach, when we lowered the threshold down to 8 mills was that more counties met the threshold and the state started going in and looking at what the expenses were. We found in a number of cases costs that the state should not pay a part of. Such costs as interest costs, administrative costs for workfare, county attorney expense and the like should not be shared in by the state. In trying to solve a whole array of problems, HOUSE BILL 798 has appeared. A county can choose if it wants the state to administer the programs.

HAROLD McLAUGHLIN, County Welfare Director, Great Falls, supported HOUSE BILL 798. He said a principal advantage to Cascade County is elimination of conflicts which now necessitates considerable negotiation and often results in the need for the county to expend funds on Welfare which are intended for other uses. Conflict will be eliminated between counties opting for state assumption over the issue of liability for the transient needy population (EXHIBIT 3).

JAMES B. SPRING, Chairman of the Governor's Council on Management, Billings, appeared in support of HOUSE BILL 798 and addressed only one part--to strengthen and control the operation. This bill, if implemented, will reduce confusion (EXHIBIT 4).

NORMAN WATERMAN, Director, Lewis and Clark County Welfare Office, Helena, concurred with previous testimony and stated it will cut administrative costs considerably (EXHIBIT 5).

BILL WILLARD, Department of Public Welfare, Libby, supported this legislation and said he thought it would improve services if it was state administered. Costs began to climb two or three years ago--especially in the area of county medical and county assistance. This program would help them a great deal (EXHIBIT 6).

WANDA STOUT, representing the Boulder Welfare office, supported the legislation but said that due to federal and state regulations, they felt like a rubber stamp operation and that time could be better spent in other county business. IN addition, they would facilitate payment to vendors for county general assistance and medical assistance (EXHIBIT 7).

EUDORA FALD, County Welfare Office, Anaconda, wanted to go on record supporting HOUSE BILL 798, and stated that the availability of the state computer system and expertise of state personnel would speed up vendor payments and reduce employee time at county level (EXHIBIT 8).

MIKE STEPHEN, Montana Association of Counties, supported this legislation. He said that in looking at the welfare picture as to who is going to pay for it and the financial problems that are burdening the counties as far as providing the services, this bill represents a philosophical and very direct approach at trying to solve these problems in some counties. Our members felt there should be some opt-out provision if you did not want to stay with the entire program. When you opt out, you can only opt out with county medical and general assistance. These two areas the counties fund directly and have the most interest to provide some welfare for those individuals that do not qualify for other aids. One of the other features we looked at--we felt it should be 12 mills or less and we were hoping that this bill would have a little less than 12 mills. The other attractive feature was the grandfather clause--coming in 1988 at your 1982 level as far as an individual county that desires to come and then go to the 12 mills. One of the other features that is in the bill to add permanency to this is the rental provision, section 3 (4), which provides that SRS will pay the rent as far as courthouse space or find their own in terms of running their operation. Eight to twelve counties would probably opt in and many of the others would not approach eight or nine mills which would make them a candidate for opting in at the 1982 level. Those counties are certainly in a position to pay for and handle their own welfare situation. If they desire not to opt in, the 13.5 mill provision is still in affect. That provision is satisfactory for the remainder of the counties if they do not want to opt in.

JOHN WILKISON, Chairman of the Board of the Lewis and Clark County Commission, supported this bill. He said there are unique and different problems in larger counties vs. smaller counties. Most of the counties that would opt in are the larger counties which comprise 50-60% of the state. They have 80% of the caseloads in the state of Montana. As economic times become more difficult, people migrate to urban areas.

He felt that HOUSE BILL 798 will reduce administrative costs they are dealing with at the present time.

DON PEOPLES, Chief Executive, Butte Silver Bow County, was in favor of this legislation and said he saw this legislation as going a long way to correct some serious problems. We now levy 10 3/4 mills for operation of the Welfare Department and poor fund. Because of the ineligible costs--attorney fees and operation of the workfare program, Butte Silver Bow has to levy 17 mills to generate enough money to pay for the costs of operating the Welfare Department. We feel this legislation will increase efficiency and provide for better delivery of services.

GEORGE BOUSLIMAN, Urban Coalition, supported this bill and spoke from the management viewpoint. His confusion arose over who was responsible for managing welfare in Montana--counties or state. That debate continues today. When working at the county level, he thought the confusion would be eliminated. The reason for the confusion--we have a management morass. From a management perspective--give this bill a do pass.

GORDON MORRIS, Administrative Officer, Missoula County, submitted a statement in favor of HOUSE BILL 798. He urged consideration of language to be included in the bill to (1) allow for retroactive payment of all disputed or disallowed costs as provided for in HOUSE BILL 374; (2) add payments for costs associated with personal care homes as established under MCA 50-5-11, which are currently considered disallowed expenses, to the list of retroactive payments; (3) retention or preservation of local-option workfare programs as established under HOUSE BILL 13 passed in the '82 Special Session; and (4) recognize local Boards of County Commissioners as ombudsmen to provide for local review of disputed welfare claims (EXHIBIT

CHAD SMITH, Montana Hospital Association, said they don't have any basic opposition to the philosophy of this bill because it presents it as an option to decide whether they want in or don't want in. Their concern was on page 5, the new Section 6, line 4 and runs through line 11. They have no objection to the first four lines because that addresses the rulemaking power. The second sentence doesn't necessarily tie in to this act. It becomes a rather general statement. "The department may adopt rules to determine the amount, scope and duration of general relief which may not exceed those services and amounts payable under the department's programs of medicaid and aid to families with dependent children." It doesn't say

it is going to be with regard to the counties who have turned their program over to the state. It is a general statement and doesn't have reference to the other Sections 1 - 7. We feel it should be stricken. You may say "Why are you hospital representatives here speaking to that sentence?" Because there are many counties who do not come under this type of program who actually pay to the hospital in that particular county for medical services to the indigent the full and fair share for those services to the hospital. Medicare operates on a discount formula. They don't pay under the federal definition of what is reasonable cost. They pay at 90% or less. The remainder of that charge is put on somebody else's bill because the hospital is a nonprofit operation and has to collect enough money to meet its total operating costs. Usually the private paid patient who does not have his own private insurance pays the difference. We have for a long time objected to this principle because we feel government is no different than anyone else. If they ask for a service, they should pay what the service is worth. We feel that anything in this bill that would be interpreted as a mandate upon the county limiting the amount that they could pay usurps the power of the county commission. We request this committee to delete that sentence in Section 6.

OPPONENTS: None

REP. McBRIDE closed saying the workfare program that was instituted under HOUSE BILL 13 was a mandated program. If you took advantage of the benefits under HOUSE BILL 13, you were required to initiate a workfare program. There is nothing in the law that would prevent the counties from continuing the workfare program. HOUSE BILL 13 merely mandated that a county do that. The rules that were referred to on page 5, Section 6, any misunderstanding could be clarified by inserting in that second sentence--that the adoption of the rules regarding the amounts, scope, etc that applies to Sections 1 - 7 would only apply to counties that do opt into this program. Earlier in the session, we passed HOUSE BILL 58 which separated and made a separate mill levy to be raised or levied for county medical facilities. We must separate those two functions more clearly. HOUSE BILL 58 is consistent with what we are trying to do with HOUSE BILL 798.

QUESTIONS:

REP. BERTELSEN: There is a great deal of concern that we continue the workfare program. Would it be possible to make that one of the conditions of having the state take over the program?

JOHN LAFAVOR: We would have no objection.

REP. BERTELSEN: On page 6, Section 3, there seems to be a possibility for a county retaining or reassuming operational responsibility for medical assistance for monetary payment to the needy etc., they could reduce the mill levy the equivalent of the amount they took over. It seems to me there is an opportunity there for them to spend local mills as they "wished" and leave the state with quite an added burden.

JOHN LAFAVOR: The county medical program is the least attractive program for the counties to keep. I have a hard time envisioning that they would want to take back a county medical program and leave the state with everything else. Once they do that, they are not eligible for grant-in-aid so they can't come back in at 13.5 mills.

REP. SANDS: You proposed an amendment. Do you just object to the clause that begins "which may not exceed".

CHAD SMITH: We object to the entire sentence. After hearing the comments by the sponsor of the bill, I believe we would have no objection if following the word "children" on line 11, there was the additional language she suggests adding "as necessary to carry out the purposes of Sections 1 - 7".

REP. BERTELSEN: I was favorably impressed with leaving the county commissioners in somewhat of an ombudsman's situation. It might act as a relief valve, if nothing else.

JOHN LAFAVOR: There is a mechanism in the bill to allow that to happen. There was some discussion among some of the county commissioners whether that should make mandatory that that advisory council be the board of county commissioners. If the county commissioners would want to act in that role, that could happen.

REP. SWITZER: Does the county still have the lower tier where the state picks up half or are you going to put it in at 12?

JOHN LAFAVOR: The lower tier would be allowed to sunset in June 1983 and that would no longer exist.

REP. SANDS: We were handed out this paper which gives a list of mills levied by each county. Is that the total millage levied for welfare costs? (EXHIBIT 10)

REP. McBRIDE: I believe that is right.

DON PEOPLES: Costs over and above eligible costs have to be picked up somewhere else. Ours are picked up by the General Fund.

REP. McBRIDE: For just welfare, 10.79 is the absolute ceiling before a county could come in for emergency grant-in-aid.

REP. KITSELMAN: The ombudsman program is an important item. He asked LEE HEIMAN regarding language for the new Section 5.

MR. MORRIS: I am looking at Section 53-2-302 which provides the county commissioners will act as ex officio county welfare boards. What is proposed with reference to the ombudsman function by boards of county commissioners would be to preserve that language and scratch out the exception that would be written in to the bill by way of those counties that opt to go to state assumption under this particular legislation.

It reads right now, "except in a county which has transferred its public assistance" and I would propose on behalf of the board that we retain the ex officio function of the county welfare board whether they go for state assumption or not.

JOHN LAFAVOR: I am not sure what is meant by ex officio. If it means that the county commissioners are going to feel that they share the responsibility of making decisions as to whether someone gets assistance, then I would have to argue against it. That take us back into the argument of who is it that makes the decisions. If it is clearly an advisory function, that would be acceptable.

REP. KADAS: Is what you have in mind clearly advisory?

MR. MORRIS: Yes, and I think that is what ex officio means.

REP. KADAS: If you read the language, the retention of the language with the deletion of the exception would meet with the approval of the board.

The meeting adjourned.

Kathleen McBride  
KATHLEEN McBride, Chairman

Geri Brusett  
Secretary



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JOHN LAFAVOR: The county medical program is the least attractive program for the counties to keep. I have a hard time envisioning that they would want to take back a county medical program and leave the state with everything else. Once they do that, they are not eligible for grant-in-aid so they can't come back in at 13.5 mills.

REP. SANDS: You proposed an amendment. Do you just object to the clause that begins "which may not exceed".

CHAD SMITH: We object to the entire sentence. After hearing the comments by the sponsor of the bill, I believe we would have no objection if following the word "children" on line 11, there was the additional language she suggests adding "as necessary to carry out the purposes of Sections 1 - 7".

REP. BERTELSEN: I was favorably impressed with leaving the county commissioners in somewhat of an ombudsman's situation. It might act as a relief valve, if nothing else.

JOHN LAFAVOR: There is a mechanism in the bill to allow that to happen. There was some discussion among some of the county commissioners whether that should make mandatory that that advisory council be the board of county commissioners. If the county commissioners would want to act in that role, that could happen.

REP. SWITZER: Does the county still have the lower tier where the state picks up half or are you going to put it in at 12?

JOHN LAFAVOR: The lower tier would be allowed to sunset in June 1983 and that would no longer exist.

Minutes of the Meeting of the Local Government Committee  
February 17, 1983

REP. SANDS: We were handed out this paper which gives a list of mills levied by each county. Is that the total millage levied for welfare costs? (EXHIBIT 10)

REP. McBRIDE: I believe that is right.

DON PEOPLES: Costs over and above eligible costs have to be picked up somewhere else. Ours are picked up by the General Fund.

REP. McBRIDE: For just welfare, 10.79 is the absolute ceiling before a county could come in for emergency grant-in-aid.

REP. KITSELMAN: The ombudsman program is an important item. He asked LEE HEIMAN regarding language for the new section 5.

MR. MORRIS: I am looking at Section 53-2-302 which provides the county commissioners will act as ex officio county welfare boards. What is proposed with reference to the ombudsman function by boards of county commissioners would be to preserve that language and scratch out the exception that would be written into the bill by way of those counties that opt to go to state assumption under this particular legislation.

It reads right now, "except in a county which has transferred its public assistance" and I would propose on behalf of the board that we retain the ex officio function of the county welfare board whether they go for state assumption or not.

JOHN LAFAVOR: I am not sure what is meant by ex officio. If it means that the county commissioners are going to feel that they share the responsibility of making decisions as to whether someone gets assistance, then I would have to argue against it. That takes us back into the argument of who is it that makes the decisions. If it is clearly an advisory function, that would be acceptable.

REP. KADAS: Is what you have in mind clearly advisory?

MOR MORRIS: Yes, and I think that is what ex officio means.

REP. KADAS: If you read the language, the retention of the language with the deletion of the exception would meet with the approval of the board.

VICE-CHAIRMAN PISTORIA closed the hearing on HOUSE BILL 798.

HOUSE BILL 760

REP. ROUSH, sponsor. The County Tax Stability Trust Fund Act: providing for a trust fund consisting of revenues of a limited mill levy to be deposited in trust until the county electorate provides, by referendum, for the use of a portion of the trust fund principal; providing maximum mill levies and trust fund amounts; providing for the deposit or use of interest and income of the fund; and providing an effective date. He said this is optional legislation to the county and not mandatory.

PROPOSERS:

MIKE STEPHEN, Montana Association of Counties, strongly supported this bill. In looking at this, it is one way that local government can keep some of the money they produce as far as the development of natural resources.

DAN McCafferey, rose in support of this bill. He said if it is good for the state, it should be good for the counties.

OPPOSERS: None

REP. ROUSH closed saying this is proposed as a new act. It is a permissive levy.

QUESTIONS:

REP. SALES: Wouldn't the local severance tax make more sense than the mill levy?

REP. ROUSH: It may make a lot more sense but a severance tax would have to be levied in the same way. The public will determine how that money is spent.

REP. SALES: You are talking about nonrenewable resources running out. It is that resource that you should be taxing.

REP. ROUSH: In answering that, where those nonrenewable resources are is a good part of my district. Those companies pay a tremendous amount of tax now. Even the people in agriculture benefit because of oil and gas industry. I feel I can contribute a portion of my earnings which are derived from these industries.

MIKE STEPHEN: One of the things we tried not to do is pinpoint some specific industry to tax. In looking at a community and setting up a countywide trust fund, it would be equitable for everyone to contribute.

REP. SWITZER: Why do you limit it to those who have nonrenewable resource wealth? Why don't you just say the purpose is to enable the people of Montana to establish trust funds from tax revenues?

REP. ROUSH: I have no opposition to changing that language myself.

REP. SWITZER: Would you see any great flaw in that?

MIKE STEPHEN: I don't see any flaw in that. In the actual impact years and a good chance of post impact, I think we are primarily geared to the development, handling the impact and having something left over.

REP. SWITZER: I think the idea is possibly right. The effect would be the same if you wouldn't put the nonrenewable resources in there. It is a persuasive clause.

REP. BERTELSEN: The taxpayers association have been opposed to school districts building reserves.

REP. ROUSH: Some of these counties are putting money away and my school district is one of them.

REP. BERGENE: Would it be your feeling that you would use the trust fund in any of the counties?

REP. ROUSH: Section 4 would determine how you would spend the interest. It is General Fund money and it would take the vote of the people how the money is to be spent.

MIKE STEPHEN: Since this is county money and cities are included in that county, the General Fund has the largest expenditure as far as mills--it would be spent for the betterment of all the individuals in the county. This way, it could be spent for any general purpose.

REP. SANDS: The vote of the people to spend the money--would you require that for each specific purpose or would you contemplate that on a yearly basis.

REP. ROUSH: The interest can be spent every year but the principal is pretty difficult to spend.

REP. SANDS: Would you have objection to requiring voter approval before instituting the levy?

REP. ROUSH: I don't have any problem with that. I would like to refer that question to MIKE STEPHEN.

MIKE STEPHEN: The process is already set up where you would go through your county budget process.

CHAIRMAN McBRIDE closed the hearing on HOUSE BILL 760.

HOUSE BILL 651

REP. EUDAILY, sponsor. This bill is an act to generally revise the dollar value restrictions associated with appraisals, purchases, and sales of real property by counties. The only change that is made is that it increases the value from \$100 to \$2,500. He read through the bill.

PROPOSERS:

GORDON MORRIS, representing Missoula County, said the bill is straight forward and does change the dollar value from \$100 to \$2,500. It would put the Boards of County Commissioners in a position to dispose of property not in excess of \$2,500 without appraisal. By raising it to \$2,500, it would mean that pieces of property which had been acquired where it might be identified in terms of a use value, we would then be in a position to look to adjacent land owners for sale purposes and be able to dispose of them more readily.

JIM HALVORSEN, Roosevelt County, said this bill would give them the authority and responsibility that they had been elected to do.

OPPOSERS: None

REP. EUDAILY closed.

QUESTIONS:

REP. SANDS: What kind of real property are we talking about that is worth \$2,500?

MR. MORRIS: Tax deeds. You might have a piece of property that could only be sold for 90% of market value. He was thinking of 25 foot lots with no structure on it; the market value could be \$6,000 but the use value would be negligible and we are locked into \$100 to dispose of it.

The hearing was closed.

HOUSE BILL 728

REP. SHONTZ, sponsor. This bill is an act relating to county control of littering and dogs; providing for county ordinance power to control littering and provide a penalty; and providing for a penalty for violation of a dog control ordinance. There are two areas where this legislation becomes important. The first is in communities that have urban sprawl where the population doesn't live within the city limits. The county commissioners have no way of controlling litter. The second

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February 17, 1983

thing that the bill does--it has to do with ordinance authority that county commissioners do not have and that is control of dogs. In the current statutes, they can put an ordinance in place but the only thing they can do to enforce it is destroy the dog. This legislation says they can fine the dog owner up to \$100 and can apply to only certain areas of the county. This bill simply says the county commissioners may control littering in their county and provide for a more realistic penalty for letting your dog run loose.

PROPONENTS:

MIKE STEPHEN, Montana Association of Counties, said the county commissioners need the tools to do their jobs and this bill would help solve a couple of real problems.

OPPONENTS: None

REP. SHONTZ closed.

CHAIRMAN McBRIDE closed the hearing on HOUSE BILL 728.

EXECUTIVE ACTION  
HOUSE BILL 728

REP. SWITZER: Moved HOUSE BILL 728 DO PASS.

The motion was voted on and PASSED UNANIMOUSLY.

HOUSE BILL 651

REP. VINGER: Moved HOUSE BILL 651 DO PASS.

The motion was voted on and PASSED UNANIMOUSLY.

HOUSE BILL 760

REP. SALES: Moved that HOUSE BILL 760 BE TABLED

REP. KADAS: What is wrong with it?

REP. SALES: Trust funds create all kinds of problems. A property tax is not an equitable way to establish a trust fund.

REP. BERTELSEN: I would go along with it on a severance tax method.

Question was called and the motion was voted on. The motion PASSED with REPS. KADAS, DARKO, SANDS, SCHYE, SWITZER, PISTORIA, and HOLLIDAY voting no.

HOUSE BILL 197

REP. BERGENE: Moved that HOUSE BILL 197 BE TABLED.

The motion was voted on and PASSED UNANIMOUSLY.

HOUSE BILL 374

REP. KADAS: Moved that HOUSE BILL 374 BE TABLED.

The motion was voted on and PASSED UNANIMOUSLY.

HOUSE BILL 798

REP. KITSELMAN: Moved HOUSE BILL 798 DO PASS.

REP. KITSELMAN: Proposed two amendments. He wanted to see the ombudsman language incorporated with Section 4 and the second one would be to reinsert the word "fair".

CHAIRMAN McBRIDE: I would prefer to finalize those amendments.

REP. BERGENE: I would like to amend it to make it retroactive to the passage of HOUSE BILL 13.

CHAIRMAN McBRIDE: We could draft language to do that but we would end up with a fiscal impact with this bill. There was some discussion regarding the fiscal impact.

REP. SALES was concerned about the existing three mill levy which is now in effect and opting in in 1988 at 12 mills.

CHAIRMAN McBRIDE: There is one provision that might help the kind of situation you are talking about. If, in your county, you opted in at three mills, you wouldn't be at twelve mills until 1988. If, between now and 1988, you chose to opt in and felt you wanted to get out, the millage equivalent that it would cost you in 1982 to run your county assistance and general assistance would be the amount that you would be able to levy and would not then have to pay to the state. You people have to hold the hearing and if your people feel it is a financial commitment that they don't want to deal with--your county may be the exception.

REP. KITSELMAN: I withdraw my amendments.

It was agreed that LEE HEIMAN would finalize the amendments.

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Minutes of the Meeting of the Local Government Committee  
February 17, 1983

The meeting adjourned.

Kathleen McBride  
CHAIRMAN KATHLEEN McBRIDE

Geri L. Brust  
Secretary



AMEND HOUSE BILL 675

1. Page 1, line 21.

Strike: "public"

2. Page 1, line 22.

Following: "is"

Strike: "wrongfully or accidentally called and"

Following: "fire"

Insert: "emergency that is found to be located"

3. Page 2.

Following: line 1

Insert: "(b) called to respond to an emergency within its own  
jurisdiction;"

Reletter: subsequent subsections

TESTIMONY re HB 374 - Opposed

Beverly Gibson  
1802 11th Avenue  
Helena

Feb. 17, 1983

Representing Montana Association of Counties

Major points of testimony:

1. MACo's task force on welfare funding studied various options for funding welfare costs, especially general assistance and county medical, which are totally county funded in the poor fund.
2. The task force reached a consensus that any variation of state reimbursement compounds current problems, regardless where the county mill levy was set.
3. Task force members concluded that the most practical method of funding the program is the county option for state assumption of welfare programs.

## VISITOR'S REGISTER

HOUSE LOCAL GOVERNMENT COMMITTEE

BILL HOUSE BILL 374

DATE 2-17

SPONSOR    REP. MCBRIDE

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

"County-Option" State Administration of Welfare

Purpose. The purpose of the bill is to continue the current amount of state aid to the counties for welfare costs. The structure of the assistance is substantially changed because the present method for determining assistance is cumbersome and expensive to administer and creates an ongoing adversarial relationship between the counties and the state.

Proposed Structure. A county may choose to have the state assume all responsibilities and costs associated with administering public assistance and protective services. Once that choice is made, the county assumes no further financial obligation in regard to these services (unless the county chooses to retake certain responsibilities).

The state funds the costs through a mill levy and general fund appropriation. The state-imposed mill levy is set at 12 mills or the mill levy in place in fiscal 1982, whichever is lower. If a levy is set at a level under 12 mills, it will be increased to 12 mills in fiscal 1988. A county may opt into the structure at any time. A county may also opt to keep responsibilities relating to county medical and general assistance.

In addition to the levy, an annual general fund appropriation of \$4 million is needed to support current level operations. This is the same annual amount now expended for state assistance.

Section 1. Describes the purpose and makes explicit that any change is only at the option of a county.

Section 2. Definitions.

Section 3. Mechanism for opting for state assumption. Gives 90 day notice requirement and requires state to pay rent on space.

Section 4. Gives counties authority to reassume responsibility for county medical and general assistance.

Section 5. Provides for optional advisory councils at local level.

Section 6. Rule making authority.

Section 7. Creates levy structure.

1. Levy is 12 mills or 1982 levy, whichever is less. All levies become 12 mills in 1988.

2. Counties retaining or reassuming responsibilities for county medical and general assistance would have their levies lowered by a mill levy equivalent of those costs.

## WITNESS STATEMENT

Name Harold McLaughlin Committee On Local Gov't  
 Address GREAT FALLS Date 2/17/83  
 Representing CASCADE County Dept. Pub. Welf. Support ✓  
 Bill No. HB 798 Oppose \_\_\_\_\_  
 Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## Comments:

1. A principal Advantage to CASCADE County is elimination of conflicts which now necessitate considerable negotiation & often result in the need for the County to expend funds on Welfare which are intended for other uses.
2. Conflict will be eliminated between counties opting for state assumption over the issue of liability for the transient needy population.
3. We are assured that the local agency will retain the ability to BE AS RESPONSIVE AS WE ARE now in meeting emergency needs.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name JAMES B. SPRING Committee On Loc. Gov.  
Address BILLINGS Date 2-17-83  
Representing Gov. Council, Mont Support X  
Bill No. 798 Oppose \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. BECAUSE OF PRESENT COMPOSITION, THE PRESENT SYSTEM WITH WEAPONS SUPPORT IS HINDERED. THIS BILL WILL
2. ALLOW A VOLUNTARY RESPONSE BY THE COUNCILS TO CORRECT THIS: Full Control & Administration
3. WILL BE OF BENEFIT TO THE WEAPONS PROGRAM.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Norman Whitman Committee On Local Govt.  
Address 510 N. 1st St. S. Phoenix Date 2-17-83  
Representing United Home Counties Support ☒  
Bill No. HB 798 Oppose ☐  
Amend ☐

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Will not administrative costs
2. Will not return costs to local Govt. by saving costs of interest on registered warrants
3. Will help in cutting time on complaints/hearing & reviews by causing us to have uniform programs
4. Will not conflicts between counties  
Refine old & transfer a cc. Auditors to much more  
Local control more in county

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Bill ~~Butt~~ Willard Committee On Local Govt  
Address RT. 4, Box 358, Libby, MT Date 2-17-83  
Representing Lincoln Co. Dept Public Welfare Support ✓  
Bill No. HB 798 Oppose \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. ~~the~~ Lincoln Co. is a medium sized county <sup>which</sup> ~~it~~ would benefit from the passage of HB 798 because of the property TAX relief it ~~is~~ offers. Our budget has risen to 13½ million.
2. because of increased expenses and will stay at that amount ~~before~~ and we would benefit approximately in the amount of 50,000 = per yr.
3. ~~we are not at all interested~~
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.



WITNESS STATEMENT

Name Wanda L Stout Committee On Local Gov't  
Address P.O. Box 93, Boulder, Mt. Date 2-17-83  
Representing S.R.S. Support ✓  
Bill No. 798 Oppose \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Co. Commissions hands are tied by Federal + State reps + they feel as a rubber-stamp operation + that the time they are required to spend on Co. welfare wasted
2. Co. Clerk + recorder time very involved on poor fund —  
Could alleviate hiring additional staff
3. would facilitate vendor ~~payments~~ payments that currently take 1-3 months
4. would ensure uniform state program implementation

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Eudora Field Committee On LOCAL GOVERNMENT  
Address 1815 TAMMANY - ALACONDI Date 2-17-83  
Representing SRS Support ✓  
Bill No. 798 Oppose \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. *EFFICIENCY IN ADMINISTRATION + Costs of administration of General Assistance vendor medical & substance claims*
2. *Availability of State computer system & expertise of State personnel would speed up vendor payments*
3. *Reduce employee time at County level*
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

# MISSOULA COUNTY

BOARD OF COUNTY COMMISSIONERS

• Missoula County Courthouse • Missoula, Montana 59802  
(406) 721-5700

Ex 9

HB 798

BCC-83-96  
February 17, 1983

## COMMENTS ON HB 798

Missoula County generally favors HB 798, which is intended to provide for state assumption of welfare. However, we would urge consideration of language to be included in the Bill to:

1. Allow for retroactive payment of all disputed or disallowed costs as provided for in H.B. 374;
2. Add payments for costs associated with personal care homes as established under MCA 50-5-11, which are currently considered disallowed expenses, to the list of retroactive payments;
3. Retention or preservation of local-option workfare programs as established under HB 13 passed in the '82 Special Session; and
4. Recognize local Boards of County Commissioners as ombudsmen to provide for local review of disputed welfare claims.

Submitted by:

*C. Gordon Morris*

C. Gordon Morris  
Administrative Officer, for  
The Board of County Commissioners  
Missoula County

CGM/lis

cc: Members, House Local Government Committee

All Missoula Legislators

	Poor Fund Mills Levied	Per Mill	
1. Beaverhead	8.00	15,345	
2. Big Horn	3.22	123,563	
3. Blaine	6.00	33,608	
4. Broadwater	5.56	7,102	
5. Carbon	3.90	27,321	
6. Carter	10.00	6,368	
7. Cascade	13.50	89,473	
8. Chouteau	2.35	28,699	
9. Custer	8.42	18,300	
10. Daniels	3.22	8,035	
11. Dawson	7.60	30,043	
12. Deer Lodge	13.50	13,219	
13. Fallon	1.956	118,325	
14. Fergus	7.87	22,220	
15. Flathead	8.018	80,235	
16. Gallatin	6.36	56,935	
17. Garfield	13.50	6,522	
18. Glacier	10.63	44,961	
19. Golden Valley	1.28	4,285	
20. Granite	13.50	5,318	
21. Hill	7.844	44,341	
22. Jefferson	6.80	10,887	
23. Judith Basin	3.06	9,774	
24. Lake	5.02	34,326	
25. Lewis & Clark	13.50	54,722	
26. Liberty	13.50	21,529	
27. Lincoln	13.50	32,588	
28. Madison	12.02	14,207	
29. McCone	2.30	11,527	
30. Meagher	8.07	5,778	
31. Mineral	11.23	4,665	
32. Missoula	10.75	123,163	
33. Musselshell	0.92	29,349	
34. Park	8.65	17,837	
35. Petroleum	3.00	2,884	
36. Phillips	2.50	32,895	
37. Pondera	5.11	23,698	
38. Powder River	0.90	73,082	
39. Powell	13.00	11,500	
40. Prairie	13.50	6,227	
41. Ravalli	13.50	21,803	
42. Richland	1.45	144,362	
43. Roosevelt	1.53	67,453	
44. Rosebud	2.268	163,402	
45. Sanders	3.50	19,356	
46. Sheridan	2.00	92,308	
47. Silver Bow	10.75	44,421	
48. Stillwater	4.21	13,917	
49. Sweet Grass	6.25	7,308	
50. Teton	4.50	17,891	
51. Toole	13.50	45,248	
52. Treasure	0.80	4,402	
53. Valley	6.50	29,391	
54. Wheatland	4.00	5,715	
55. Wibaux	0.62	28,966	
56. Yellowstone	10.01	186,921	

(1) County	(2) FY 83 Dollar Value per Mill	(3) FY 82 Mills Levied	(4) Adjustment for Med. Facility	(5) Net FY 82 Mills	(6) FY 83 Poor Fund Est.	(7) Income from Lesser of FY 82 or 12 mills
Cascade	\$ 89,473	13.50	0	13.50	\$ 2,062,353	\$1,073,676
Deer Lodge	13,219	13.50	0	13.50	403,840	158,628
Flathead	80,235	6.615	(1.06)	5.555	645,089	445,705
Gallatin	56,935	5.03	(1.90)	3.13	362,107	178,207
Jefferson	10,887	12.36	0	12.36	108,870	130,644
Lewis & Clark	54,722	9.02	0	9.02	738,747	493,592
Lincoln	32,588	11.67	0	11.67	439,938	380,302
Mineral	4,665	12.90	0	12.90	73,380	55,980
Missoula	123,163	10.47	0	10.47	1,806,801	1,289,517
Ravalli	21,803	12.93	(2.57)	10.36	354,517	225,879
Silver Bow	44,421	13.50	0	13.50	1,456,565	533,052
Yellowstone	186,921	8.50	(.15)	8.37	1,871,079	1,564,529
Total	\$719,032				\$10,323,286	\$6,529,711

## VISITOR'S REGISTER

HOUSE

## LOCAL GOVERNMENT

COMMITTEE

BILL HOUSE BILL 798

DATE 2-17-83

SPONSOR REP. McBRIDE

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

# VISITOR'S REGISTER

HOUSE LOCAL GOVERNMENT

COMMITTEE

BILL HOUSE BILL 760

DATE 2-17-83

SPONSOR REP. ROUSH

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITOR'S REGISTER

HOUSE            LOCAL GOVERNMENT            COMMITTEE

BILL HOUSE BILL 651

DATE 2-17-83

SPONSOR REP. EUDAILY

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



## VISITOR'S REGISTER

HOUSE LOCAL GOVERNMENT COMMITTEE

BILL            HOUSE BILL 728

DATE 2-17-83

SPONSOR REP. SHONTZ

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

# STANDING COMMITTEE REPORT

February 17, 19 83

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 651

first reading copy (white)  
Color

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE DOLLAR  
VALUE RESTRICTIONS ASSOCIATED WITH APPRAISALS, PURCHASES, AND  
SALES OF REAL PROPERTY BY COUNTIES; AMENDING SECTIONS 7-8-2202,  
7-8-2212, 7-8-2214, 7-8-2216, AND 7-8-2217, MCA."

Respectfully report as follows: That HOUSE Bill No. 651

DO PASS

# STANDING COMMITTEE REPORT

February 17,

19 83

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 728

first reading copy ( white )  
Color

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO COUNTY CONTROL OF LITTERING AND DOGS; PROVIDING FOR COUNTY ORDINANCE POWER TO CONTROL LITTERING AND PROVIDE A PENALTY; AND PROVIDING FOR A PENALTY FOR VIOLATION OF A DOG CONTROL ORDINANCE: AMENDING SECTION 7-23-2108, MCA."

Respectfully report as follows: That HOUSE Bill No. 728

DO PASS

# STANDING COMMITTEE REPORT

HOUSE BILL 798

Page 1 of 4

February 21, 1983

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 798

first reading copy (white)  
Color

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE TRANSFER OF AUTHORITY OF THE COUNTY DEPARTMENT OF PUBLIC WELFARE TO THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES AT THE OPTION OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTIONS 53-2-301, 53-2-302, 53-2-304, 53-2-306, 53-2-307, 53-2-322, AND 53-2-323, MCA; AND PROVIDING AN EFFECTIVE DATE."

Respectfully report as follows: That HOUSE Bill No. 798

AND AMEND HOUSE BILL 798 AS FOLLOWS

1. Title, line 9.  
Strike: "AND"  
Following: "53-2-323,"  
Insert: "53-3-301, AND 53-3-304"

2. Title, line 10.  
Following: line 9  
Insert: "IMMEDIATE"

3. Page 1, line 23.  
Following: "through"  
Strike: "7]"  
Insert: "8]"

XXXXXX

4. Page 2, line 22.  
Following: "through"  
Strike: "7]"  
Insert: "8]"

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5. Page 4, line 5.  
Following: "department."  
Insert: "Counties opting for state assumption shall transfer to the department all materials and supplies used in the operation of the county department and which were paid for in whole or in part with federal or state funds."

6. Page 4, line 7.  
Following: "exceptions,"  
Insert: "(1)"

7. Page 4, line 9.  
Following: "reassume"  
Strike: "operational"

8. Page 4, line 10.  
Following: "responsibility"  
Strike: "under contract with the department"

9. Page 4, line 17.  
Following: "department"  
Insert: "but the department may contract with the counties for the operation of programs provided in Title 53, chapter 3"

10. Page 4.  
Following: line 18  
Insert: "(2) A county transferring all duties and responsibilities to the department may reassume limited responsibility for medical assistance or monetary payments to needy persons as provided in subsection (1), but may not thereafter request full state assumption. A county initially requesting limited state assumption may not thereafter request full state assumption. A county opting for limited or full state assumption does so on a permanent basis except as provided in this section."

11. Page 4, line 20.  
Following: "councils."  
Insert: "(1)"

12. Page 4, line 25.  
Following: "discretion."  
Insert: "(2) Upon request of the governing body of a county having opted for state assumption, the department shall establish a county advisory council for the county. The advisory council shall consist of the board of county commissioners of the county, or if the county governing body consists of greater than three members, three members of the

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governing body chosen by the governing body. The department may appoint two other members to the advisory council as provided in subsection (1).

(3)"

13. Page 5, line 1.

Following: "members"

Insert: "for their service on the advisory council"

14. Page 5, line 6.

Following: "through"

Strike: "7]"

Insert: "8]"

15. Page 5, line 11.

Following: "children"

Insert: "as necessary to carry out the purposes of [sections 1 through 8]"

16. Page 5, line 15.

Following: "through"

Strike: "7]"

Insert: "8]"

17. Page 6.

Following: line 14.

Insert: "NEW SECTION. Section 8. Work program required. The department shall establish a work program as provided in 53-3-304. The department may contract with the county, a municipality, or state agency that has work available for recipients of general relief."

Renumber: subsequent sections

18. Page 6, line 21.

Following "through"

Strike: "7]"

Insert: "8]"

19. Page 7, line 9.

Following "through"

Strike: "7]"

Insert: "8]"

20. Page 10, line 4.

Following "through"

Strike: "7]"

Insert: "8]"

21. Page 11, line 2.

Following "through"

Strike: "7]"

Insert: "8]"

22. Page 11, line 18.

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Following "through"

Strike: "7]"

Insert: "8]"

23. Page 11, line 19.

Strike: "amount paid the"

Following: "state"

Insert: "levy"

24. Page 14, line 11.

Following "through"

Strike: "7]"

Insert: "8]"

25. Page 17.

Following: line 16

Insert: "Section 15. Section 53-3-301, MCA, is amended to read:

"53-3-301. Amount of general relief assistance to be determined by county board. The Except in a county that has transferred its public assistance and protective services responsibilities to the department of social and rehabilitation services under [sections 1 through 7], the amount of general relief assistance granted any person or family shall be determined by the county board of public welfare, according to rules and standards of assistance established by the board and approved by the department."

Section 16. Section 53-3-304, MCA, is amended to read:

"53-3-304. Power of--county--department to require recipient to perform county work. (1) If the county has work available which a recipient of general relief is capable of performing or the department of social and rehabilitation services is required to operate a work program under the provisions of [section 8], then the county department of public welfare or the department of social and rehabilitation services may require the a recipient to perform the work at the minimum wage or may pay a recipient at the prevailing rate of wages paid by that county for similar work, to be paid from the county poor fund or state funds in place of granting him general relief.

(2) The county department of public welfare or the department of social and rehabilitation services, as the case may be, shall provide coverage under the Workers' Compensation Act for those recipients of general relief working under the provisions hereof and may enter into such agreements with the division of workers' compensation of the department of labor and industry as may be necessary to carry out the provisions of this section."

Renumber: subsequent section

26. Page 17, line 18.

Following: "effective"

Strike: "July 1, 1983"

AND AS AMENDED

DO PASS

STATEMENT OF INTENT ATTACHED

KATHLEEN MORRIDE

Chairman.

MR. SPEAKER

WE, YOUR COMMITTEE ON LOCAL GOVERNMENT, HAVING HAD UNDER  
CONSIDERATION HOUSE BILL NO. 798, FIRST READING COPY (WHITE),  
ATTACH THE FOLLOWING STATEMENT OF INTENT:

STATE OF INTENT  
HOUSE BILL NO. 798

A statement of intent is required of this bill because section 6 gives the Department of Social and Rehabilitation Services rulemaking authority.

It is intended that the department establish general relief standards, scope, duration and amount that may not exceed medicaid or AFDC program services. Such items should be in accord with rules adopted by the department for county department under 53-3-301 so that departmental benefits are comparable to those of counties.

The department may also make rules governing transfer of functions between the department and the county. It is contemplated such rules would cover administrative provisions such as forms, deadlines, and financial certifications as may be needed to implement the bill. Other necessary administrative type rules governing rental payments, employees and functions formerly administered by a county would also be addressed.