

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

February 7, 1985

The meeting of the Local Government Committee was called to order by Chairman Darko on February 7, 1985 at 3:30 p.m. in Room 312-2 of the State Capitol.

ROLL CALL: All members were present; however, Rep. Wallin, Vice Chairman of Local Government Committee, and Rep. Brown were late.

CONSIDERATION OF HOUSE BILL NO. 407: Rep. Ream of District 54, Missoula, appeared before the committee as sponsor of this bill. He explained this would allow counties that have an established air pollution program to assess fees against certain motor vehicles to fund their program. Sections 1 and 2 are the important sections of the bill. Section 1 of the bill is the mechanics for funding those programs which would allow local jurisdiction, either municipalities or counties, to assess a fee up to \$1.50 on each car or truck to help fund the air pollution programs. It would depend on each county as to how they use the fee. One county will assess only about 55 cents to do that. He stated there are proponents from the counties involved here to testify.

PROPOSERS: Rep. Ream wanted it to be known that he had received a phone call from Steve Dougan of Yellowstone county who wants to go on record as a proponent of HB 407.

Jim Carlson, an employee of the Missoula County Health Department wanted to go on record as supporting this bill. The bill was developed in cooperation with the people from Yellowstone county, who couldn't make it here because of inclement weather. In Yellowstone county this will be used as a decreased reliance on property taxes. In Missoula county, the air pollution control board has been using and sharing the health fund mill levy for the past 15 years. It has resulted in the fact that one-fifth of the 5-mill levy of the health fund is used for air pollution control purposes. It was not to be used for this in the first place and it has put a burden on the health fund. In Cascade county, they do not use this fee because of the amount of money they receive from the air pollution control board. The fee is a local option. It can be imposed only in those counties or portion of those counties that have air pollution programs.

Hal Robbins, representing the Department of Health, Helena, stated the department would like to go on record in support of this legislation.

He further stated that the automobile users are a large contributor to air pollution problems, and this group should have to pay for the cause of the problem.

Will Selser, Lewis and Clark County Health Department, stated their primary problem in this community is wood burning devices, but automobiles are also a big problem. This bill would allow the local agencies to fund local problems with local funds. For this reason, they would support HB 407.

Richard Steffel, representing Missoula For Clean Air, said he is self employed. They are working for anything that will improve their air, and this bill will help to work on cleaning up the air in Montana. They are aware of hazards they were not aware of before. There have been efforts by others to correct this problem but funding has always been a problem. The fairest way is to charge those who cause the pollution to help to pay for cleaning it up. This bill creates a fair mechanism for getting funds for this purpose. He stated he is a home owner and a car owner and already feels the crunch of having to pay taxes, but he is still a proponent of the bill.

Dave Gordon, representing Yellowstone County Commission, stated their board has gone on record as favoring the bill. They like the options.

Kay Foster, representing the city of Billings, stated they had taken a formal vote in favor of this bill.

Rep. Ream, sponsor of HB 407, stated the Missoula County Commissioners had sent a letter in support of the bill, which is attached as exhibit 1.

Also attached is a letter urging support of HB 407, from Chris Gingerelli, member of the Missoula Citizens' Air Pollution Advisory Council, (exhibit 2).

OPPONENTS: Jim Manion, Assistant Manager for the Montana Automobile Association, appeared before the committee in opposition of the bill. They have no problem with the intent of the bill, for air pollution programs; their problem is with the funding source. In this session of the Legislature, there is already talk about increases in the gas tax, increasing license fees to fund highway patrol retirement, increasing the hotel and motel tax, and now they are talking of a pollution tax. He said he would agree that it contributes some to the problem; however, it appears the motorist has to pay for the whole fund. He would not be opposed to the bill so much if it would include others such as wood burning devices, but since there is no system to tax wood stove burners, he objects very much to the bill. Therefore, he would like to go on record as not necessarily opposing the bill, but opposing to the way of funding it.

Tom Harrison, of the Automobile Dealer's Association, said he has no problem with the bill but it seems to be putting it up to the automobiles to fund it. He said he feels the funding source should be examined. He acknowledged that automobiles are part of the problem, but the basic problem he wanted to address is the cost of it. He felt it was outrageous and not in the interest of the auto operators.

Walter Taylor of Missoula submitted written testimony in opposition to HB 407, which is attached as exhibit 3.

In closing, Rep. Ream stated this bill is a local option. He has lived in Missoula 16 years, and feels this is a trim program in cleaning up their air.

DISCUSSION OF HOUSE BILL NO. 407: Rep. Pistoria stated he doesn't see anything in the bill to vote on, even though Rep. Ream said it is a local option. Rep. Pistoria stated he feels it is up to the elected officials in the local government. Rep. Ream replied that by looking at page 2, line 8 of the bill, once the program is established, it is up to the local municipality or county.

Rep. Poff asked Rep. Ream how the problem of the wood stoves has been dealt with, and Rep. Ream replied that in Missoula they have been dealing with it mainly by education and encouraging people to cut back on using their stoves. They have a very strong program to stop people from using, or cutting back on the useage, of their stoves and they have had their first arrest for the use of a stove.

Rep. Kadas asked Mr. Carlson what percentage of pollution in Missoula is caused by automobile pollution. Mr. Carlson replied that on an annual basis, a little more than 50% is caused by automobile pollution.

Rep. Gilbert asked Mr. Carlson what the anticipated income would be from the \$1.50. Mr. Carlson replied that the maximum that could be assessed on the four counties would be: Yellowstone county, \$151,000; Missoula county, \$98,000; Cascade county, \$96,000; and Lewis and Clark county, \$57,000. In Missoula, they will be using \$90,000, in Yellowstone county they anticipate using about half of their \$1.50 capability, in Cascade county they are using none of it, and they have not discussed what Lewis and Clark county will be using.

Rep. Gilbert then asked Mr. Carlson what an air control board does constructively to eliminate the problem. Mr. Carlson said some of the things they do is give people daily information of what the air problem is. They have issued about 350 warnings in the past three years. They try to develop educational programs on how to keep up automobiles and take care of wood burning stoves, and they encourage people to

ride buses. Several communities involved don't have these programs so then the responsibilities fall back on air quality control.

Rep. Gilbert stated that if the automobiles are causing more than half of the problem, he does not think it is fair to single them out to pay for 100% of the problem. There are more people with wood stoves than automobile pollution, and in the winter they are worse. They should have to pay their way. Mr. Carlson made the suggestion to charge \$10 for people who are using wood stoves.

Rep. Pistoria stated to Mr. Carlson that he wants the money, but how is the situation going to be corrected. Mr. Carlson replied that different communities have different problems, so each community will have to deal with the problem.

There being no further discussion, HB 407 was closed.

CONSIDERATION OF HOUSE BILL NO. 625: Rep. Cohen of District 3, Whitefish, appeared before the committee as sponsor of this bill, which provides additional alternatives for the assessment of costs for street maintenance districts. He presented a drawing of property in Whitefish, which shows options for financing street maintenance districts (exhibit 1). He explained the drawing and said one option is that it allows assessment by front footage. The drawing also shows one city block which has 12 city lots as low as 7,500 square feet. There is a problem because all the lots are not the same size and do not have the same footage. There would be a difference if they were being assessed by square footage rather than front footage. He further stated that under the present law it is difficult to reach equality for all the citizens and people of a community for assessment. This bill is to give people more equitable options, and if the city wishes to use front footage as a basis for assessing lots, they should have the option of choosing which side to use. Rep. Cohen passed out proposed amendments from Leo Fisher, which were on a letter to Rep. Cohen from Jack B. Arnold, City Manager of Whitefish. This is attached as exhibit 2.

PROPOSERS: Jack Arnold, City Manager of Whitefish, appeared before the committee and stated he hoped the committee would give this bill a Do Pass, as it is a bill that gives a fair way of assessing property. They have a lot of unusual frontage property in Whitefish. They are not asking for new money or new authority.

Dennis Burr, representing the Montana Taxpayers Association, said they do not have any problem with the bill. The examples given show that there are more equitable ways of dealing with the problem.

John Garritty, representing the city of Whitefish, stated this is a fair and equitable bill for favoring assessment to the people of Montana.

Bill Verwolf, representing the city of Helena, said they arise in support of this bill because it provides the city commissioners with an additional way to provide street maintenance.

Alec Hansen of the Montana League of Cities and Towns, said they support this bill in the interest of equity.

Greg Jackson, representing the Montana Urban Coalition, said they would like to go on record in support of this bill.

OPPONENTS: There were no opponents present.

There being no further discussion of the bill, the hearing closed.

CONSIDERATION OF HOUSE BILL NO. 612: Rep. Addy of District 94, sponsor of HB 612, appeared before the committee to present the bill. This bill provides additional alternatives for the assessment of costs for special improvement districts and Rep. Addy stated this bill is much the same as the one that was just heard by the committee.

PROPOSERS: Alec Hansen, representing the Montana League of Cities and Towns, said they support this bill for the same reasons they support the other bill.

Nathen Tubergen, Finance Director from the city of Billings, stated they would like to go on record as supporting this bill, as it will give additional opportunity for spreading special improvement districts.

Gordon Morris, Montana Association of Counties, stated they rise in support of HB 612 and in doing so request a possible amendment to include municipal country cousins.

Greg Jackson, Montana Urban Coalition, said they support HB 612, and they also support the amendment proposed by Gordon Morris.

OPPONENTS: There were no opponents present to HB 612.

In closing, Rep. Addy thanked the proponents for their brief statements.

CONSIDERATION OF HOUSE BILL NO. 373: Rep. Nathe, District 19, appeared before the committee as sponsor of HB 373. He stated the bill is more or less explained in the title, and is an act defining assessment book to include computer systems operating as assessment books. What it amounts to now

is that the county assessor has to go to the county treasurer for this information.

PROPONENTS: Joanne Peres, president of the Clerk and Records Association, from Choteau county, said there is no controversy in this bill. They are simply adding language that they are in the computer age, and this bill simply includes computers in the language.

OPPONENTS: There were no opponents present.

DISCUSSION OF HOUSE BILL NO. 373: There was no discussion by the committee members; therefore, Rep. Nathe closed the hearing.

CONSIDERATION OF HOUSE BILL NO. 277: Rep. Manuel of District 11, sponsor of the bill, explained he is presenting it by request of the Crime Control Board. The title says it allows that several counties acting together may provide for the jail required by establishing in the county government the position of jail administrator and, with the sheriff's concurrence, hiring a person, who is answerable to the governing body of the county, to fill the position; or entering into an agreement with a private party under which the private party will provide, maintain, or operate the jail.

PROPONENTS: Jerry Johnson, chairman of the Jails Subcommittee of the Board of Crime Control, stated he wanted the committee to know this was an extremely difficult bill to work on as it is complex. Its main concern is to give aid and assistance to sheriffs across the state, and assist in liabilities of jails. They don't object to amendments if there are any. He passed out a fact sheet from the Montana Board of Crime Control (exhibit 1). He also presented a letter from Sheriff Raymond J. Froehlich of Missoula county, who died yesterday. Sheriff Froehlich had some concerns about the bill, which he listed in his letter (exhibit 2), which Mr. Johnson read. Mr. Johnson said they feel this bill is a good attempt at this time and it is a starting place that they should be able to build on in the future. They are willing to work with the sheriff's office or any other group.

Lieutenant Governor George Turman, read a brief excerpt of his written testimony (exhibit 3) which he passed out. He said the adequacy of jail facilities is a priority issue with local governments.

Harold Hanser, County Attorney of Yellowstone county, said he first became interested in private sector jail operations when they were trying to build a jail facility. The scheme of this legislation is nothing new or startling. The basic concept was enacted in New Mexico. The most critical single problem facing local government today is the jail situation.

This proposal opens up the opportunity to finance at the lowest cost to the taxpayer. The secondary impact of this bill is the ability to transfer responsibility to enable government to fix costs. There is no fiscal note attached to it. Montana started up in their prison system by private sector, and it is time we went back and looked at the good things we had and pick them up. It is a better way to do business and we ought to take advantage of it. He urged the committee's favorable support of HB 277.

Mark Murphy, of the attorney general's office and representing the Board of Crime Control, said the part of the bill he would like to offer testimony for is the new section. The purpose is to allow contracts at local levels, and it is not a new concept. It allows the Board of Crime Control to be an agent for a person. The second part of the testimony would be the area of multiple county jails. It is one of the most important parts of the bill, where there would be a joint jail among the rural jails in the county. One of the problems of the bill which was drafted was allowing a county to expend revenue from one county and spending it in another county.

John Fitzpatrick of Mountain International, Helena, stated he is here to endorse HB 277. It is important to provide flexibility for county jails in Montana. Under the current law there is difficulty for administering and also there are problems in multiple county facilities for spending money outside of the boundaries. In allowing contracts with private parties, it is a management option for administering their facilities.

Gordon Morris, Montana Association of Counties (MACo), said they want to go on record as supporting HB 277, and they worked on putting this bill together. On page 9, line 7 was overlooked in the present code, and section 2 has been dropped. He wanted to suggest bringing back section 2. They support the bill, it is a high priority bill, and they would like a Do Pass.

OPPONENTS: Pete Howard, Teton County Sheriff, said he has some problems with some of the amendments. He said he would like to make the committee very much aware that alternatives are very much needed, as are new ideas. For the most part, most of the county jails in Montana are outdated. A good share of statutory laws for operating jails are old. They can't meet the mandates of the courts working with laws 35 years old. The concept is good, but he does not believe in the bill as it is written. He referred to page 3, lines 12 to 20. The private jail administrator would have the same powers as the sheriff. Page 6, line 7, explains the duties the sheriff is expected to perform, and this would make two sheriffs, one in the jail and one on the road. This should be stricken from the bill. Law enforcers should be investi-

gators and enforcers of the law, and private personnel can't do it. Privates should not be allowed to investigate crimes or use deadly weapons. If a private were to pursue a car, would they be concerned with safety? He stated the bill needs alternatives, and the way it is written it doesn't accomplish what needs to be done. More time is needed to write the bill. Without considerable changes to the bill, please consider it a Do Not Pass.

Walter Hammermeister, Pondera County Sheriff, stated he and Sheriff Howard are strong supporters of allowing counties to build jails. They think the concept is good, but where it falls down is transferring statutes from New Mexico to Montana. This bill needs so many amendments that he wants to kill it and send it back to the Crime Control Board. This bill tries to provide that counties will be held harmless from debts. The sheriff still has personal liability for the action of the jail administrator in the jail. Page 9, lines 20 and 21, Page 10, line 25, and page 11, lines 17 and 18, allow sheriffs to be held liable for jail administrators. He stated they oppose this bill because it changes the bonded issues for jails. This bill allows county commissioners to put indebtedness on the private people and they do not get the right to vote for bonded indebtedness. They strongly object to bonding to 12 1/2% above the 23% of the taxable value of the property without letting the public vote. He recommended the bill be killed and put into further study and be reborn two years from now.

Curt Petty, Vice President of the Montana Sheriffs and Peace Officers, stated he is opposed to the bill and requests the bill be killed in committee.

In closing, Rep. Manuel stated they are not trying to ram it down the committee's throat, and he suggested putting it to a subcommittee.

DISCUSSION OF HOUSE BILL NO. 277: Rep. Fritz asked Rep. Manuel if he thought the objections raised by the sheriffs of questioning jurisdiction is beyond repair, and the answer was no, but he would like to give it a try with a subcommittee.

Rep. Sands asked Mr. Hanser if a private jail would be entitled to immunity from liabilities. It would be a definite advantage to have insurance coverage. Mr. Hanser answered that the \$150,000 precludes any type of lease purpose. The three year limitation of operation for private parties is a control. By going to the vote of the people, it would preclude Montana from taking advantage of private sector.

Rep. Sands then asked if it can't be possible to limit proposals where it applies only for long term leases, and only after the elector has the privilege to vote if they want a

long term jail. The question is whether to give local governments the opportunity of using private sector. The operation contract cannot exceed three years. Mr. Hanser replied that in New Mexico the jails presented such horrendous problems to local government and gave local government the authority to take care of the private sectors. It is not true that a sheriff is held liable. He wished the committee to look at the total concept of the bill. It can open up the opportunity for local governments to save money for the taxpayers.

Rep. Kadas addressed Mr. Murphy that he had mentioned some problems with indebtedness in this bill. Mr. Murphy answered that page 5, section 7-7-2221 states any money raised through a bond must be spent in the county where the money is raised. If a jail is in one county and four or five counties are sharing that jail, the money must be spent in the county where the jail is.

Rep. Kadas then asked about the minimum standard for training of jailers, and he was answered that Sheriff Froehlich's letter stated the jailers should go through the academy. However, Mr. Johnson said he is personally concerned and would recommend following Rep. Manuels' suggestion and putting it to a subcommittee and get it corrected if possible.

Rep. Kadas also stated to Sheriff Howard that most of us feel this is a good concept and would like to work with him. He asked Sheriff Howard if he would be willing to sit down and work with the committee, to which Sheriff Howard answered yes.

Rep. Wallin asked Mr. Hanser how to deal with the cost of a lease when dealing with the only guy in town who has a lease. Mr. Hanser answered that he doesn't see it as any different kind of a contract than in any other situation. Rep. Poff also addressed Mr. Hanser. He said that a private party must have insurance, and if that private party has a problem everyone would be named on the document. Under this situation, the insurance contract is with the private sector and they would be the ones paying, not the county.

Rep. Hansen addressed Mr. Hanser and said there are two concepts that bothered her. The first was the duties of the sheriff. The sheriff is an elected official. It is not right to elect him and have him give duties to others. She grew up by the prison in Deer Lodge and it bothers her that the private sector is making money from the prisoners. Mr. Hanser replied that whether or not the language is right, no one would expect the private sector to become the sheriff. The real question is should the taxpayers pay more money to take care of the prisoners or should the private sectors make money from the prisoners.

CONSIDERATION OF HOUSE BILL NO. 379: Rep. Garcia of District 93, appeared before the committee as sponsor of HB 379. This bill provides optional publication requirements for minutes of the claims ordered paid by boards of county commissioners, and provides an immediate effective date. Rep. Garcia said this is kind of incriminating to the counties. There is one word, "optional", in the bill that is important, and he felt the battle should be left to the county commissioners. Rep. Garcia presented written testimony from Tom Sherrard, Toole County Commissioner, in support of this bill, which is attached as exhibit 1.

PROPONENTS: Marie McAlear of Madison county, stated that Madison county is the home of the newspaper that brought the suit to the court system. All county business is required to be printed in their one newspaper, even personal paychecks are printed every month. This is a lot of expense to the county, and it is subsidizing their one newspaper. She told of one person's landlord raising her rent after seeing in the newspaper that she had received a raise in pay. This is a difficult situation for their county, and she objects to the itemized expenditures they are forced to print.

Dave Gorton, Yellowstone County Commissioner, passed out written testimony (exhibit 2) which showed Commissioner Proceedings for September, 1985, from Yellowstone county. This is running over \$500 per month to print, and it offers the public no protection at all. This bill is an optional bill and they like that, and they urge a Do Pass. No similar requirements exist for any state governments or any other counties. Other counties don't have similar requirements. They do not print every employee's paycheck because it is too much, and it would be ludacrist. The newspaper that they print in serves only 1,700 or 1,800 people in the county.

Dave Goss, representing the Billings Chamber of Commerce, said they support the bill because it will bring better efficiency to the government because what they have now is not accomplishing anything.

Dick Michelotti, representing Cascade County State Treasurers Association, said they are in favor of this bill. It is ludacrist the amount of money spent saying nothing.

Joanne Peres, Montana Association of Clerks and Recorders, stated they would like to go on record as supporting this bill. It is great that it is optional, and it is a reasonable bill, which they hoped the committee would pass.

Gordon Morris, representing MACo, said he was here in behalf of Rep. Garcia's bill. They like the bill from the standpoint that it provides optional printing requirements, and he wanted the committee to know that MACo has established this as a high priority bill.

Fern Hart, Clerk and Recorder of Missoula county, presented written testimony (exhibit 3) in support of HB 379.

Also attached is a letter of support from the Board of County Commissioners of Yellowstone County (exhibit 4).

OPPONENTS: Mike Meloy, representing the Montana Press Association, stated this bill is different from other bills, as it is optional in eliminating requirements. It seemed to him it would be in the best interest of the county commissioners to have money published so that the people would know what they are spending their money on. The bill provides a good tool in that if the commissioners know the claims are going to be published, they would be careful of the expenditures. Marie McAlear's county is the only county in the state printing paychecks. In other counties, only claims are required to be published. He commented on the fiscal note and said sometimes fiscal notes are a real guess. He asked if someone from the budget office could tell him how they came up with the figures. Even if these figures were used and divided by the number of taxpayers in the state, the value is far above expenditures.

Verle Rademacher, editor and publisher of the Meagher County News of White Sulphur Springs, presented written testimony in opposition of HB 379 (exhibit 5), which gave his reasons for wanting the bill killed.

Rep. Pistoria of District 36, Great Falls, commented on the 'dirty rotten Billings paper'. After all the papers in the state and what they have said about him, he wants to see this bill killed.

In closing, Rep. Garcia said that if a citizen is interested enough in what the county is paying, they can get it from the local courthouse. He hoped the committee would consider this bill.

DISCUSSION OF HOUSE BILL NO. 379: Rep. Brown asked Mr. Meloy if this requirement were removed is there any other requirement on the statute, and Mr. Meloy replied that it would require that all public writing should be open to inspection.

There being no further discussion, HB 379 was closed.

CONSIDERATION OF HOUSE BILL NO. 253: Rep. Sands, sponsor of the bill, was not in the committee room at this time, so Rep. Sales presented the bill for Rep. Sands. He said this bill is to increase the interest on delinquent property taxes to 1 1/4% per month and to assess a fee when taxes due are less than \$10.

PROPOSERS: Greg Jackson of the Montana Urban Coalition, said they would like to go on record as supporting this bill.

Gordon Morris, MACo, also stated they would like to go on record as endorsing Rep. Sands' bill as presented by Rep. Sales, as the 1 1/4 percent is reasonable.

Dick Michelotti, representing the Cascade County Treasurer's Association, said they are in support of this bill, HB 253, or HB 171. Delinquent taxes in their county for 1984 was \$1.6 million; 1983 delinquent taxes were \$1.3 million; 1982 delinquent taxes were approximately \$1/2 million; 1981 delinquent taxes were \$125,000, with less than 100 taxpayers involved; 1980 delinquent taxes were \$75,000 with less than 10 taxpayers involved. These are people who can afford to pay their taxes. Therefore, he asked for a Do Pass on HB 253 or 171.

Alec Hansen, Montana League of Cities and Towns, stated he is here on the issue of HB 171. If the committee wishes to approve either one of these bills (HB 171 or HB 253), they support either bill.

Chip Erdmann, of the Montana School Board, stated they support HB 253, or HB 171.

OPPOSERS: Rep. Paul Pistoria stated he was opposed to this bill.

Being no further discussion, Rep. Sales closed HB 253.

The committee then went into executive session for action on the bills, after a short break.

DISPOSITION OF HOUSE BILL NO. 373: Rep. Brandewie moved that HB 373 DO PASS, and this was seconded by Rep. Kitselman. Question being called for, HB 373 PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 612: Rep. Kitselman moved that HB 612 DO PASS, seconded by Rep. Fritz. Rep. Kitselman then moved the amendments, and this was seconded by Rep. Kadas. Lee Heiman, Counsel for the Committee, explained the amendments. Question being called for, the amendments PASSED UNANIMOUSLY.

Rep. Kitselman then moved that HB 612 DO PASS AS AMENDED, seconded by Rep. Fritz. Motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 625: Rep. Sales made the motion that HB 625 DO PASS, and this was seconded by Rep. Fritz.

Rep. Brandewie moved to amend page 2, line 14, and strike "including improvements thereon". Rep. Brandewie then withdrew his motion to amend.

Rep. Gilbert moved the amendment from Whitefish, where there is no frontage, and the lot touches no street, they can pick a part to be assessed. Rep. Pistoria stated this bothers him. Is this going to be based on frontage?

Rep. Sands said he doesn't understand why we need this amendment, because there are all kinds of assessment procedures to use. Items 1, 2, 3, 4, and 5 on page 2, lines 4 through 20,, only one has to do with frontage.

Rep. Wallin questioned Rep. Sands about the businesses that stretch city blocks and have two frontages where the back of the building faces one street and the front faces another. Do they get a double whammy? How about shopping malls that have only one street? Rep. Sands replied that if this bill passes, it is a new ballgame. Rep. Wallin then asked if it included improvements, would you be assessed twice if face both streets. Rep. Sands replied that if you used just the frontage, section 2, there would be no improvements. Rep. Wallin then stated that if #4 is used, you would be taxed twice, and Rep. Sands replied that it doesn't have anything to do with frontage. It would be up to the local authorities to choose the method.

Rep. Gilbert asked if this is considered to be creative taxing.

Rep. Brandewie stated he would like to explain why he wants to make the amendment. When improvements like sewer, water and pavements are added, those are improvements of the property itself, and it does not improve the house on it. It is wrong to allow for taxation of improvements. The increase in value is to the lot.

Rep. Sales asked Rep. Brandewie how he feels about the road improvements in the county, should the tax be only on the land and not on the improvements. Rep. Brandewie answered that he believes that the land when a road is paved would improve the value of the land, but not the value of the cabin on the land. It does not change the value of the improvements. Rep. Sales stated he feels differently.

Rep. Gilbert stated he wanted to withdraw his motion to amend.

Rep. Sands stated that now we are going to be basing the assessment on the value of the property itself. If this kind of assessment is used, it is for those properties that have a higher value that are going to bear a larger portion of the cost. He said he does not know how he feels about it. It does not have to do with improvements.

Rep. Kitselman said that in the county where he lives they are putting in a water system. The larger lots opposed it because of the assessments they have now.

Rep. Fritz stated he would like to move the Whitefish amendment, which allows the assessors to determine a frontage line on an interior piece of property. There is no way a frontage line can be applied except by area. Rep. Hansen seconded the Whitefish amendment, the entire amendment.

Rep. Gilbert asked if you still maintain subsection 1, 3, 4 and 5, which is a combination, can accomplish the Whitefish amendment. The key is #5 where the combination can be used.

Question being called for, the motion to amend HB 625 FAILED, as Rep. Hansen, Rep. Fritz, and Rep. Poff voted yes, and all other members no.

Rep. Sales' motion of DO PASS was voted on, after question being called for, and motion CARRIED, with Rep. Pistoria, Rep. Poff, Rep. Gilbert, Rep. Brandewie, Rep. Wallin and Rep. Brown voting no.

DISPOSITION OF HOUSE BILL NO. 379: Rep. Sales moved to DO PASS HB 379, and this was seconded by Rep. Kadas. Question being called for, HB 379 PASSED, with Rep. Fritz, Rep. Hansen, Rep. Pistoria, Rep. Brown and Chairman Darko voting no.

DISPOSITION OF HOUSE BILL NO. 253: Rep. Kadas moved that HB 253 DO PASS, and this was seconded by Rep. Gilbert. Rep. Wallin stated that we are under the assumption that everyone who is delinquent is borrowing money. He said he thinks 1% is how we should go.

Rep. Pistoria made a substitute motion of DO NOT PASS HB 253, and this was seconded by Rep. Brown.

Rep. Kadas said it isn't just people trying to make money who are doing this. It is the people who owe the most money. He said he thinks we should stick it to them.

Rep. Gilbert said that if a person is not financially able to buy land or whatever, they should not be buying anything, and if they can't pay their taxes, they shouldn't buy anything.

Rep. Brown said there are a lot of people who are down and out, and he didn't think the committee could pass either one of these bills.

Rep. Kadas said that instead of saying "requiring", put in "may".

Chairman Darko said that putting a limit on if people owe \$1,000 is discriminatory.

Rep. Sands said he understands that right now if a person wants to go out and get a commercial loan, he has to pay between 11% and 18%. A developer would have to pay 18% because of not having good credit. If the real problem is the developer who is using this, the percentage rate should be set at a realistic level. If someone has trouble paying taxes, there is a three year period. Something should be done about it and it should be set at a realistic level.

Rep. Brown said he sounds like he condones delinquent taxes, which he doesn't as he pays his taxes. He said he would vote for this when the economy is in good shape, but he won't vote for it now.

Rep. Wallin said that in addition to the penalty, there is 2% interest, and Rep. Sales asked if it was expected of the county to borrow money for 10%?

A Roll Call Vote was called for on Rep. Pistoria's motion of DO NOT PASS HB 253, and motion CARRIED on a 8 to 5 vote.

DISPOSITION OF HOUSE BILL NO. 171: Rep. Sales moved that HB 171 DO PASS, and this was seconded by Rep. Fritz. Rep. Brown then made a substitute motion of DO NOT PASS, seconded by Rep. Brandewie. Motion FAILED on a Roll Call Vote of 7 to 6. Motion was made to reverse to original motion of DO PASS.

DISPOSITION OF HOUSE BILL NO. 407: Rep. Kitselman moved to TABLE HB 407, seconded by Rep. Gilbert.

Rep. Kadas said this is a serious pollution problem for Missoula, and Helena is getting one. And now we are getting squeezed, the health department can't do anything about it, and this committee is not going to give us the option.

Rep. Kitselman's motion PASSED on a vote of 8 to 5.

Chairman Darko appointed a subcommittee to work on HB 277. She recommended Rep. Manuel's idea of having the person from New Mexico come and talk to the subcommittee, and then the subcommittee would decide if the bill should be sent back to the manufacturer. She appointed Rep. Gilbert as chairman, with Rep. Poff, Rep. Brown, Rep. Fritz, Rep. Sands and Rep. Sales to serve on the committee.

Chairman Darko told the committee HB 160 and HB 239 would be heard on Saturday.

There being no further business before the committee, the hearing adjourned at 6:45 p.m.



PAULA DARKO, Chairman

(Type in committee members' names and have 50 printed to start).

DAILY ROLL CALL

LOCAL GOVERNMENT COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date Feb. 7, 1985

NAME	PRESENT	ABSENT	EXCUSED
Paula Darko, Chairman	X		
Norm Wallin, Vice Chairman	<i>late</i> X		
Ray Brandewie	✓		
Dave Brown	<i>late</i> X		
Harry Fritz	X		
Stella Jean Hansen	✓		
Bob Gilbert	✓		
Mike Kadas	✓		
Les Kitselman	X		
Paul Pistoria	✓		
Bing Poff	✓		
Walter Sales	✓		
Jack Sands	X		
Dean Switzer	✓		

STANDING COMMITTEE REPORT

February 7, 19 35

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 625

FIRST reading copy (WHITE)
color

INCREASED ASSESSMENT OPTIONS FOR STREET MAINTENANCE DISTRICTS

Respectfully report as follows: That HOUSE Bill No. 625

DO PASS

STANDING COMMITTEE REPORT

February 7, 19 85

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 171

1st reading copy (white)
color

Increased interest on delinquent property taxes

Respectfully report as follows: That HOUSE Bill No. 171

~~DO PASS~~

STANDING COMMITTEE REPORT

February 7

1985

MR. ~~SPEAKER~~.....

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

having had under consideration HOUSE..... Bill No. 373.....

FIRST reading copy (WHITE)
color

DEFINING "ASSESSMENT BOOK"; INCLUDING COMPUTER SYSTEMS IN DEFINITION

Respectfully report as follows: That HOUSE..... Bill No. 373.....

DO PASS

STANDING COMMITTEE REPORT

February 7, 19 35

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 253

1st reading copy (white color)

Increasing interest on delinquent property taxes

Respectfully report as follows: That HOUSE Bill No. 253

DO NOT PASS

~~XXXX~~
DO PASS

STANDING COMMITTEE REPORT

.....February 7,..... 19 35.....

MR. SPEAKER:.....

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

having had under considerationHOUSE..... Bill No. 379.....

1st reading copy (white)
color

Optional publication requirements for county commissioners

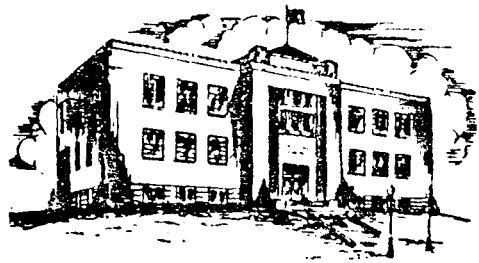
Respectfully report as follows: That.....HOUSE..... Bill No. 379.....

DO PASS

Exhibit
HB 379
2-7-8
Rep. Garcia

PENNY UNDERDAHL, Clerk of Court
JUDITH J. NEVINS, Treasurer
CORRINE MERHAR, Assessor
THELMA O. ROBERTSON, Co. Supt
JERRY MURRAY, Coroner
TONY LUNDA, Public Administrator
JAMES C. FARRAR, Justice of the Peace

TOM SHERRARD, Chairman
J.G. GOTTFRIED, Commissioner
HARRY A. SIMONS, Commissioner
AE KALBFLEISCH, County Attorney
ELIZABETH MUNSON, Clerk and Recorder
VERN L. ANDERSON, Sheriff



COUNTY OF TOOLE

SHELBY, MONTANA

January 25, 1985

State Representative Rodney Garcia
Capitol Station
Helena, Montana 59620

Thank you for sponsoring HB379, a long needed change for County printing.

I have always felt that counties have been penalized under Section 7-5-2123, when school districts and cities and towns are exempt and all these entities keep a complete record for public inspection.

Our local county newspaper, The Shelby Promoter, gave me the following information on their circulation; January 25, 1985.


	2500 copies per week
approximately	500 out of County
"	500 out of State.

These figures indicate that we are paying for nearly half of our proceedings for non residents who may not be tax payers or registered voters.

The average cost of printing our proceedings for several months has been about \$360.00 per month, and a summary would cost about \$50.00 per month.

You have my permission to reproduce this testimony for hearing purposes and distribution to other legislators.

Thank you,


Tom Sherrard, Toole County Commissioner

TS/em

COMMISSIONER PROCEEDINGS

September, 1984, Session

Cost \$492.00
Exhibit 2
HB 319
2-7-85

The Board of County Commissioners of Yellowstone County, Montana, met in regular session on September 4, 1984, and held 14 meetings. The Board attended various meetings and conferences in the best interest of Yellowstone County.

The Board executed the following: Certification Form re Revenue Sharing; appl. for approval on bldg. Worden Library; Inv. to Bidders, Custer Disp. Site; Resol. re open burning; Resol. calling for Gen. Obligation Bond Election; Resol. transferring money to RSID Fund Acct. #2300; leases with Billings Sewer Service; Burial Agreement; Software license agreement; Resol. & Notice RSID #628; Resol. of Intent to Sell Real Prop. & Notice of Intent to Sell; Inv. to Bidders, Crossing the Big & Snow Ditch; agreement with School District #2; Proclamation - Medial Services Week; Resol. of Intent to Amend Zone Change #365, 66, 67; ltr. author. & direct. Finance Dept. to pay salary increases to employees not included in MPEA bargaining unit; Gen. Status Inquiry from Ind. Indemnity Co. re YE/Horse Barn; documents re Centel Communications System; Proclamation Crime Prevention Week; Resol. Amending Zone Change #364;

The Board approved the following: Minutes of 8/27, 29, 30/9/4, 5, 6, 10, 11, 12, 13, 17, 18, 19, 20; Appt. of Sydney Olson to Western Heritage Ctr. Bd; Cancel Deling. 83 per. prop. tax on 2004776; formal offer to purchase prop. by City of Bigs.; partition wall in Judge Holmstrom's office; C/S #2084; Final Plat, Yurian Sub.; promotion for Paula K. Hoff; DUI Grant Program; additional phones for CC Health; Quiet Title prop. to be sold; promotion of Judy Tuomi; change order for door, Western Heritage Ctr; HKM proposal for const. engineering on 3 bridges; employment of Kelly Services for elections; bid award to Koebbe Const. for Custer Container Disp. Site; waiver of pen. & int. on Rimrock Inn for 81-84; assessment error & refund to the Barta's;

The Board approved the following leaves & absences: Robert Henschel to Casper, WY; Sheriff - R. Ross & S. Damon to Anaconda, MT; Sheriff - Seth Weston Jr. to Valley City, ND; F. Director - Karen Weissner to Helena, MT; Sheriff - Bill Cummins to Valley City, ND; James Kraft to Livingston, MT; Planning - Ron Wenger to Whitefish, MT; Election - denied - P. J. Zelle in Blgs.; Co. Atty. Harold Hanser to Bozeman - denied; N. H. - Mary Jean Duncan to Helena, MT; Schools - H. C. Christiansen to Helena; Sheriff - D. Enger, T. Jessee & B. Cummins to Bozeman, MT; Sheriff - J. Pratt & Marj. DeClark to Bozeman, MT; Sheriff - Chuck Newell to Los Angeles, CA; Fin. Director - J. Thomas to Great Falls, MT;

The Board approved the following personnel requests; Resignations - Ext. Serv. - S. Howland & D. Petterson; N.H. - appt. Lorretta L. McGarvin; N.H. - Linda Moberly; Sheriff - temp. change David Organek; District Ct. - William F. Hooks; Judge Barz - D. Camille Thomas;

The Board approved the following request to expend & claims: RSID #621 - Jim's Excavating, \$1,500; appl. & ctf for pmt #1, Wagner Mechanical \$8,910 & Misc. Tax Receipts \$90; Make-up Heat & Air; Sheriff - Uniform Expense - \$1,800; Surveyor - Survey Instrument, \$2,870; Personnel Director - membership dues, \$20; RSID #627, change order \$780; Make-up heat & air, prof. services by Con'eer Engineering, Inc. \$624; RSID #588, HKM prof. fees \$8,921.44; RSID's #122 & #79, Jim's Excavating, \$145 & \$2,399.98 resp.; Horse Barn, Collaborative Design for architectural services \$9,203.50; Breakout Rooms, Foss Assoc. for architectural services \$266; Horse Barn, pmt #3 to Volk Construction \$58,899.55 & Misc. Tax Receipts of \$594.95; RSID #627 - various pmts to Long Const. Co., Misc. Tax Receipts, Moulton, Bellingham, Longo & Mather, Cashell Engineers & Y. Stone Co. Administrative; RSID #591 - Jim's Excavating, \$300; Horse Barn, Volk Const., \$150,322.29, Misc. Tax Receipts, \$1,517.51; Breakout Rooms, pmt #5 to Spildie Const. \$25,322.22 & Misc. Tax Receipts \$255.78; Judge Homstrom, Sony handheld micro-cassette dictator \$289; Sheriff - 1981 Chevy Malibu, \$5,100.

The Board took the following action: ltr to Lyle Kimble requesting relocation of 2 trailers; appt. of joint inspection team in re diversion dam; request & recommendation for providing space for 5th Judge; grant application for funds to improve Harris Park, Land & Conservation Fund to Jim Kraft for completion; appointment of Dave Gorton & G. Todd Baugh as Acting Justice of Peace at various times; cancel meeting of 9/27/84.

Board adjourned September 26, 1984.

Complete minutes and description of claims are on file in the Clerk & Recorders Office and may be inspected by the public at any time during regular office hours.

Approved: The Board of County Commissioners

Attest: Merrill H. Klundt, Clerk & Recorder

28534	Ann Carlson	302.50	28332	Birken/ADT	24.00
28534	Various contracts	5,800.00	28320	James L. Kraft	38.13
28526	Alice Burford	120.00	28497	IBM Corp.	109.50
28529	Sharon Hatfield	489.00	28402	Western Office Equip.	31.00
28525	Health Care/Woman	500.00	28341	F & E Check Protection	72.50
28375	Norwest	2,250.00	28548	Eva Allen	250.00
28443	Gillis Aviation	120.00	28510	Smith Funeral Chapels	250.00
28418	Corporate Air	581.25	28324	Emil Fried	250.00
28517	Levere & Mary Rouden	7.50	28335	Carol L. Davis	150.00
28001	State Comp. Inc.	12.74	28418	ZERS	165.49
28455	Leon D. Ving	30.00	28593	Fengad	25.83
28456	John C. Roan	80.00	28561	T. Stone Valley Personnel	20.00
28315	Kun Soopers	135.00	28552	Becker's Glass Shop	86.00
28314	Steve Brewster	450.00	28620	T. Stone Valley Elec.	15.12
28385	Jim's Excavating Service	1,500.00	28603	Sportsman's Supply Inc.	228.29
28323	Yellowstone Valley Elec.	17.36	28665	Sportsman's Supply Co.	1,425.98
28439	City of Laurel	234.00	28581	Montana Cartridge Co.	181.70
28326	A-1 Landscaping	3,960.00	28596	Skaggs Companies	476.88
28396	Billings Pipe & Pump	81.73	28565	Brown Swiss Milk Co.	719.40
28395	Sharpening Service	36.00	28564	Continental Kell	2,413.80
28394	Van's Interact	175.80	28634	Zee Medical Services	72.81
28393	Lakeshore Markers	57.65	28551	Automotive West	86.24
28392	Yellowstone Valley REA	16.08	28585	Montana Power Co.	32.25
28462	Hanser's Automotive	371.48	28555	Burroughs Corp.	1,874.38
28463	& L Service	157.37	28588	Montgomery Elevator	90.00
28515	Yellowstone Valley Prop.	1,050.35	28614	Nelen Bryson	250.00
28516	Refunds	103.00	28399	Volk Construction	150,233.29
28453	Refunds	118.50	28364	Misc. Tax Division	1,517.51
28451	Refunds	205.49	28459	Sunnyside Library	10,000.00
28452	Refunds	152.00	28387	Spildie Construction	25,228.22
23502	Laurel Coop. Assn.	19.00	28363	Misc. Tax Div.	255.78
28487	G.M. Petroleum	567.60	28408	Baumgartner MFG.	4,375.03
28427	G.M. Petroleum	8,809.65	28467	Vagners Mechanical	8,910.00
28011	Mountain Motor Supply	196.00	28444	Misc. Tax Div.	90.00
28508	Midnight Upholstery	96.00	28434	IBM Corp.	97.00
28507	Midland Dodge Inc.	111.91	28547	U. S. Post Office	600.00
28504	Lockwood Auto & Truck	30.00	28476	The Billings Times	344.13
28503	Lawson Products	146.18	28412	City of Billings	3,575.65
28508	Interstate Tire Treads	1,176.41	28443	Montana Power Co.	10.00
28496	Inland Truck Parts	55.00	28401	Watchcon	2,980.00
28494	Industrial Plating	134.75	28403	Weed Control	35.10
28491	Hines Motor Supply	396.65	28299	Midland Implement	87.28
28491	Hall-Perry Machinery	2,257.72	28339	Water Dist. - Heights	46.50
28488	Generator & Starter	108.60	28442	Montana Power	6.95
28486	Frontier Chevy	9.42	28277	AT&T	13.76
28480	Firestone Tire	2,121.96	28554	The Billings Gazette	93.66
28479	Fischer Chevrolet	48.82	28599	Public Utilities Dept.	12.44
28425	Fasceners	7.02	28574	Kenco Enterprises	32.50
28422	Cummins Power Inc.	170.80	28321	Estimation Services	148.63
28417	Capital Glass	43.65	28364	High Ditch Co.	10.00
28413	Bigs. Machine & Welding	442.00	28329	Big Ditch Co.	10.00
28409	Berkley Equipment	70.48	28501	Kasper's	6.95
28328	Bearings Supply	150.23	28464	Valley Motor Supply	188.57
28286	Bigs. Pipe & Pump	17.40	28400	Glen Hertz	4.72
28280	Battery House	324.34	28362	Montana Radiator	248.45
28279	L. P. Anderson Tire	150.00	28360	Montana Power Co.	7.97
28276	Alomite	44.27	28306	Mountain Bell	43.24
28271	AC Industrial Equip.	2,009.44	28303	Montana Power Co.	8.69
28423	Dyna Systems	27.68	28281	Battery House	48.47
28422	Yellowstone Valley Elec.	30.32	28278	AT&T	4.21
28409	Public Utilities Opt.	30.32	28297	Harris, Morin & etc.	6.50
28400	Montana Dakota Utilities	204.54	28400	West Specialties	178.00
28395	Mountain Bell	32.58	28531	Joy Hettlinger	80.00
28394	Public Utilities Opt.	53.82	28533	Debra Haines	826.20
28449	P.B. Thomas	19.20	28532	Jeanne Valles	854.92
28442	Henry's Safety Supply	6.90	28542	Agnes Low	502.15
28416	Brucio, Inc.	165.69	28541	Big Horn County	130.23
28490	Empire Printing	85.25	28386	North Carbon	1,842.04
28474	A-1 Welding Products	14.00	28540	North Carbon	1,805.75
28475	Advanced Electronics	279.70	28539	Rhus Gibbs	540.67
28460	St. Northern Pool	73.80	28322	Rosemary Shepard	139.41
			28538	Olga Blanchard	22.54

28465	Video Vision	25.00	28537	Christine Hunt	1,045.05
28465	J & A Insurance	87.50	28536	Rosemary Shepard	216.45
28465	Hornal	624.98	28535	Sarah Lobeck	198.00
28465	Clarence Catering	12.38	28534	Nat'l Assoc. for Home	275.00
28465	Ind. Tool & Repair	299.95	28533	Lil Bell	407.00
28465	Marvin & Assoc.	2,450.00	28532	Merleus Institute	168.00
28465	Holness-Labar Ins.	45.00	28531	Laura Lacey	222.34
28465	Empire Printing	56.12	28530	Montana State Univer.	8.50
28465	The Office Center	4.76	28529	Janet Tebay	189.00
28465	Empire Printing	38.67	28528	Burt Kilbourne	847.00
28292	PERS	34,322.45	28438	E-Marc Store	44.91
28293	Sheriff's Retirement	6,592.48	28437	Black Otter Travel	2,415.00
28294	Lincoln Nat'l Life Ins.	7,736.13	28436	Hager Brothers Eggs	105.00
28404	Building Codes Div.	193.00	28435	Y-stone Beef Products	708.37
28357	Midland Office Equip.	178.53	28434	Interstate Brands	378.10
28360	Empire Printing	138.07	28433	Gamble Robinson Co.	1,717.62
28375	The Billings Times	21.00	28500	K-B Chemical Co.	1,047.15
28308	Porte Publishing Co.	96.00	28399	William Ceton	100.00
28377	Attorney Gen. Opinion	24.00	28428	Glitte Aviation	555.00
28397	The Troit Printing	15.00	28389	Michael K. Bloom	124.00
28347	Imperial Data Supply	38.25	28384	Jan Hansen Barry, RPR	147.00
28334	Bonar Office Supply	25.25	28383	Shannon Jo Smith	373.50
28514	Pitney Bowes	112.50	28406	American Business Mach.	17.50
28509	Montana State Treasurer	6,032.00	28489	West Publishing Co.	825.00
28288	Empire Printing	42.52	28372	Professionals Education	225.00
28295	Empire Printing	101.89	28289	Empire Printing	47.23
28305	Mountain Bell	121.32	28370	Nat'l Judicial College	22.00
28419	Command Services Corp.	31.50	28505	Billings Radiology	40.00
28544	Spic & Span Cleaners	15.00	28355	Psychology Consultants	1,000.00
28352	The Lock Shop	12.00	28354	Medians	177.00
28342	Fischer's Inc.	18.00	28330	Big Sky Beeper	4.70
28431	Hanser's Mucker	85.00	28347	Smith Funeral Chapel	75.00
28420	Conoco, Inc.	111.35	28366	Dahl Funeral Chapel	75.00
28391	Sheriff's Office	520.00	28283	Big Sky Linen Supply	64.35
28349	Jet Photo Labs	61.24	28546	Trois Printing	13.50
28437	Kasper's Photo Shop	105.42	28543	Shipton Supply Co.	42.70
28421	Corporate Air	1,585.03	28446	Wesco	414.15
28512	Mountain Bell	132.04	28319	Sound Ideas	339.57
28410	Big Sky Beeper Co.	86.03	28282	Berkley Equip.	15.00
28430	Goodyear Auto Service	1,986.36	28471	Yellowstone Natl. Elac.	9.65
28432	Hittins Motor Supply	180.29	28368	Mountain Bell	31.08
28468	Walters Inc.	147.00	28331	Billings Gazette	26.00
28429	Glas-Weld Systems	25.00	28411	The Billings Times	15.60
28418	The Chassis Works	140.00	28345	IN Co.	258.07
28388	Town & Country GMC	6.57	28440	Market Basket Store	52.00
28371	O'Donnell Fire Service	22.95	28489	M. W. Grain, Inc.	185.47
28407	Battery House	78.58	28473	ATAF	11.50
28335	Brown's Auto Service	32.00	28448	Project Telephone Co.	75.00
28450	Brad Ragan, Inc.	106.35	28158	Probation Office	1,140.00
28454	Rice Motors	317.56	28255	Health Dept.	947.43
28345	Henry's Safety Supply	82.58	28253	Health Dept.	27,468.34
28142	Justice Court Fees	18.51	28254	Craig Mueller	201.36
28161	Jim Nixon	36.90	28163	Metra	2,225.41
28260	James Potter	48.38	28116	Weed Control	2,058.65
28139	Burroughs Corp.	739.00	28234	Steve Sampson	2,116.13
28171	Big Sky Data System	9,409.17	28192	K-B Chemical	14.20
28138	Burroughs Corp.	515.07	28232	Y-stone Paper Co.	97.12
28258	Creath Toolery	431.11	28212	The Office Center	61.44
28257	Kensel S. Slavons	315.00	28174	Communication Services	130.00
28191	K-B Chemical	68.00	28035	Ronald J. Orman, M.D.	16.00
28217	Skaggs Drug Center	59.83	28031	M.E. Hadenius, DDS	93.00
28238	The Billings Times	435.60	28030	Billings Clinic	74.00
28247	The Billings Gazette	821.24	28029	Deaconess Hospital	208.00
28049	Law & Psychology Press	95.50	28021	Credit Service Co.	216.00
28162	Road Dept.	32.65	28019	Billings Workshop	100.00
28193	K-B Chemical Co.	372.53	27932	U.S. Water News	259.53
28128	Wesco	80.68	27917	American Dietetic Assoc.	28.00
28090	The Lock Shop	24.15	27980	Property Management	9.30
28269	Wagner's Mechanical	169.75	27973	Montana Power Co.	315.00
28268	Wagner's Mechanical	141.25	27973	Montana Power Co.	315.00
28074	Aldrich & Company	136.00	27973	Montana Power Co.	315.00
28167	ATAF	19.27	27973	Montana Power Co.	315.00
28106	ATAF	36.03	27973	Montana Power Co.	315.00
28099	Montana Dakota	733.73	27973	Montana Power Co.	315.00
28159	Educational Week	19.97	27973	Montana Power Co.	315.00
28147	Office Center	12.86	27973	Montana Power Co.	315.00
28143	State of Montana	4.00	27973	Montana Power Co.	315.00
28137	Bell & Howell	142.00	27973	Montana Power Co.	315.00
28136	A-B Dick Products	123.05	27973	Montana Power Co.	315.00
28190	IBN Corp.	105.00	27973	Montana Power Co.	315.00
28146	Dynalid E. Elde	250.00	27973	Montana Power Co.	315.00
28144	Smith-Cashmore Funeral	250.00	27973	Montana Power Co.	315.00
28172	Billings Gazette	151.20	27973	Montana Power Co.	315.00
28220	Saint Publications	40.00	27973	Montana Power Co.	315.00
28161	Rick Benzel	72.40	27973	Montana Power Co.	315.00
28085	B.M. Petroleum	493.50	27973	Montana Power Co.	315.00
28210	Norton Star Body & Trailer	731.60	27973	Montana Power Co.	315.00
28203	The Animal Hospital	37.00	27973	Montana Power Co.	315.00
28080	Communication Services	2,282.36	27973	Montana Power Co.	315.00
28195	Keefe Coffee & Supply	97.50	27973	Montana Power Co.	315.00
28120	Edward's House of Vac.	97.25	27973	Montana Power Co.	315.00
28091	Dr. T.H. Pfister	330.00	27973	Montana Power Co.	315.00
28267	Custer Vol. Fire Dept.	3,432.00	27973	Montana Power Co.	315.00
28266	Huntley Vol. Fire Dept.	1,864.00	27973	Montana Power Co.	315.00
28265	Molt Vol. Fire Dept.	2,196.00	27973	Montana Power Co.	315.00
28264	Shepherd Vol. Fire Dept.	3,208.00	27973	Montana Power Co.	315.00
28263	Warden Vol. Fire Dept.	5,000.00	27973	Montana Power Co.	315.00
28204	Moore Lane Vet. Hospital	56.00	27973	Montana Power Co.	315.00
28207	Smith Funeral Chapel	150.00	27973	Montana Power Co.	315.00
28145	Smith Funeral Chapel	75.00	27973	Montana Power Co.	315.00
28216	The Office Center	715.17	27973	Montana Power Co.	315.00
28173	Bonar Office Products	194.34	27973	Montana Power Co.	315.00
28229	Y-stone Office Supply	88.80	27973	Montana Power Co.	315.00
28270	Willis Sales Co.	17.60	27973	Montana Power Co.	315.00
28262	Viking Office Products	500.63	27973	Montana Power Co.	315.00
28106	Perrin Oil & Parts	69.43	27973	Montana Power Co.	315.00
28271	Auditor	19.13	27973	Montana Power Co.	315.00
28224	Road Dept.	183.15	27973	Montana Power Co.	315.00
28097	Midland Materials	5,294.70	27973	Montana Power Co.	315.00
28078	Conex	37,076.75	27973	Montana Power Co.	315.00
28079	Conoco	15,403.10	27973	Montana Power Co.	315.00
28205	Montana Dakota	10.00	27973	Montana Power Co.	315.00
28233	Zee Medical Service	59.98	27973	Montana Power Co.	315.00
28109	Peter Yrnan, Jr.	5,186.25	27973	Montana Power Co.	315.00
28228	Westcham	750.00	27973	Montana Power Co.	315.00
28227	Western Equip. Co.	32.34	27973	Montana Power Co.	315.00
28211	Northland Steel	101.50	27973	Montana Power Co.	315.00
28178	Eason Co.	122.94	27973	Montana Power Co.	315.00
28175	Communication Services	72.00	27973	Montana Power Co.	315.00
28206	MDU	12.99	27973	Montana Power Co.	315.00
28130	Road Dept.	33.43	27973	Montana Power Co.	315.00
28179	Don & Roberta Fried	78.26	27973	Montana Power Co.	315.00
28226	United Travel Service	215.00	27973	Montana Power Co.	315.00
28209	Mountain View School	68.30	27973	Montana Power Co.	315.00
28202	Richard M. Agoate, PhD	140.00	27973	Montana Power Co.	315.00
28201	Mental Health Center	50.00	27973	Montana Power Co.	315.00
28198	N.G.T., P.C.	243.75	27973	Montana Power Co.	315.00
28196	Greenwood Bus Lines	114.90	27973	Montana Power Co.	315.00
28096	Greenwood Bus Lines	11.90	27973	Montana Power Co.	315.00
28215	Hon. Nat. Allen	95.00	27973	Montana Power Co.	315.00
28131	Y-stone Office Supply	65.00	27973	Montana Power Co.	315.00
28014	Planned Parenthood		27973	Montana Power Co.	315.00
27994	Laurie Townsend	1,612.99	27973	Montana Power Co.	315.00
28001	Faulette Rankin	123.75	27973	Montana Power Co.	315.00
28000	Alan Strake	123.75	27973	Montana Power Co.	315.00
28003	Sym	507.76	27973	Montana Power Co.	315.00
28005	Remarkable Products, Inc.	12.50	27973	Montana Power Co.	315.00
28002	Midland Office Equip.	14.95	27973	Montana Power Co.	315.00
28009	Knitting Medical	36.00	27973	Montana Power Co.	315.00
28001	State Medical Supply	782.51	27973	Montana Power Co.	315.00
28004	Ucoo Bros.	102.00	27973	Montana Power Co.	315.00
28016	American Sharecom	13.77	27973	Montana Power Co.	315.00
28008	Ricker Pharmacy	27.77	27973	Montana Power Co.	315.00
28033	Eastern Radiological	1,079.11	27973	Montana Power Co.	315.00
28032	Health Care/Amson	1,400.00	27973	Montana Power Co.	315.00
28037	Orthopedic Assoc.	200.00	27973	Montana Power Co.	315.00
28036	AT&T	100.00	27973	Montana Power Co.	315.00
28035	AT&T	100.00	27973	Montana Power Co.	315.00
28034	AT&T	100.00	27973	Montana Power Co.	315.00
28033	AT&T	100.00	27973	Montana Power Co.	315.00
28032	AT&T	100.00	27973	Montana Power Co.	315.00
28031	AT&T	100.00	27973	Montana Power Co.	315.00
28030	AT&T	100.00	27973	Montana Power Co.	315.00
28029	AT&T	100.00	27973	Montana Power Co.	315.00
28028	AT&T	100.00	27973	Montana Power Co.	315.00
28027	AT&T	100.00	27973	Montana Power Co.	315.00
28026	AT&T	100.00	27973	Montana Power Co.	315.00
28025	AT&T	100.00	27973	Montana Power Co.	315.00
28024	AT&T	100.00	27973	Montana Power Co.	315.00
28023	AT&T	100.00	27973	Montana Power Co.	315.00
28022	AT&T	100.00	27973	Montana Power Co.	315.00
28021	AT&T	100.00	27973	Montana Power Co.	315.00
28020	AT&T	100.00	27973	Montana Power Co.	315.00
28019	AT&T	100.00	27973	Montana Power Co.	315.00
28018	AT&T	100.00	27973	Montana Power Co.	315.00
28017	AT&T	100.00	27973	Montana Power Co.	315.00
28016	AT&T	100.00	27973	Montana Power Co.	315.00
28015	AT&T	100.00	27973	Montana Power Co.	315.00
28014	AT&T	100.00	27973	Montana Power Co.	315.00
28013	AT&T	100.00	27973	Montana Power Co.	315.00
28012	AT&T	100.00	27973	Montana Power Co.	315.00
28011	AT&T	100.00	27973	Montana Power Co.	315.00
28010	AT&T	100.00	27973	Montana Power Co.	315.00
28009	AT&T	100.00	27973	Montana Power Co.	315.00
28008	AT&T	100.00	27973	Montana Power Co.	315.00
28007	AT&T	100.00	27973	Montana Power Co.	315.00
28006	AT&T	100.00	27973	Montana Power Co.	315.00
28005	AT&T	100.00	27973	Montana Power Co.	315.00
28004	AT&T	100.00	27973	Montana Power Co.	315.00
28003	AT&T	100.00	27973	Montana Power Co.	315.00
28002	AT&T	100.00	27973	Montana Power Co.	315.00
28001	AT&T	100.00	27973	Montana Power Co.	315.00
28000	AT&T	100.00	27973	Montana Power Co.	315.00
27999	AT&T	100.00	27973	Montana Power Co.	315.00
27998	AT&T	100.00	27973	Montana Power Co.	315.00
27997	AT&T	100.00	27973	Montana Power Co.	315.00
27996	AT&T	100.00	27973	Montana Power Co.	315.00
27995	AT&T	100.00	27973	Montana Power Co.	315.00
27994	AT&T	100.00	27973	Montana Power Co.	315.00
27993	AT&T	100.00	27973	Montana Power Co.	315.00
27992	AT&T	100.00	27973	Montana Power Co.	315.00
27991	AT&T	100.00	27973	Montana Power Co.	315.00

28182	Darigold Farms	552.95	28073	Lesley Harris	252.00
28180	O'Donnell Turkey Farm	170.50	28043	Midland Office Equip.	191.00
28185	Interstate Brands Corp.	109.10	28065	The Office Center	36.08
28184	Gambie Robinson Co.	1,594.73	28010	Road	273.60
28186	Kyana, Inc.	29.26	28020	Conoco, Inc.	60.52
28181	Continental-Kell, Inc.	1,866.45	28041	Nidas	44.95
28176	Culligan	110.00	28027	Kirk's Upholstery	35.00
28187	Robert P. Gistrap	2,000.00	28028	Lewis & Clark Co.	2,000.00
28197	Lystads, Inc.	52.23	27968	MT Assoc. of Counties	7,000.00
28200	Maxine's Cleaning Serv.	3,250.00	28065	United Travel Service	176.00
28239	Braun Engineering Testing	2,202.90	27992	Lou Babovich	460.00
28230	Metra	32.72	27888	American Bar Assoc.	22.00
28140	Carpenter Paper Co.	1,742.50	27619	Juror & Witness fees	165.13
28151	Refunds	156.39	28076	Witness Fees	1.00
28153	Refunds	57.33	27620	Witness Fees	12.15
28154	Refunds	204.71	28003	United Travel Service	519.00
28155	Refunds	60.50	27993	Mort McMain	233.50
28152	Refunds	52.00	27975	Ponderosa Inn	140.00
28150	Refunds	178.50	27965	Billings Sheraton Hotel	86.55
28149	Refunds	120.33	27978	Project Telephone Co.	21.34
28136	Refunds	25.00	28068	Western Office Equip.	199.00
28133	Refunds	35.00	27894	Farwest Micrographs	1,169.00
28132	Refunds	35.00	27991	Perrell H. Klundt	219.45
28002	Montana Power Co.	50.00	27903	Attorney General's Office	25.00
28127	Tillitt Insurance	200.00	28022	Davidson, Vander, et al	1,562.55
28160	Farmer's Union Oil	436.00	27847	IBM	1,676.44
28156	Frank Samson	130.00	27911	Selover Buick	1,498.63
28157	Frank Samson	350.00	27817	Honeywell, Inc.	59.50
28219	John L. Connell	600.00	28005	Carl Weissman	26.04
28597	Public Utilities Dept.	450.00	27920	Glacier St. Electric	430.24
28698	Spectrum Press	6,337.86	27986	Shipcon Supply Co.	42.05
28597	Security Equipment	2,334.45	27930	Rayco Ideas	57.95
28652	K & L Construction	1,402.50	27990	Stuart's House of Vacuums	199.50
28315	Gregory K. Todd	3,000.00	28009	Y. Stone Electric Co.	49.70
28608	The Billings Times	15.60	28008	Y. Stone Electric Co.	105.75
28317	Damon L. Gannett	2,274.00	27844	Carpenter Paper Co.	353.50
28414	Birken/ADF	33.00	27880	Shipcon Supply Co.	27.97
28580	Yell. Psychological Serv.	360.00	27848	The Lock Shop	35.35
28426	Don & Subota Frd-I	30.00	27949	Lystads Pest Control	64.50
28598	United Travel Service	802.00	27933	Vasco	163.26
28549	Soc. & Rehab. Service	89,365.06	27855	Y. Stone Valley Electric	6.65
28573	Kasper's Photo Shop	95.34	27972	Montana Power Co.	4,552.01
28607	The Billings Times	15.60	27976	Public Utilities Dept.	841.08
28618	Yell. Co. Resource Dpt.	46.75	27868	Project Telephone Co.	75.00
28596	Montana Power Co.	609.46	27862	Mountain Bell	121.32
28578	MCS Office Products	42.95	27879	Salby's	319.07
28415	Birken/ADF	96.00	28064	H.C. Christiansen	172.93
28470	Yell. Office Supply	433.08	27982	Sylvia M. Farman	252.60
28576	Lye, Ada, Inc.	47.74	27918	Arccat Printers	10.76
28445	Mountain Bell	1,998.57	27916	Adco Office Systems	118.74
28405	AT&T Inf. Systems	1,261.09	27897	IBM	105.00
28351	Kreiser Surgical, Inc.	460.61	27912	IBM	104.50
28373	Ricker Pharmacy	455.35	28004	Frad Fahrenbruch	250.00
28447	PM Manufacturing	59.40	27904	Dahl Funeral Chapel	250.00
28353	Lumco Faucet Repair	18.50	27818	Imperial Data Supply	187.13
28336	Coast to Coast Stores	75.11	27811	Dixon Paper Co.	238.07
28287	Montana Health Care	580.00	27811	Billings Engraving Co.	9.00
28441	Montana Dakota Utility	524.87	27844	Shoritt's Dept.	91.14
28302	Montana Power Co.	832.40	27919	Conoco, Inc.	107.24
28255	Water Dist. - Heights	395.61	27883	Road Dent.	2,358.58
28256	D & P Sanitation	80.00	27867	Kasper's Photo Shop	12.98
28307	Ricker Pharmacy	162.25	27834	St. Vincent Hospital	588.25
28458	Steiner Corp.	3,145.63	27814	Don's Car Wash	94.00
28436	K-B Chemical Co.	66.08	27812	Con Agre	56.43
28622	Xerox Corp.	59.76	27842	City of Billings	15,051.50
28621	Xerox Corp.	66.21	27816	Footitt & Assoc.	1,329.30
28619	Yellowstone Paper Co.	114.50	27821	K-Marc Store	7.27
28600	Reporter, Inc.	76.82	27889	Big Horn Co. Ck & Rec.	448.00
28571	Imperial Data Supply	18.80	27911	United Laboratories	281.16
28555	Big Sky Linen Supply	327.26	27833	Deaconess Hospital	1,346.16
28575	K-B Chemical Co.	515.42	27915	NK Freight System	10.10
28616	Yellowstone Electric	21.00	27926	Pine Hill Country Store	73.71
28615	Carl Weissman	12.00	27849	Market Basket Store	30.00
28613	United Building Center	64.98	27923	Journal of Civil Defense	118.80
28609	Ted's Electric Service	19.00	27860	Mountain Bell	242.49
28606	Steele Chemical Mfg.	458.48	27659	Montana Power Co.	32.25
28604	Shipcon Supply Co.	361.00	27841	AT&T	12.50
28589	Mountain Motor Supply	20.00	27925	Madlars	177.00
28572	Johnstone Supply	42.77	27924	Pathology Consultants	775.00
28569	Great Northern Tool	36.90	27891	Bomg Office Products	54.40
28567	General Electric Supply	20.71	28025	Eastern Coal Counties	7,693.28
28563	Fasceners, Inc.	146.27	27873	Rocky Mountain Machinery	2,363.46
28562	Electronic Supply Co.	38.22	27845	Gomera Inc.	728.71
28560	D & L Lock	10.00	27838	Wastat Tractor	2,638.03
28550	ABCO Supply, Inc.	26.11	27837	Valley Motor Supply	351.62
28566	Frontier Chevrolet	46.00	27822	Laurel Co-operative	17.06
28595	Petrolane Gas Service	82.30	27861	Mountain Bell	96.41
28602	Rimrock Tire Co.	150.00	28017	Burlington Northern	167.37
28611	Travel Shoppe	97.35	28052	Joanne Packa	50.00
28612	August Mileage	17.00	28067	William B. Vincent	500.00
28623	Xero Copy Center	28.40	27857	Midland Materials	5,890.95
28598	Public Utilities Co.	923.94	27974	Social & Rehab. Services	68,434.04
28584	Montana Power Co.	6,137.71	27977	Public Utilities Dept.	178.36
28583	Montana Power Co.	1,148.97	27963	AT&T	1,329.30
28582	Montana Dakota Utilities	779.18	27989	Star Office Machines	39.00
28610	Thermal Supply	388.81	27971	Midland Office Equip.	15.00
28601	Rimrock Tire Co.	476.00	27843	Braun Engineering	850.00
28594	Petrolane Conversion Ctr.	25.00	27958	Midland Materials	644.00
28592	Overhead Door Co.	35.50	27914	Western Equip.	207.00
28591	Northwest Pipe Fittings	14.72	27901	Midland Implement	22.49
28579	MacOn Supply Inc.	576.64	27896	Gallie Filter Service	32.21
28568	M.W. Grainer	72.63	27895	Frontier Chevrolet	17.07
28551	Columbia Paint Co.	125.96	27890	Big Sky Tire Supply	70.00
28557	Clark Electric Motor	215.40	27902	Montana Power	7.43
28556	Burtomas Trans Service	30.90.97	27905	Skaggs Drug Center	29.00
28587	Montgomery Elevator Co.	198.11	27836	Probation Office	353.24
28577	Lystads	254.47	27881	Hon. Wm. J. Speare	910.00
28529	D & F Sanitation Service	18.00	27988	Star Office Machines	30.00
27981	Allen Beck	2,666.35	27982	Terry L. Seiffert	2,293.40
27981	Lynn T. Jones	69.60	28014	Gary E. Wilson	2,422.00
27893	Cumia Associates	4,025.00	27984	John L. Adams	2,274.00
27985	Salby's	47.30	27912	Health Dept.	1,810.50
27964	Blus. Blue Print Co.	9.80	28023	Droste's	15.00
28007	Highway Dept.	153.10	28051	Quill Corp.	42.74
28062	Soundview Executive Book	59.50	28060	George F. Sheckleton, M.D.	557.96
28046	The Office Center	1,376.17	28059	Ricker Pharmacy	119.14
28013	George F. Sheckleton, M.D.	2,083.33	27910	Olga Blanchard	168.37
27937	Alan Strange	2,083.33	27909	Sarah Lobeck	18.31
28047	Fay 'N Save Corp.	37.57	27908	Rhua L. Gibbs	469.88
28044	Nat'l Chemicals	51.40	28066	Vezey Repairs	160.00
28006	Road Dept.	599.31	28054	Incresearch Engineering	672.00
27998	Lou Ladam	78.75	28047	Merck Sharp & Dohme	132.30
28018	City of Billings	10,419.00	28039	Health Care/Women	450.00
			27939	Debbie Jasepp	165.00
			28038	OB/CYN Assoc.	450.00

(November 15, 1984)

Exhibit 3
HB 379
2-7-85
Rep. Garcia

I am Fern Hart, Clerk & Recorder of Missoula County, and I am here to testify in support of HB 379.

Our county has made a serious effort to comply with the mandate to meet the publication requirements for minutes and claims. We have also doubled our efforts to publish them in a timely manner.

I recognize that the legislation is an attempt to keep the county's citizens informed of the decisions and expenditures of the county government. I have received about five comments over the past six years regarding some matter which we have published. I would guess that no more than 80-90 persons read the proceedings.

Our costs for FY '84 averaged \$285.90 per month with \$3,430.80 for the year.

Our cost for publishing the annual report is between \$1,500 and \$2,000 each year.

We would be careful to make copies available to the interested public if we were allowed to publish a notice that they were available.

We urge a "do pass" for HB 379.

2-5-85
FH:sm

County of Yellowstone

COMMISSIONERS

(406) 256-2701

Box 35000
Billings, Mt. 59107
January 31, 1985

Representative Paula Darko
House of Representatives
State Capitol
Helena, MT 59620

Dear Representative Darko:

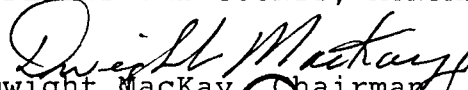
We understand that your Local Government Committee will be hearing HB 379 on February 5, 1985. This bill would allow counties, by option, to discontinue the publishing of complete lists of all claims paid and all Commissioner proceedings in newspapers. No similar requirement exists for any city, town, or unit of State government. This year it will cost Yellowstone County over \$5,400.00 to comply with the present law, and we feel that this is a sheer waste of taxpayers' money.

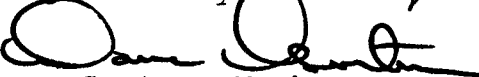
We heartily support the Bill, and we ask you to give it a "do pass" recommendation.

Thank you for considering our request, and please feel free to call us if you have any question.

Respectfully yours,

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA


Dwight MacKay, Chairman


Dave Gorton, Member

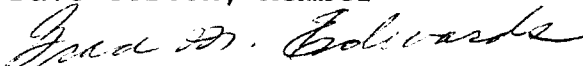

Grace M. Edwards, Member



Exhibit 4
HB 379
SUPPORT 2-7-85
Rep. Garin

My name is Verle Rademacher, editor and publisher of the Meagher County News in White Sulphur Springs. I wish to oppose this bill.

In America, the public notice has been an important part of newspapers from the beginning of this country. Public notice in newspapers was born because public officials demanded it and it became an accepted part of the American system of government long before newspapers were out of the feeble, struggling age of one-man shops. Without such widespread information there can be no democracy.

Every man, woman and child in the United State of America was born with the right to know what our public officials are doing with the responsibility entrusted to them. Custom has now established the point that every person who receives or expends public moneys should give an accounting of the funds he handles by a published statement at periodic intervals.

Honest public officials heartily acclaim the published statement in a newspaper as the best and most practical way to show their constituents that they have exercised good business acumen in the handling of funds entrusted to them. Taxpayers frequently place the blame for increased rates on public officials when the real reason for higher taxes is to be found in improvements and additional expenditures authorized by the voters themselves. In such cases the best proof public officials can use to demonstrate their own integrity and to place the blame for increased expenditures where it belongs is an itemized notice published in a newspaper of general circulation.

The need for a complete copy of the report of public officials is not to be underestimated. Most taxpayers are neither accountants nor politicians; they do not readily understand all of the items in a report and must examine it at their leisure and with repeated attention to the least understood items. Often they must take the report to some friend who has greater knowledge of accounting and of the procedure in public office in order to get a thorough knowledge of how public money was handled.

Any method, therefore, which does not make it easy and convenient for each taxpayer to have a copy of every report of a public official is inadequate in a democratic system of government. The very least to which a man or woman whose money goes to support government is entitled is a simple, complete, clear statement of what was done with it.

I wish to further point out that the State of Montana is derelict in its duty to inform the men and women of our democratic society of the proceedings of all governmental entities, city and school board as well as the county governmental proceedings. All of the states surrounding Montana require this as a part of their governmental proceedings.

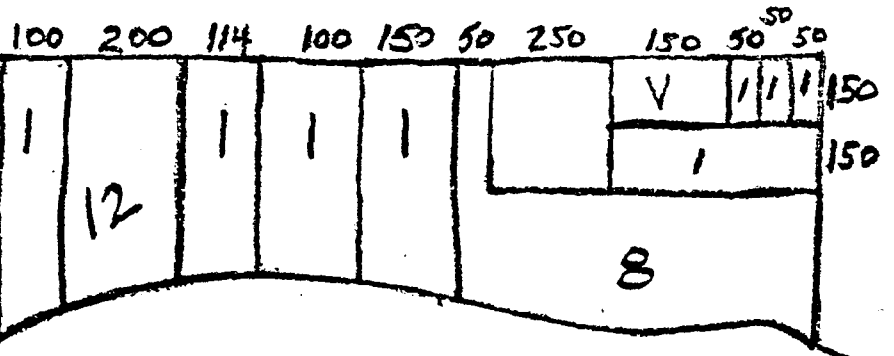
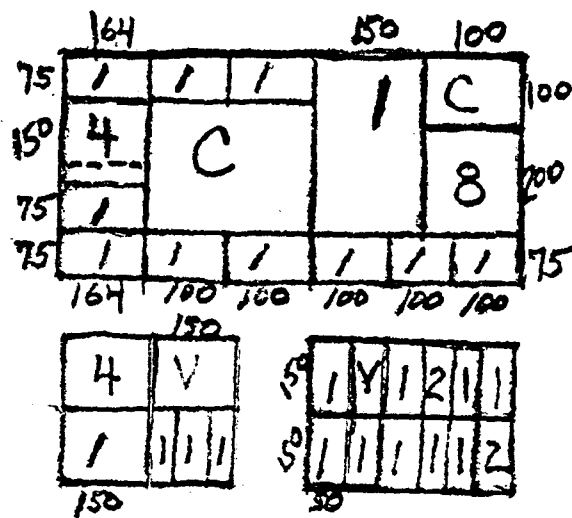
I am also concerned with the large fiscal note attached to this bill. Big money figures scare me, as well as they do governmental officials. For this reason, I looked up the figures for publication of the county commissioners' proceedings for 1984. The total came to \$873.60. This is out of a total budget of \$1,249,579. This amounts to one-tenth of one percent of the county budget. We are a sixth class county.

For the above-mentioned reasons, I feel that this bill should be killed.

Exhibit 1
 HB 625
 2-7-85
 Rep. Cohen

House Bill 625

Options for financing Street Mt. Dist. 5



Easement for Access

220

Lake

Exhibit 2
HB 625-2
2-7-1985
Rep. Cohen



Box 158, Whitefish, Montana 59937 (406) 862-2640

February 1, 1985

Representative Ben Cohen
State Capitol Building
Helena, Montana 59620

RE: Street maintenance District
Draft Bill

Dear Ben:

Leo Fisher suggests the following changes to the Draft
Street Maintenance Bill:

Section 2.(2) - Line 8 - Add: "Provided, however, if
lot or parcel within the district does not front upon any
street, and in that event, the City Council can determine
what boundry of said lot or parcel shall be determined as
fronting on the street for assessment purposes. And further
provided, in the event of odd shaped lots or parcels the City
Council shall determine what an equitable frontage shall be
for assessment purposes."

Section 2.(2) - Line 13 - Add: "or street frontage"
between "area" and "of".

Sincerely,

A handwritten signature in cursive script that reads "Jack".

Jack B. Arnold
City Manager

JBA/rd

Exhibit 1
HB 407
2-7-85
Rep. Beam

MISSOULA COUNTY

BOARD OF COUNTY COMMISSIONERS

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

BCC-85-068
February 5, 1985

Representative Paula Darko, Chair
House Local Government Committee
House of Representatives
Capitol Station
Helena, Montana 59624

Dear Representative Darko:

We are writing to offer testimony on House Bill 407, to be heard in the House Local Government Committee on February 7.

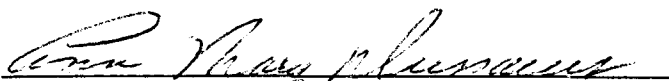
The Missoula County Commissioners endorse HB-407 because we feel that it is appropriate that local air pollution control programs have a designated source of funding apart from the general property-based tax sources. Currently in Missoula County the air pollution program uses more than one-fifth of the health fund, and is a drain on that fund which most other counties do not experience.


We feel that a vehicle-fee tax is an appropriate source of revenue for local programs because vehicles are responsible for most of the carbon monoxide and particulate emissions in the state.


Because the collection of fees probided for in House Bill 407 is a local option which will decrease reliance on property tax funding, we encourage the passage of House Bill 407.

Sincerely,

MISSOULA BOARD OF COUNTY COMMISSIONERS


Ann Mary Dussault, Chair


Barbara Evans, Commissioner


Bob Palmer, Commissioner

BCC/JC/lc

cc: Jim Carlson, Env. Health
Missoula Representatives

Exhibit 2
HB 407
2-7-85
Rep. Ream

February 4, 1985

Montana State House of Representatives
Local Government Committee Members
Capitol Station
Helena, Mt. 59620

Re: House bill 407

Dear Rep. Darko:

I am writing to urge your support for House bill 407, which would allow local air pollution control programs to establish a vehicle fee of up to \$ 1.50 vehicles registered inside the area of jurisdiction of the local air pollution control program.

As a private citizen with 2 young children, and one who is involved in a local family business, I am particularly concerned with the proven, adverse health effects of poor air quality on the population, as well as with the economic repercussions suffered by a community with "bad air."

I believe passage of House bill 407 will provide the much needed revenue necessary to help solve, or at least alleviate, the air pollution-caused woes of many Montana cities - Missoula, Billings, et al.

Please support this important legislation.

Very truly yours,

Chris Gingerelli

Chris Gingerelli, Member, Missoula Citizen's Air Pollution
Advisory Council

cc House Local Government Committee Members

Exhibit 3
HB 407
2-7-85
Rep. Pearm

Apposing HB 407.

Exhausts from Motor Vehicles have three obvious faults

1. Odor
2. visibility
3. Carbon monoxide

Testing on these things are involved and extremely hard to sample and test and even harder to reproduce accurately.

Licensing would have to ^{be} confined to residents vehicles.
What about the transients like Transport Trucks?

A. If testing is imposed it would be involved and extremely expensive.

B. If not tested it would be discriminatory

This law would open pandora's box.
What vehicles would be next?

For twenty five years I lived where cars were checked visibly at every station where vehicles were registered, by an officer. The cost was fantastic.

Don't start it. Vote against.

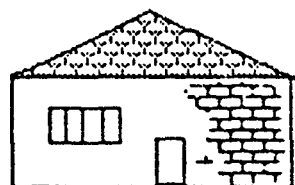
Walter E. Taylor

920 7th St West Riverside Missoula MT.



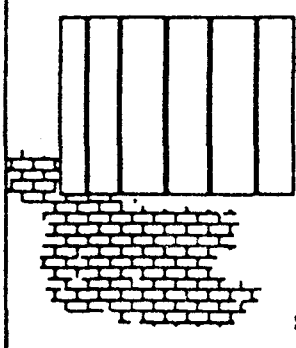
Exhibit 1
HB 277
2-7-85
Rep. Manual

JAILS

HB 277



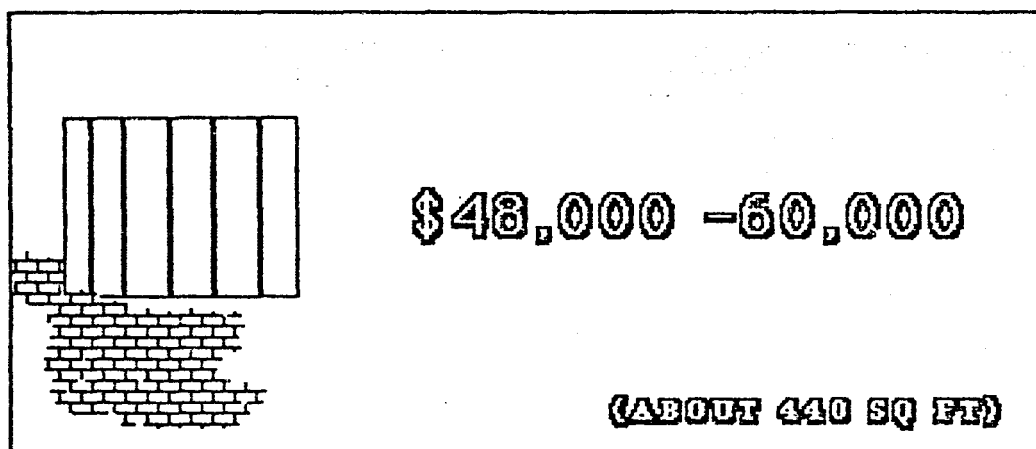
MONTANA JAIL FACTS



1. 45 JAILS AND 8 72 HOUR HOLDS
2. 1,071 JAIL CELLS AND 54 HOLDING CELLS
3. OLDEST OPERATING JAIL BUILT IN 1881
4. AVERAGE STAY IN JAILS IS ABOUT 1 WEEK
5. STATEWIDE ON 1 DAY THERE WERE 432 INMATES
6. 86% ARE MALES
7. THE MEDIAN AGE IS ABOUT 27 YEARS OLD
8. 68% ARE LOCAL (COUNTY) RESIDENTS

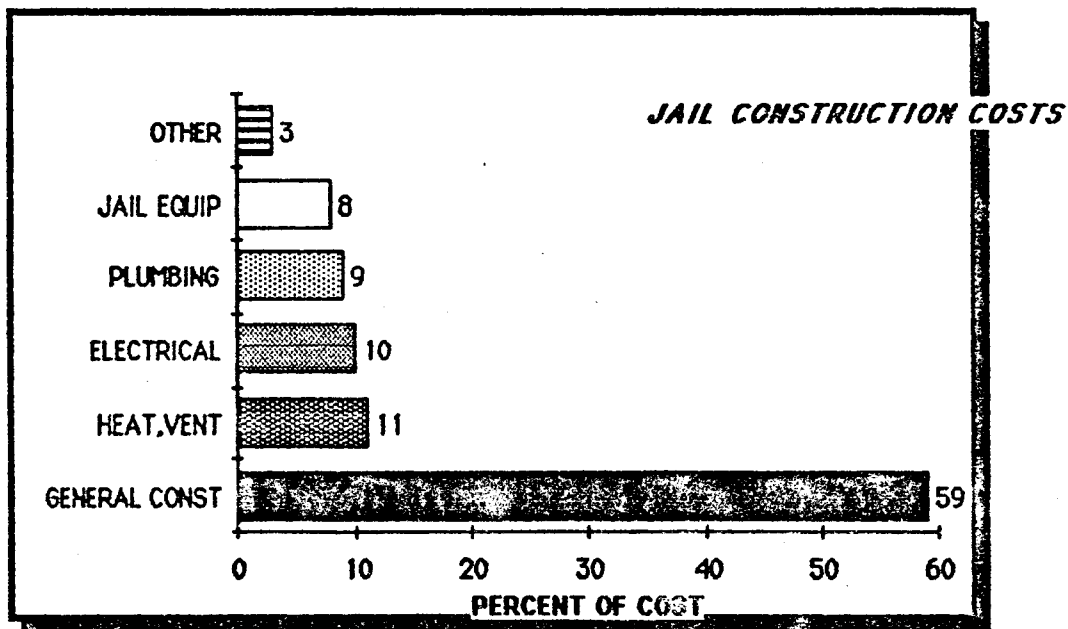
SOURCE: MONTANA BOARD OF CRIME CONTROL

JAIL CONSTRUCTION COSTS PER CELL



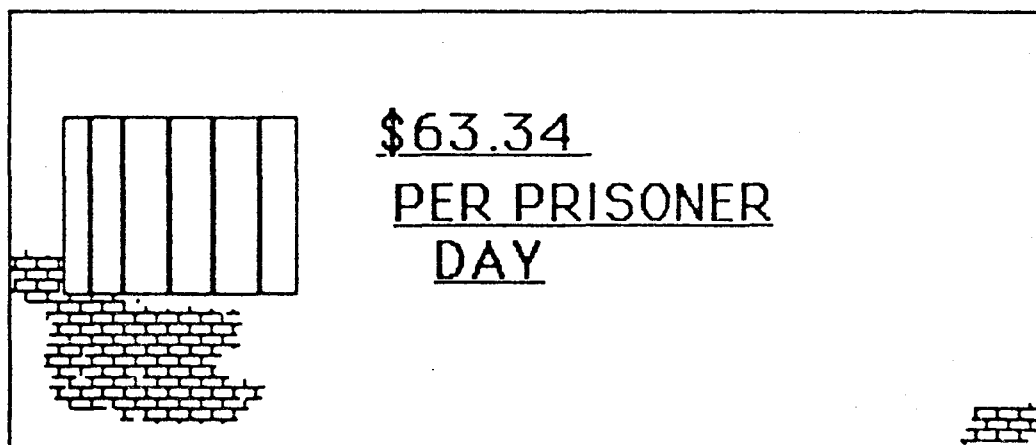
SOURCE: COST OF CONSTITUTIONAL JAILS 1982

THE COST OF JAIL CONSTRUCTION



source: Cost Of Constitutional Jails-1982

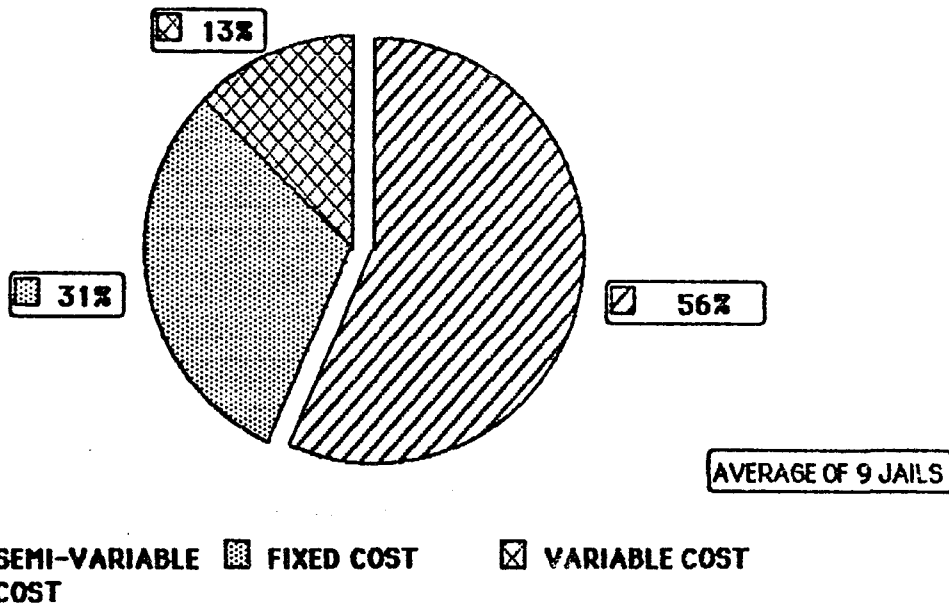
DAILY JAIL OPERATIONS COSTS



SOURCE: 9 MONTANA JAILS-1984 : MBCC

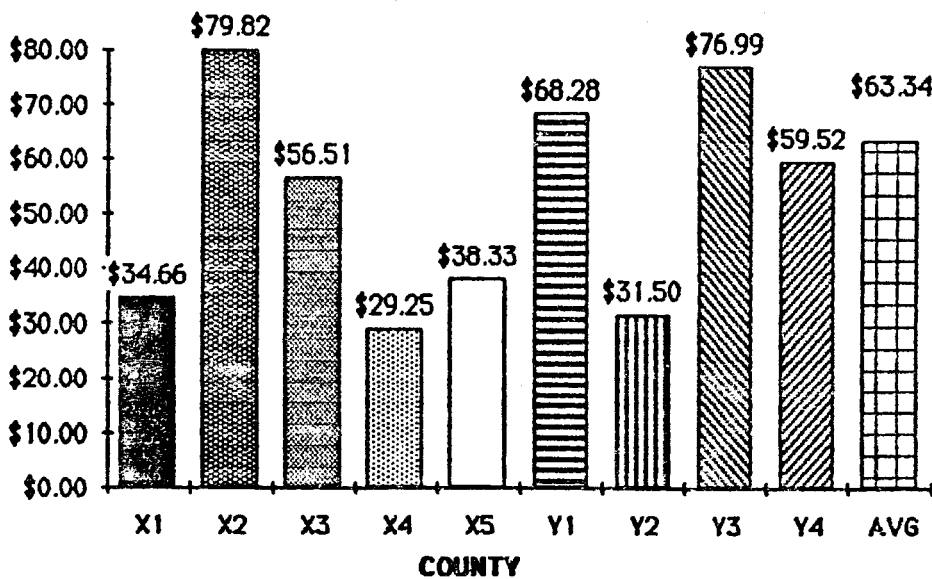
NINE COUNTY JAILS--1984

JAIL EXPENSES

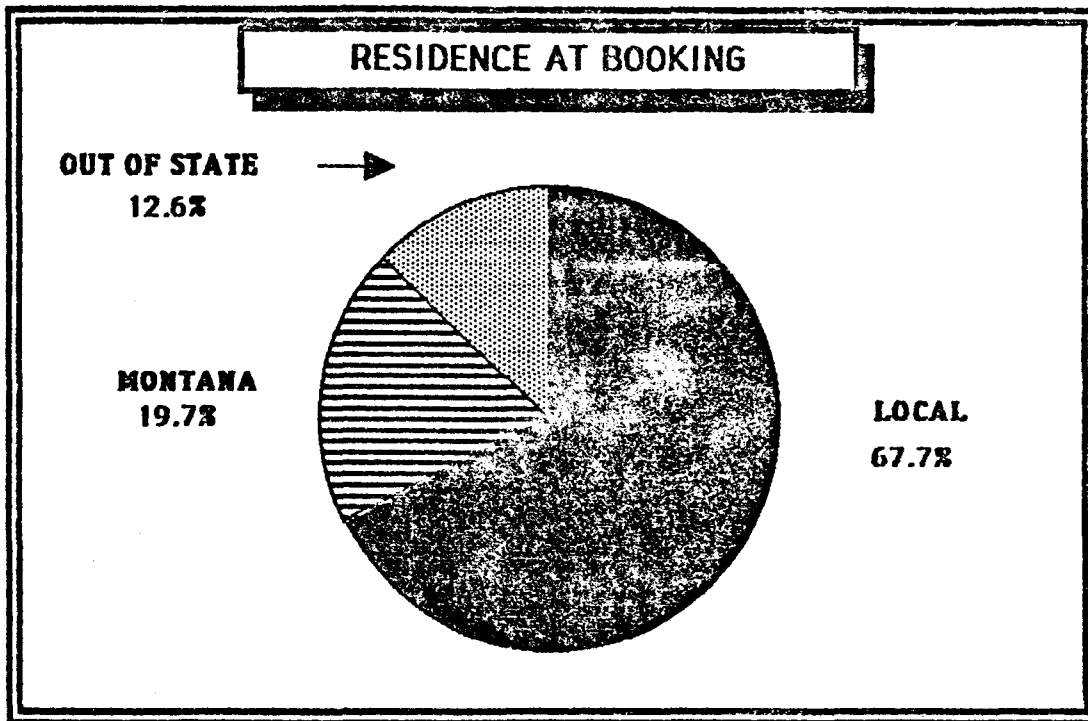


NINE COUNTY JAILS--1984 other studies

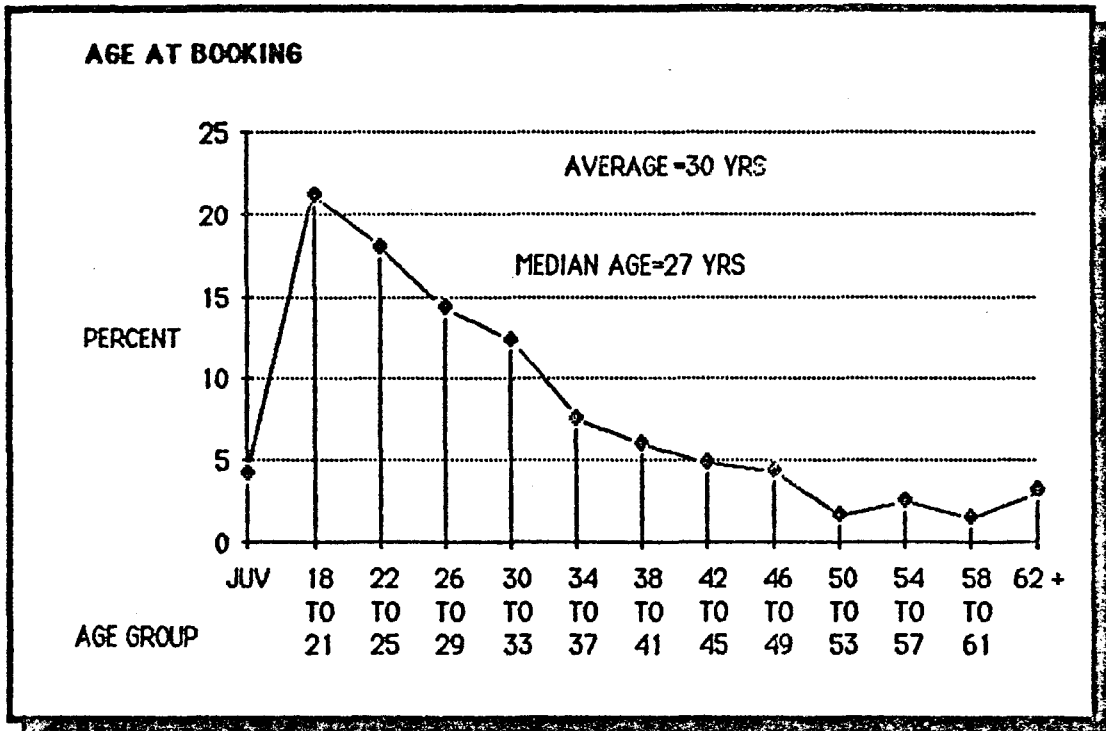
COST PER DAY **OTHER STUDIES**



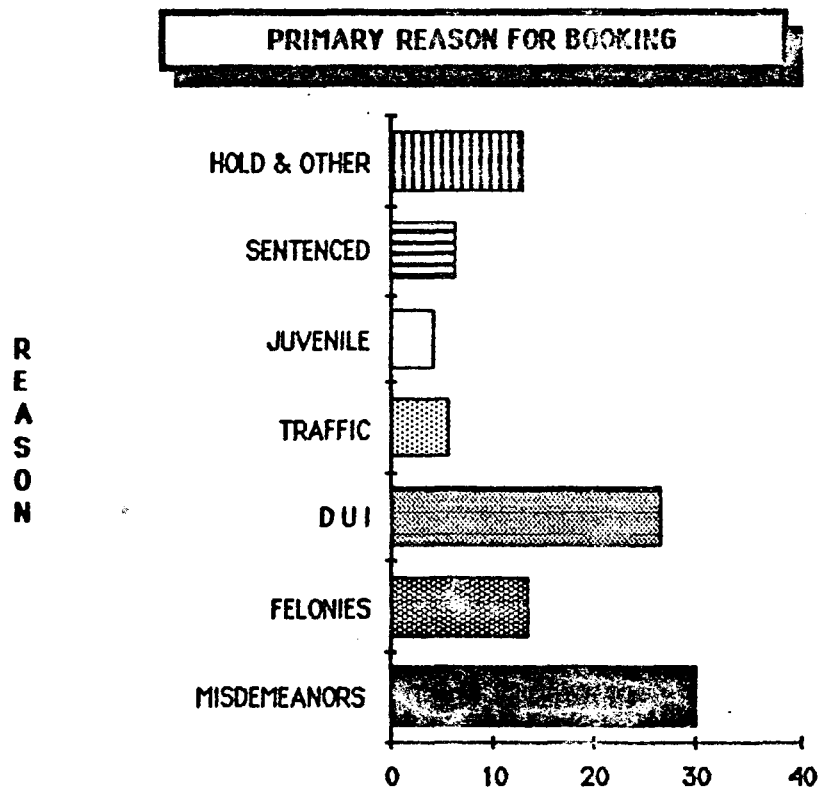
NINE COUNTY JAILS--1984



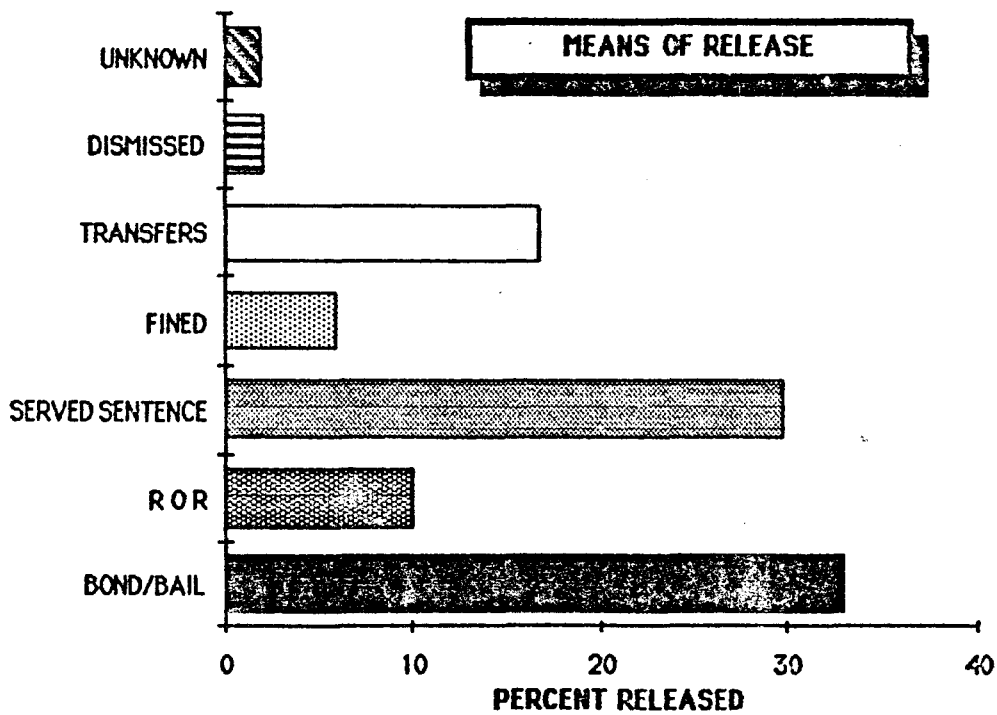
NINE COUNTY JAILS--1984



NINE COUNTY JAILS--1984



NINE COUNTY JAILS--1984



LENGTH OF STAY

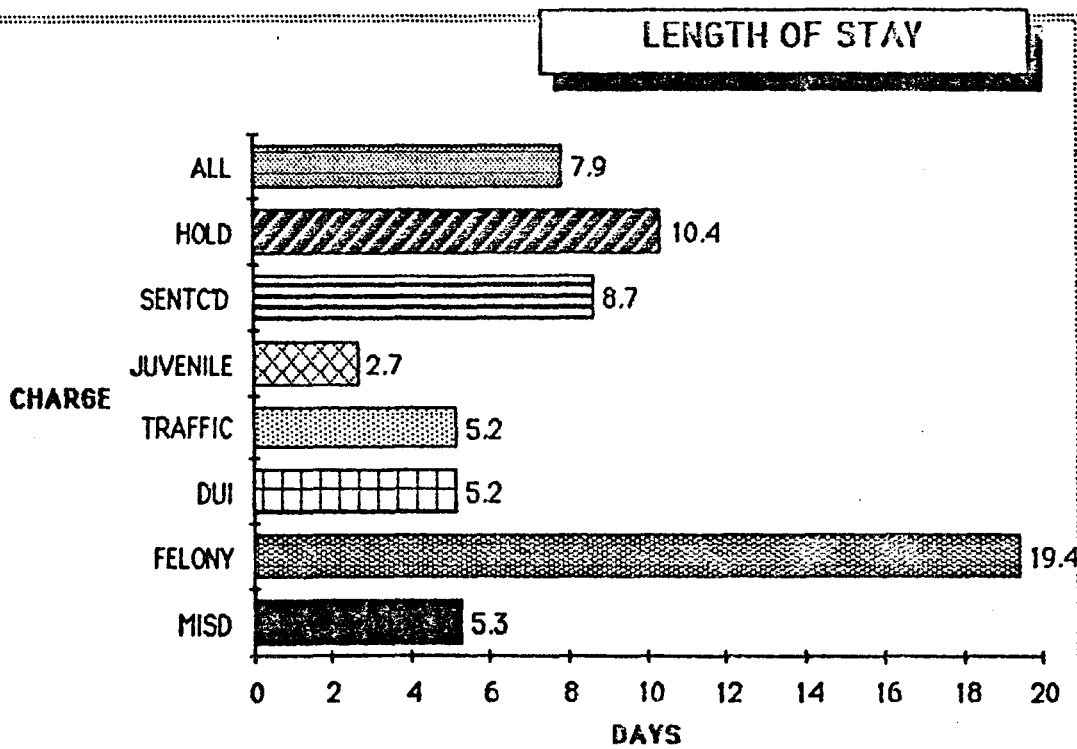


Exhibit 2
HIB 277
2-7-85
Rep. Manue

MISSOULA COUNTY



RAYMOND J. FROELICH
SHERIFF

OFFICE OF THE SHERIFF
COUNTY COURTHOUSE
MISSOULA, MONTANA 59802
(406) 721-5700

DANIEL L. MAGONE
UNDERSHERIFF

January 30, 1985

The Board of County Commissioners
Missoula County Courthouse
Missoula, Montana 59802

RE: House Bill #277

Dear Members of the Board:

Reference your request that I review the above listed bill and give you my comments on it I offer the following. After Consultation with Sheriff Pete Howard, Teton County, I was advised that this bill was drafted by a twenty-five person committee of the Board of Crime Control with two sheriffs serving on it. And while it was supposed to also have two commissioners serving on said committee, the two selected did not participate for one reason or another. At a meeting some time last fall, the discrepancies which I will later note were presented to the committee and Harold Hanser, County Attorney for Yellowstone County, was to have addressed the questions which I posed concerning the bill and do the necessary background work and changes prior to it being introduced into the House. However apparently he failed to do this in that the bill was introduced almost exactly as it was proposed.

I think the bill has merit specifically with respect to alternative funding as it pertains to a jail but not in its present form and it may be too late to make the necessary changes prior to the close of the Legislature. If it is impossible to address the changes as noted, then I would recommend that we oppose it. The discrepancies which I noted are as follows:

On page 1, line 21, subparagraph (a) the words "policies and procedures" should be substituted for the word standards.

On page 2, line 5, subparagraph (e) should note something to the effect that "private parties will ensure training of jailers to conform with standards and/or curriculum set by the Montana Law Enforcement Academy or the State of Montana." With the advent of this type of language, we would then probably need a provision for these people in the private sector to be able to attend the Law Enforcement Academy at their own expense in that currently private parties are not allowed to.

RECEIVED
JAN 30 1985
MISSOULA COUNTY COMMISSIONERS

Page 3, line 12, NEW SECTION 3, "jail administrator or a private party-----have the powers and duties of sheriff." This portion is too broad to give these administrators the powers of sheriffs and it would also give them the authority to investigate crimes in the jail, designate who may carry a concealed weapon, and perhaps other areas which I have not thought of. I would suggest that this portion be patterned after the powers granted guards at Montana State Prison however, I have not had the time to research this so I do not know if it is feasible.

Page 4, line 3 - 10. This language allows a county to incur indebtedness of up to 12½ percent of the taxable value of the property of the county for the construction or improvement of a jail. In Missoula County this would amount to approximately \$15,000,000 plus and my question is would this language prevent us from building a multipurpose building such as was proposed for Missoula County without going to a bond issue? Obviously we could use that money for the actual construction of a jail but would it also be construed that the supporting structure such as Sheriff and Police Department and/or Courts be allowed to fall within this category because it would be a part of the integral structure?

Page 13, line 16 - 20. This conflicts with current House Bill 108 which will raise the fee for holding prisoners to \$30.00 per day or the actual cost, whichever is the lesser.

Page 14, line 22 - 25, the same comment as noted on page 13.

I have not had an opportunity to consult with either John DeVore or Mike Sehestedt regarding House Bill 277 but those are my thoughts and comments on this bill.

Sincerely,


RAYMOND J. FROEHLICH
SHERIFF

RJF/ms



State of Montana
Office of The Lieutenant Governor
Helena 59620
(406)444-3111

Exhibit D
HB 277
2-7-85
Rep. Manuel

GEORGE TURMAN
LIEUTENANT GOVERNOR

STATEMENT OF LT. GOVERNOR GEORGE TURMAN
BEFORE THE HOUSE LOCAL GOVERNMENT COMMITTEE
HB277, PRIVATE OPERATION OF JAIL FACILITIES
THURSDAY, FEBRUARY 7, 1985

Representative Darko and members of the Committee:

I appreciate the opportunity to appear in support of HB277, the intent of which is to give local officials flexibility in addressing the issues of jail construction, operation and maintenance. This bill does not provide state assistance.

From my work with the Governor's Task Force on Infrastructure, I know that the adequacy of jail facilities is a priority issue with local governments. I know also from that Task Force experience that those who have addressed the issue--on behalf of the state, local jurisdictions and concerned citizens--are well qualified to make the recommendations embodied in this bill.

HB277 is the product of extensive investigation, research and analysis by the Jails Subcommittee of the Board of Crime Control, chaired by Jerry Johnson, and by the team which participated in the Task Force on Infrastructure. The groups were served ably by Steve Nelson and Ed Hall of the Board of Crime Control staff.

Both the jails subcommittee and the task force team reached this conclusion: local officials need greater latitude if they are to address successfully the manifold problems associated with jail facilities.

With respect to the substance of HB277, I would make these observations: The circumstances of Montana's communities and counties vary greatly. In that regard, it is impossible as well as inappropriate to attempt to prescribe uniform solutions. To me it follows logically from the fact of our diversity that those who have the responsibility to meet local needs should have options which allow them to consider local conditions.

In effect, local governments have been saying to those of us in state government what we have often said to the federal government: allow us to manage our own affairs.

In these difficult times, people are asking government officials to be innovative and cost-conscious. At the least, in the matter of jail facilities we should give local officials the flexibility which would be provided under HB277.

HOUSE OF REPRESENTATIVES

DATE February 7, 1985

Mr. Speaker

We, your committee on Local Government having had under consideration House Bill No. 277 entitled "AN ACT ALLOWING COUNTIES TO ESTABLISH AND FILL THE POSITION OF JAIL ADMINISTRATOR OR TO ENTER INTO AGREEMENTS UNDER WHICH PRIVATE PARTIES WILL BUILD, MAINTAIN, OR OPERATE JAILS; PROVIDING FOR FINANCING OF JAILS AND EXEMPTING CONSTRUCTION OR IMPROVEMENT OF JAILS FROM CERTAIN REQUIREMENTS ON BONDING AND OTHER SPENDING LIMITATIONS; AND AMENDING SECTIONS 7-7-2101, 7-7-2203, 7-7-2221, 7-32-2121, 7-32-2123, 7-32-2132, 7-32-2201, 7-32-2202, 7-32-2204 THROUGH 7-32-2207, 7-32-2209, 7-32-2212, 7-32-2221, AND 7-32-2222, MCA," respectfully report as follows: That House Bill No. 277, as introduced, be amended as follows:

(1) Amend title

1. Title, line 8
Following: "OR OPERATE JAILS"
Insert: "OR YOUTH DETENTION FACILITIES"
2. Title, line 8 and 9
Following: "FINANCING OF JAILS"
Insert: "AND YOUTH DETENTION FACILITIES"
3. Title, line 9
Following: "IMPROVEMENT OF JAILS"
Insert: "AND YOUTH DETENTION FACILITIES"

(2) Insert material only

1. Page 1, line 19.
Following: "7-32-2201"
Insert: "or 41-5-802(1)"
2. Page 1, line 22.
Following: "prisoners"
Insert: "or the operation of a youth detention facility for the detention of delinquent youths and youths in need of supervision"
3. Page 2, line 2.
Following: "jail"
Insert: "or the youth detention facility;"
4. Page 2, line 5.
Following: "jailers"
Insert: "or the staff of a youth detention facility"

5. Page 2, line 12.
Following: "7-32-2201"
Insert: ", 41-5-802(1),"
6. Page 2, line 15.
Following: "7-32-2201"
Insert: ", 41-5-802(1),"
7. Page 2, line 19.
Following: "type of jail services"
Insert: "or youth detention facility"
8. Page 2, line 24.
Following: "jail services"
Insert: "or services of a youth detention facility"
9. Page 3, line 5.
Following: "jail services"
Insert: "or the youth detention facility"
10. Page 4, line 7.
Following: "jail"
Insert: "or a youth detention facility"
11. Page 4, line 10.
Following: "of a jail"
Insert: "or a youth detention facility"
12. Page 5, line 10.
Following: "of a jail"
Insert: "or a youth detention facility"
13. Page 6, line 5.
Following: "of a jail"
Insert: "or a youth detention facility"
14. Page 17, line 16.
Insert: "Section 20. Section 41-5-802, MCA, is amended to read:

"41-5-802. Shelter care and detention facilities. (1)
(a) In all counties the county commissioners may provide, by purchase, lease, agreement with a private party, pursuant to (Section 1), or otherwise, a place to be known as the youth detention facility, which shall not be used for the confinement of adult persons charged with criminal offenses, where delinquent youths and youths in need of supervision may be detained until final disposition, ~~which place shall be maintained by the county as in other like cases.~~

(b) Except when staff is provided in an agreement with a private party pursuant to section 1 the judge having jurisdiction may appoint such personnel as required, who shall have charge of said facility and of the youths detained therein.

(c) Except when compensation is fixed in an agreement with a private party pursuant to section 1, the compensation of such personnel shall be fixed by the court, and such compensation and the maintaining of such facility shall be paid out of the county treasury which may be supplemented by state appropriations and federal funds.

(2)(a) Youth courts and nonprofit corporations may provide by purchase, lease, or otherwise, a place to be known as a shelter care facility.

(b) Such facility shall be physically unrestricting and may be used to provide shelter care for youth alleged or adjudicated delinquent, in need of supervision, or in need of care.

(c) Such facility shall be separate and apart from any facility housing adults charged with criminal offenses.

(d) State appropriations and federal funds may be received by the youth court or private nonprofit corporations for establishment, maintenance, or operation of such facility.

(e) Such facility shall be furnished in a comfortable manner and be as nearly as possible like a family home."

H. Local Govt. 2/7
3:00 129

1 HOUSE BILL NO. 277
2 INTRODUCED BY Manuel
3 BY REQUEST OF THE BOARD OF CRIME CONTROL
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COUNTIES TO
6 ESTABLISH AND FILL THE POSITION OF JAIL ADMINISTRATOR OR TO
7 ENTER INTO AGREEMENTS UNDER WHICH PRIVATE PARTIES WILL
8 BUILD, MAINTAIN, OR OPERATE JAILS; PROVIDING FOR FINANCING
9 OF JAILS AND EXEMPTING CONSTRUCTION OR IMPROVEMENT OF JAILS
10 FROM CERTAIN REQUIREMENTS ON BONDING AND OTHER SPENDING
11 LIMITATIONS; AND AMENDING SECTIONS 7-7-2101, 7-7-2203,
12 7-7-2221, 7-32-2121, 7-32-2123, 7-32-2132, 7-32-2201,
13 7-32-2202, 7-32-2204 THROUGH 7-32-2207, 7-32-2209,
14 7-32-2212, 7-32-2221, AND 7-32-2222, MCA."
15 7-27-2201

Part 22
County Jails

SECTION 1.

7-32-2201. County jail required. (1) A jail shall be built or provided and kept in good repair at the expense of the county in each county, except that whenever in the discretion of the commissioners of two or more counties it is necessary or desirable to build, provide, or utilize a common jail, they may do so in any city or town located within one of the counties so concerned. Such common jail shall be built or provided and kept in good repair at the expense of the counties concerned on a basis as the commissioners of the counties shall agree.

BY A JAIL
ADMINISTRATOR
OR PRIVATE
PARTY

(2) The common jails in the several counties of this state are kept by the sheriffs of the counties in which they are respectively situated. In the case of more than one county utilizing a common jail as provided in subsection (1), such jail shall be kept by the sheriffs of the counties utilizing the common jail on a basis as the sheriffs shall agree.*

(3) The board of county commissioners has jurisdiction and power, under such limitations and restrictions as are prescribed by law, to cause a jail to be erected, furnished, and maintained.

History: (1)En. 16-2802.1 by Sec. 1, Ch. 193, L. 1973; Sec. 16-2802.1, R.C.M. 1947; (2)En. Sec. 3022, Pen. C. 1895; re-en. Sec. 9759, Rev. C. 1907; re-en. Sec. 12468, R.C.M. 1921; Cal. Pen. C. Sec. 1597; re-en. Sec. 12468, R.C.M. 1935; amd. Sec. 2, Ch. 193, L. 1973; Sec. 16-2803, R.C.M. 1947; (3)En. Subd. 9, Sec. 1, Ch. 100, L. 1931; re-en. Sec. 4465.8, R.C.M. 1935; amd. Sec. 1, Ch. 56, L. 1947; amd. Secs. 1, 2, Ch. 238, L. 1947; amd. Secs. 1, 2, Ch. 5, L. 1949; amd. Sec. 1, Ch. 76, L. 1957; amd. Sec. 1, Ch. 150, L. 1959; amd. Sec. 1, Ch. 130, L. 1973; Sec. 16-1008A, R.C.M. 1947; R.C.M. 1947, 16-1008A(part), 16-2802.1, 16-2803(part).

Cross-References

General authority of County Commissioners,
7-5-2101

Interlocal agreements, Title 7, ch. 11, part 1.

17 (2) A county, or two or more counties acting together,
18 may provide for the jail required by subsection (1) by:
19 (a) establishing in the county government the position
20 of jail administrator and, with the sheriff's concurrence,
21 hiring a person, who is answerable to the governing body of
22 the county, to fill the position; or
23 (b) entering into an agreement with a private party
24 under which the private party will provide, maintain, or
25 operate the jail.

1 ~~(2)~~(3) The common jails in the several counties of
2 this state are kept by the sheriffs, jail administrators, or
3 private parties agreeing to act as jailers of the counties
4 in which they are respectively situated. In the case of more
5 than one county utilizing a common jail as provided in
6 subsection (1), such jail shall be kept by the sheriffs of
7 the counties utilizing the common jail on a basis as the
8 sheriffs shall agree, by a jail administrator hired by the
9 county in which the jail is situated, or by a private party
10 agreeing to act as the jailer.

11 ~~(3)~~(4) The board of county commissioners has
12 jurisdiction and power, under such limitations and
13 restrictions as are prescribed by law, to cause a jail to be
14 erected, furnished, and maintained."

17 NEW SECTION. Section 1. County jails -- contracts
18 with private parties. (1) The term of an agreement under
19 7-32-2201 with a private party may not exceed 3 years.

20 (2) The agreement must include:

21 (a) detailed standards for the operation of the jail
22 and the incarceration of prisoners;

23 (b) a performance bond from the private party
24 acceptable to the county;

25 (c) a promise from the private party to indemnify the

1 county for any damages for which the county is found liable
2 as a result of the operation of the jail;

3 (d) a provision that the private party must purchase
4 liability insurance in an amount acceptable to the county;

5 (e) minimum standards for the training of jailers and
6 a provision that the private party will ensure such
7 training; and

8 (f) a provision that the county may immediately
9 terminate the contract for good cause.

10 (3) The provisions of Title 7 relating to bids for
11 county contracts and purchases do not apply to a contract
12 entered into under 7-32-2201 and this section.

13 NEW SECTION. Section 2. Requests for contract
14 proposals. (1) A county seeking to enter into a contract
15 under 7-32-2201 and [section 1] may publish a request for
16 proposals. The request for proposals must be published in a
17 newspaper of general circulation in the county once a week
18 for 3 successive weeks and must include information
19 concerning the type of jail services required.

20 (2) Requests for proposals must be sent to persons who
21 have previously requested that their names be placed on a
22 list of persons providing jail services. The Montana board
23 of crime control shall maintain a list of persons providing
24 jail services and furnish the list to a county upon request.

25 (3) In selecting a proposal and awarding a contract, a

1 county need not accept the proposal with the lowest cost.

2 (4) The county must base its selection on demonstrated
3 competence, knowledge and qualifications, the reasonableness
4 of the services proposed, and the reasonableness of the
5 proposed contract price for the jail services.

6 (5) A copy of all proposals must be kept available for
7 public inspection in the office of the county clerk and
8 recorder.

9 (6) The county must give specific reasons for its
10 selection of a proposal. The reasons must be recorded in the
11 minutes of the governing body of the county.

12 NEW SECTION. Section 3. Powers of jail administrators
13 and private party jailers. A jail administrator or a private
14 party acting as a jailer under an agreement, as provided for
15 in 7-32-2201(2), and his assistant jailers have the powers
16 and duties of sheriffs:

17 (1) within the confines and grounds of the jail; and

18 (2) outside the jail confines and grounds while
19 transporting any prisoner or in the pursuit or apprehension
20 of any escapee.

21 Section 4. Section 7-7-2101, MCA, is amended to read:

22 "7-7-2101. Limitation on amount of county
23 indebtedness. (1) No county may become indebted in any
24 manner or for any purpose to an amount, including existing
25 indebtedness, in the aggregate exceeding 23% of the taxable

1 value of the property therein subject to taxation as
2 ascertained by the last assessment for state and county
3 taxes previous to the incurring of such indebtedness, except
4 that an additional indebtedness of up to 12.5% of the
5 taxable value of the property in the county subject to
6 taxation may be incurred for the construction or improvement
7 of a jail.

8 (2) No county may incur indebtedness or liability for
9 any single purpose, except for the construction or
10 improvement of a jail, to an amount exceeding \$150,000
11 without the approval of a majority of the electors thereof
12 voting at an election to be provided by law, except as
13 provided in 7-21-3413 and 7-21-3414."

14 Section 5. Section 7-7-2203, MCA, is amended to read:

15 "7-7-2203. Limitation on amount of bonded
16 indebtedness. (1) Except as provided in subsections (2) and
17 ~~†3†~~ through (4), no county may issue general obligation
18 bonds for any purpose which, with all outstanding bonds and
19 warrants except county high school bonds and emergency
20 bonds, will exceed 11.25% of the taxable value of the
21 property therein, to be ascertained by the last assessment
22 for state and county taxes prior to the proposed issuance of
23 bonds.

24 (2) A in addition to the bonds allowed by subsection
25 (1), a county may issue bonds which with all outstanding

1 bonds-and-warrants-will-exceed-11-25%-but will not exceed
2 37% 25.75% of the taxable value of such--property the
3 property in the county subject to taxation, when necessary
4 to do so, for the purpose of acquiring land for a site for
5 county high school buildings and for erecting or acquiring
6 buildings thereon and furnishing and equipping the same for
7 county high school purposes.

8 (3) In addition to the bonds allowed by subsections
9 (1) and (2), a county may issue bonds for the construction
10 or improvement of a jail, which will not exceed 12.5% of the
11 taxable value of the property in the county subject to
12 taxation.

13 (3)(4) The foregoing limitation in subsection (1)
14 shall not apply to refunding bonds issued for the purpose of
15 paying or retiring county bonds lawfully issued prior to
16 January 1, 1932."

17 Section 6. Section 7-7-2221, MCA, is amended to read:

18 "7-7-2221. Issuance of certain general obligation
19 bonds without election. Bonds may be issued without
20 submitting the same to an election if the bonds are issued
21 for the purpose of:

22 (1) enabling a county to liquidate its indebtedness to
23 another county incident to the creation of a new county or
24 the changing of a county boundary line, as set forth in
25 7-7-2201(5); and

-5-

1 (2) funding, paying in full, or compromising,
2 settling, and satisfying any judgment which may have been
3 rendered against the county in a court of competent
4 jurisdiction, as set forth in 7-7-2202; and

5 (3) construction or improvement of a jail."

6 Section 7. Section 7-32-2121, MCA, is amended to read:

7 "7-32-2121. Duties of sheriff. The sheriff must:

8 (1) preserve the peace;

9 (2) arrest and take before the nearest magistrate for
10 examination all persons who attempt to commit or have
11 committed a public offense;

12 (3) prevent and suppress all affrays, breaches of the
13 peace, riots, and insurrections which may come to his
14 knowledge;

15 (4) perform the duties of a humane officer within the
16 county with reference to the protection of dumb animals;

17 (5) attend all courts, except municipal, justices',
18 and city courts, at their respective terms or sessions held
19 within the county and obey their lawful orders and
20 directions;

21 (6) command the aid of as many inhabitants of the
22 county as are necessary in the execution of the sheriff's
23 duties;

24 (7) take charge of and keep the county jail and the
25 prisoners therein, unless the jail is operated by a private

1 party under an agreement entered into under 7-32-2201 or by
2 a jail administrator;

3 (8) endorse upon all notices and process the year,
4 month, day, hour, and minute of reception and issue therefor
5 to the person delivering them, on payment of fees, a
6 certificate showing the names of the parties, the title of
7 the paper, and the time of reception;

8 (9) serve all process or notices in the manner
9 prescribed by law;

10 (10) certify in writing upon the process or notices the
11 manner and time of service or, if he fails to make service,
12 the reasons of this failure, and return the papers without
13 delay;

14 (11) take charge of and supervise search and rescue
15 units and their officers whenever search and rescue units
16 are called into service; and

17 (12) perform such other duties as are required by law."

18 Section 8. Section 7-32-2123, MCA, is amended to read:

19 "7-32-2123. Appointment of deputy sheriff to act as
20 jailer. The A sheriff who operates a county jail may appoint
21 two deputies in counties of the first, second, or third
22 class and one deputy in counties of the fourth, fifth,
23 sixth, or seventh class who shall act as jailer and receive
24 the same salary as other deputy sheriffs."

25 Section 9. Section 7-32-2132, MCA, is amended to read:

-7-

1 "7-32-2132. Liability for escape in civil actions. (1)
2 A sheriff, jail administrator, or private party jailer who
3 fails to prevent the escape or rescue of a person in his
4 custody arrested in a civil action without the consent or
5 connivance of the party in whose behalf the arrest or
6 imprisonment was made is liable as follows:

7 (a) When the arrest is upon an order to hold for bail
8 or upon a surrender in exoneration of bail before judgment,
9 the sheriff, jail administrator, or private party jailer is
10 liable to the plaintiff for the bail.

11 (b) When the arrest is on an execution or commitment
12 to enforce the payment of money, the sheriff, jail
13 administrator, or private party jailer is liable for the
14 amount expressed in the execution or commitment.

15 (c) When the arrest is on an execution or commitment
16 other than to enforce the payment of money, the sheriff,
17 jail administrator, or private party jailer is liable for
18 the actual damages sustained.

19 (2) Upon being sued for damages for an escape or
20 rescue of a person in his custody, the sheriff, jail
21 administrator, or private party jailer may introduce
22 evidence in mitigation or exculpation.

23 (3) An action may not be maintained against a sheriff,
24 jail administrator, or private party jailer for a rescue or
25 for an escape of a person arrested upon an execution or

-8-

-5-

1 commitment if, after his rescue or escape and before the
2 commencement of the action, the prisoner returns to the jail
3 or is retaken by the sheriff, jail administrator, or private
4 party jailer."

15 Section 11. Section 7-32-2202, MCA, is amended to
16 read:

17 "7-32-2202. Use of jail in contiguous county. (1) When
18 there is no jail in the county or when the jail becomes
19 unfit or unsafe for the confinement of prisoners, the
20 district judge may, by written appointment filed with the
21 clerk, designate the jail of a contiguous county for the
22 confinement of the prisoners of his county (or any of them)
23 and may at any time modify or annul the appointment.

24 (2) A copy of the appointment, certified by the clerk,
25 must be served on the sheriff or of each county, and the

1 keeper of the designated jail if the keeper is not the
2 sheriff, who must receive into his jail all prisoners
3 authorized to be confined therein pursuant to this section
4 and who is responsible for the safekeeping of the persons so
5 committed in the same manner and to the same extent as if he
6 were the sheriff, jail administrator, or private party
7 jailer of the county for whose use his jail is designated.
8 With respect to the persons so committed, he is deemed the
9 sheriff, jail administrator, or private party jailer of the
10 county from which they were removed.

11 (3) When a jail is erected in the county for the use
12 of which the designation was made or its jail is rendered
13 fit and safe for the confinement of prisoners, the district
14 judge of that county must, by a written revocation filed
15 with the clerk, declare that the necessity for the
16 designation has ceased and that it is revoked.

17 (4) The clerk must immediately serve a copy of the
18 revocation upon the sheriff of each county and the keeper of
19 the county, who jail in each county if the keeper is not the
20 sheriff. The keeper of the jail in the designated county
21 must thereupon remove the prisoners to the jail from which
22 the removal was had."

23 Section 12. Section 7-32-2204, MCA, is amended to
24 read:

25 "7-32-2204. Maintenance of county jail. (1) The county

1 commissioners, or the private party when provided in an
2 agreement entered into under 7-32-2201(2), have the care
3 duty of building, inspecting, and repairing the jail and:

4 (1) must, once every 3 months, inquire into its state
5 as respects the security thereof and the treatment and
6 condition of prisoners; and

7 (2) must take all necessary precautions against
8 escape, sickness, or infection.

9 (2) The county commissioners must inquire into the
10 security of the jail and the condition of the prisoners
11 every 3 months."

12 Section 13. Section 7-32-2205, MCA, is amended to
13 read:

14 "7-32-2205. Confinement of prisoners. The sheriff,
15 jail administrator, or private party jailer must receive all
16 persons committed to jail by competent authority and provide
17 them with necessary food, clothing, and bedding, for which
18 he sheriffs and jail administrators, but not jailers
19 operating a jail under an agreement provided for in
20 7-32-2201(2), shall submit claims for the actual expenses
21 incurred to the board of county commissioners for their
22 determination and, except as provided in 7-32-2207, to be
23 paid out of the county treasury."

24 Section 14. Section 7-32-2206, MCA, is amended to
25 read:

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1 "7-32-2206. Confinement of federal prisoners. (1) The
2 sheriff, jail administrator, or private party jailer must
3 receive and keep in the county jail any prisoner committed
4 thereto by process or order issued under the authority of
5 the United States until he is discharged according to law,
6 as if he had been committed under process issued under the
7 authority of this state.

8 (2) Provision and agreement for the use of said jails
9 and the support and subsistence of such federal prisoners
10 shall first be made by the United States, through or by the
11 proper officer or officers, with the board of county
12 commissioners of the county wherein such prisoners are to be
13 confined. Such agreement shall be in writing and contain a
14 provision that the United States shall, upon claim presented
15 for the county by its county clerk and recorder, pay into
16 the county treasury of the county or to a jailer operating a
17 jail under an agreement provided for by 7-32-2201(2) the sum
18 of \$10 per day for each and every prisoner held in the
19 county jail upon order or commitment of the United States
20 government or any department or officer thereof.

21 (3) A sheriff, jail administrator, or private party
22 jailer to whose custody a prisoner is committed as provided
23 in this section is answerable for his safekeeping in the
24 courts of the United States, according to the laws thereof."

25 Section 15. Section 7-32-2207, MCA, is amended to

1 read:

2 "7-32-2207. Confinement of persons on civil process.

3 (1) Whenever a person is committed upon process in a civil
4 action or proceeding, except when the state is a party
5 thereto, the sheriff, jail administrator, or private party
6 jailer is not bound to receive such person unless security
7 is given on the part of the party at whose instance the
8 process is issued, by a deposit of money, to meet the
9 expenses for him of necessary food, clothing, and bedding or
10 to detain such person any longer than these expenses are
11 provided for.

12 (2) This section does not apply to cases where a party
13 is committed as a punishment for disobedience to the
14 mandates, process, writs, or orders of court."

15 Section 16. Section 7-32-2209, MCA, is amended to
16 read:

17 "7-32-2209. Expenses of persons committed to jail by
18 highway patrol bureau. In the event a person is committed to
19 jail by the highway patrol bureau, department of justice,
20 the state of Montana shall, upon claim presented for the
21 county by the clerk and recorder, pay into the county
22 treasury of the county or to a jailer operating a jail under
23 an agreement provided for in 7-32-2201(2) the sum of \$10 per
24 day for each and every prisoner held in the county jail upon
25 order or commitment of the highway patrol bureau or any

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1 department or officer thereof. For the purposes of this
2 section, a day shall be defined as a 24-hour period or
3 portion thereof, beginning with the time of incarceration.
4 Such claims upon the highway patrol bureau, department of
5 justice, shall be paid to the various counties out of funds
6 appropriated for that purpose."

7 Section 17. Section 7-32-2212, MCA, is amended to
8 read:

9 "7-32-2212. Sheriff-to-prepare-list List of prisoners.
10 The sheriff, jail administrator, or private party jailer of
11 each county must, on the first Monday in January and every 3
12 months thereafter, return to the county commissioner a
13 certified list of the names of all prisoners in his custody
14 on the last day of the preceding month, with the time and
15 cause of their confinement, the length of time for which
16 they were committed, and the number received and discharged
17 during the preceding 3 months. In case he fails to do so,
18 the sheriff, jail administrator, or private party jailer
19 must not receive any compensation for the sustenance of the
20 prisoners in his custody."

21 Section 18. Section 7-32-2221, MCA, is amended to
22 read:

23 "7-32-2221. Segregation of prisoners -- confinement of
24 juveniles. (1) Each county jail must contain a sufficient
25 number of rooms to allow the sheriff, jail administrator, or

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1 private party jailer to separately confine classes of
2 prisoners as may be necessary to the security and safety of
3 those prisoners and the jail.

4 (2) Persons who are violent, disturbed, or inebriated
5 must not be kept or put into the same room with other
6 prisoners, nor shall male and female prisoners (except
7 husband and wife) be kept or put into the same room.

8 (3) Juveniles may be confined only under conditions
9 that comply with 41-5-306(2)."

10 Section 19. Section 7-32-2222, MCA, is amended to
11 read:

12 "7-32-2222. Health and safety of prisoners. (1) When a
13 county jail or building contiguous to it is on fire and
14 there is reason to believe that the prisoners may be injured
15 or endangered, the sheriff, jail administrator, or private
16 party jailer must remove them to a safe and convenient place
17 and there confine them as long as it may be necessary to
18 avoid the danger.

19 (2) When a pestilence or contagious disease breaks out
20 in or near a jail and the physician thereof certifies that
21 it is likely to endanger the health of the prisoners, the
22 district judge may by a written appointment designate a safe
23 and convenient place in the county or the jail in a
24 contiguous county as the place of their confinement. The
25 appointment must be filed in the office of the clerk and

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1 authorize the sheriff, jail administrator, or private party
2 jailer to remove the prisoners to the designated place or
3 jail and there confine them until they can be safely
4 returned to the jail from which they were taken.

5 (3) If in the opinion of the sheriff, jail
6 administrator, or private party jailer any prisoner, while
7 detained, requires medication, medical services, or
8 hospitalization, the expense of the same shall be borne by
9 the agency or authority at whose instance the prisoner is
10 detained when the agency or authority is not the county
11 wherein the prisoner is being detained. The county attorney
12 shall initiate proceedings to collect any charges arising
13 from such medical services or hospitalization for the
14 prisoner involved if it is determined the prisoner is
15 financially able to pay."

-End-

HOUSE Local Government COMMITTEE

DATE Feb. 7, 1985

[illegible]

FORM CS-22

HOUSE *Local Government* COMMITTEE

DATE Feb. 7, 1985

SPONSOR Rep. Garcia

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 HB 319

DATE Feb. 7, 1985

SPONSOR _____

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WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HOUSE Local Government COMMITTEE

DATE Feb. 7, 1985

SPONSOR Rep. Cohen

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HOUSE Local Government COMMITTEE

DATE Feb 7, 1985

[illegible]

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HOUSE

COMMITTEE

DATE Feb 7, 1985

[illegible]

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BILL

HB 373

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Feb. 7, 1985

SPONSOR

Rep. Nathe

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

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HOUSE Local Government COMMITTEE

DATE Feb. 7, 1985

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FORM GC 22