

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

March 19, 1985

The meeting of the Local Government Committee was called to order by Chairman Paula Darko on March 19, 1985 at 4:00 p.m. in Room 312-2 of the State Capitol.

ROLL CALL: All members were present with the exception of Rep. Brown, who was excused.

CONSIDERATION OF SENATE BILL NO. 177: Sen. Kolstad of District 7, appeared before the committee as chief sponsor of this bill. He read a written statement, which is attached as exhibit 1 and stated the Coroner's Association supports this bill. He urged the committee's support of the bill.

PROPONENTS: Mickey Nelson, ex secretary/treasurer of the Montana Coroner's Association, and representing the Coroner's Association, stated this is not a revolutionary new bill. It is basically patterned under the justice of the peace bill. Two other states in the United States have also done this same type of thing, requiring the 40-hour training. The big thing to realize is that coroners make multi-million dollar decisions of the cause of death in signing death certificates. The person who does not know how to do this may cause many years of court costs if this is not done correctly. The FBI is now realizing this is a problem and they have a school in Washington D. C. for training of coroners. He said he has been acting as coroner for eleven years, and different investigation tools are there.

Dr. Ron Rivers, representing the Department of Justice and the Montana Medical Examiners, stated that the largest mandate is to educate lawyers, coroners, etc., in death investigations. He has been teaching this at the Law Academy for five years. Montana should also have mandates for the coroners to go to the classes he is teaching.

Jerry Loendorf, representing the Montana Medical Association, stated they support this legislation and believe coroners should have this education. Without this knowledge, they can destroy evidence that caused the person's demise.

Jim Jensen, Montana Magistrates Association, stated they support this bill and hoped the committee would do the same.

Roland D. Pratt, Director of the Montana Funeral Directors Association, stated they support this bill.

OPPONENTS: There were no opponents present.

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DISCUSSION OF SENATE BILL NO. 177: Rep. Sales asked Sen. Kolstad if he had any idea of how much this is going to cost the counties to send these people to school. He said he knows this has been done with sheriffs and sheriff deputies and it does cost considerable money. Sen. Kolstad replied it is going to cost the county per diem, mileage and salaries, but he didn't think that would be too much, and the counties didn't feel it is going to be too great an expense. Rep. Sales then asked who fills in for the guys at school. Sen. Kolstad called on Mickey Nelson to answer these questions. Mr. Nelson answered that by taking the most extremes, from Webbo to Libby, about \$1100 would be the maximum that would be considered for hotel and meals. That would be \$300 per man, maximum. Rep. Sales then asked if the intent is to have it at different areas of the state at different times, to which Mr. Nelson answered yes, just one time during the term of office. In most cases in most counties, the coroner is already receiving it, and there are 30% who have not had the training.

In closing, Sen. Kolstad stated the subject matter has been covered very well. He had no preference as to who would carry the bill.

The committee then went into executive session to take action on bills, as Sen. Mazurek had not arrived.

DISPOSITION OF SENATE BILL NO. 177: Rep. Kitselman moved that SB 177 BE CONCURRED IN, seconded by Rep. Gilbert. Question being called for, motion PASSED, with Rep. Sales voting against it.

The committee then adjourned from executive session as Sen. Mazurek arrived.

CONSIDERATION OF SENATE BILL NO. 183: Sen. Mazurek of District 23, Helena, presented the bill to the committee, as sponsor. He said he has introduced this bill at the suggestion of the district judges here in Helena. The bill is fairly simple as it eliminates the requirement that the district judge fill vacancies that occur on the board of county commissioners. In the 1889 Constitution, the district judges were very much involved in county government. When the 1972 Constitution was adopted, they did away with this constitutional authority for judges, and gave most of the operation of counties to the voters. Judges should be in the position of making judicial decisions only. When there is a vacancy in the county commissioner board, the county commissioners should fill that vacancy. When he presented the bill in the Senate Local Government Committee, there were no provisions that the person be in the same political party. This was taken care of by the Senate Local Government Committee on page 1, beginning on line 21, and also the language on page 2. Sen. Mazurek said this county had this problem when they

had two judges. They were uncomfortable with the job. Sen. Mazurek presented written testimony which is attached as exhibit 1, which gives the supreme court decision of why judges should not be in the business of filling executive vacancies.

PROPOSERS: Henry Loble, District Judge, stated he supports this bill only to this extent. He doesn't care who makes the appointment as long as it isn't a district judge. He presented written testimony (exhibit 2) on the unconstitutionality of Section 7-4-2106 MCA which requires Montana District Judges to fill by appointment a vacancy which occurs in the office of county commissioners.

Gordon Morris, representing Montana Association of Counties, said they would like to go on record in support of the bill and asked for a Do Concur vote from the committee.

OPPOSERS: No opposers appeared before the committee.

DISCUSSION OF SENATE BILL NO. 183: Rep. Sales asked Sen. Mazurek why not let the county commissioners pick somebody from that party who has lived in that area? Sen. Mazurek answered that is the procedure to fill a legal vacancy position. The central committee in each county go together to submit to the remaining commissioners three names of people who have lived in the district for at least two years. Rep. Sales commented that they have a central committee in Gallatin county that doesn't represent the Democrats at all. Maybe that is only a local problem.

Rep. Switzer asked Sen. Mazurek if that is a procedure that is used now, that the commission can be filled by the recommendation of the district judge. Sen. Mazurek said he believes the judge receives an application. Judge Loble stated judges have the indiscriminating responsibility for filling that position, and he said he feels very uncomfortable with it.

Rep. Hansen stated she thinks that now they have to submit three names and they can pick someone from that. Sen. Mazurek said he doesn't have strong feelings about what procedure is used except he does not want the judges to have to do it. Rep. Hansen then stated that by keeping it consistent with all the appointments, it would be better to keep the procedure the same. Sen. Mazurek answered that she might want to have Lee Heiman look at it.

Rep. Pistoria said he knows this is going to delete the judges from making the appointment, but he is not clear who will make the appointment of the county commissioners. Sen. Mazurek told him the remaining two commissioners will make the appointment from the three names submitted by the central committee. Rep. Pistoria then asked if one of the remaining two commissioners is a Democrat and the other a Republican, how will

they arrange that? Sen. Mazurek told him they will have to agree and there will have to be some compromises. The voters would not act kindly to them not agreeing.

Rep. Pistoria told Judge Loble that he has never heard of the district judges around home making an issue of this, and wondered if Judge Loble was alone on this and why did he want to get out from under it? Judge Loble replied it is just a question of time before it is made unconstitutional for a legislature to require a judge to make the appointments. It is totally improper to have a judge interfere in making this appointment. Rep. Pistoria felt it is a good thing for a judge to do it.

Rep. Fritz asked Sen. Mazurek if in the unlikely event there were two vacancies, would the one sole survivor select one person and then the two of them select the other member? Sen. Mazurek said he doesn't think the bill speaks to that. However, he didn't think that would be too unlikely. It is healthy to do this and to consider all the possibilities so that the law could be made now.

In closing, Sen. Mazurek stated it is our opportunity to do this in advance. He had not talked with anyone to carry the bill.

CONSIDERATION OF SENATE BILL NO. 454: Sen. Fuller of District 22, Helena, appeared as sponsor of this bill, which enables county housing authorities and county governing bodies to assist in the provision and rehabilitation of rural dwellings for any low-income resident. The Community Development Block Grant (CDBG) Program started in 1981 in Montana. Twenty-three of the state's CDBG projects involve rehabilitation of substandard homes, and out of these, 21 are being administered by cities or town, and only two are county projects. The Attorney General has ruled that the county, in order to receive these funds, must set up a county rehabilitation program. This bill will put counties on an equal footing with cities and towns to receive the block grant and the counties would not have to set up housing authorities to take care of the housing needs of the county residents.

PROPOSERS: Dave Cole, representing the Montana Department of Commerce, said their concern is to regulate equal access for counties to use these funds. The bill uses the same language that applies to municipalities. He presented written testimony, which is attached as exhibit 1, and said the Community Development Block Grant Program fund is for helping low income housing in rural areas.

Gordon Morris, representing the Montana Association of Counties, thanked Sen. Fuller for sponsoring this bill. It was an oversight of MACo, and they want to go on record in support of SB 454.

OPPONENTS: There were no opponents present to SB 454.

DISCUSSION OF SENATE BILL NO. 454: There was no discussion by committee members on this bill.

Senator Fuller closed his presentation, and said he didn't have anyone in mind to carry the bill. Rep. Sales volunteered to carry it for him.

The committee then went into executive session for action on bills as Sen. McCallum had not arrived to present his bill.

DISPOSITION OF SENATE BILL NO. 454: Rep. Kitselman made the motion of BE CONCURRED IN, seconded by Rep. Sales. Question being called for, motion PASSED, with Rep. Switzer opposed.

Rep. Hansen asked the committee to hold action on SB 183 until Thursday. Rep. Pistoria said he was not satisfied with the bill, so he will work with Rep. Hansen on it. Rep. Switzer asked Chairman Darko to advise Rep. Hansen to be ready for adverse comments on it.

CONSIDERATION OF SENATE BILL NO. 118: Sen. McCallum, District 26, appeared as sponsor of SB 118. He said he is introducing the bill for the county clerks and recorders, and it will provide additional compensation for a county clerk and recorder who serves as an election administrator. In some counties, the clerk and recorders are classified as election administrators, and in some of the larger counties, an election administrator is hired. What this bill does is allows that a clerk and recorder who is acting as an election administrator may receive, in addition to their salaries, a sum not to exceed \$2,000 per year. They have more to do now than in years gone by and things have become more complicated now. He said he had a note to insert into the record from Dennis Burr, who was not able to be here, who wanted the committee to know that the clerks and recorders will still be paid.

PROPOSERS: Mike Stephen, representing the Montana Association of Clerks and Recorders, said the purpose of this bill is to bring about compensation for clerks and recorders and election administrators. The clerk and recorder of each county is an election administrator. The idea here is without an appointment by the county commissioners, the clerk and recorder does not have the opportunity to turn the job down. The duties are far more time consuming now and an individual has to be much more knowledgeable about the election procedures. The duties of the clerk and recorder prior to election time and during election time are great and if there is a follow-up, the election administrator takes the brunt of the criticism. Most of the counties have their clerk and recorder act as the election administrator, and there are a number of counties who pay the clerk and recorder additional money for this duty. As the bill states on page 2, the clerk and recorder who is designated

as election administrator, may receive, in addition to his salary, a sum not to exceed \$2,000 per year.

Gordon Morris, Montana Association of Counties, stated they would like to go on record in support of SB 118. The testimony submitted by Mr. Stephen pointed out the Catch 20. This bill will correct a flaw in the law where the clerk and recorder will provide duties above the call of duty, and he asked for a Do Concur from the committee.

OPPONENTS: There were no opponents present to testify.

DISCUSSION OF SENATE BILL NO. 118: Rep. Pistoria wanted to make sure that a county commissioner "may", not "shall".

Senator McCallum closed his presentation. Rep. Kitselman was asked to carry the bill.

The committee then went into executive session again to take action on bills.

DISPOSITION OF SENATE BILL NO. 118: Rep. Wallin made the motion of BE CONCURRED IN, seconded by Rep. Hansen.

Rep. Gilbert said this is the same thing that the county treasurers came in here for. They are elected to do the job and they should do it with the salary they receive. He felt the committee should do the same thing that they did with the other bill, and that is to kill it.

Sen. Halligan arrived at this time, so executive session was adjourned.

CONSIDERATION OF SENATE BILL NO. 266: Sen. Halligan of District 29, Missoula, sponsor of the bill, presented it to the committee. He said this is a bill that was supported by the county commissioners and the MACo groups, and the fire districts. As the title indicates, it allows for the adjustment of boundaries of rural fire districts at the hearing on the petition to create such a district, and requiring such adjustments to be made in response to written requests received prior to the hearing. Once the petition is submitted, with the required signature, the county commissioners can't adjust the boundary even if the individual asks for it. Notice has to be given to each person in the district to allow that persons on both sides may decide whether they want in or out of the district. At the public hearing, there can be discussion of the boundaries.

PROPONENTS: Mike Sehestedt, representing the Missoula county, said this is a simple bill that will solve the problem that comes up from time to time when there is a petition for fire districts. A signed petition is 50% or more. All that can happen at the public hearing is that the commission makes a formal check to see if the petition is legitimate. A petition

has to be signed if the people want to be included in the district. A fire district was created in Seely Lake which had a lot of interest. The boundaries couldn't be changed and the people had to be taken in. The people were stuck with the second proceedings and had to be included and pay for the fire protection.

Lyle P. Nagel, Montana State Volunteer Firemens Association, from Simms, said they would like to go on record in support of this bill. In Cascade County they had a case where the people were trying to establish a fire district and one person caused the problem. The whole district went down the tube and a lot of money was spent. He presented written testimony, which is attached as exhibit 1.

OPPONENTS: There were no opponents present.

DISCUSSION OF SENATE BILL NO. 266: Rep. Kadas asked Mike Sehestedt about the language which says that the written notice has to be made prior to the hearing, and he wondered why the written request can't be made at the hearing. Mr. Sehestedt answered that he doesn't have any problem with that. A notice has to be sent prior to the meeting, and that notice should also say what their legal rights are at the hearing.

Sen. Halligan closed the hearing, and said he did not have anyone in mind to carry the bill. Chairman Darko said Rep. Kadas might carry it.

The committee again went into executive session for action on bills.

DISPOSITION OF SENATE BILL NO. 118: Question being called for on Rep. Wallin's motion of BE CONCURRED IN, and motion FAILED on a Roll Call Vote of 10 to 3. Rep. Brandewie moved to reverse the votes, and SB 118 went out of committee as BE NOT CONCURRED IN.

DISPOSITION OF SENATE BILL NO. 266: Rep. Sales moved that SB 266 BE CONCURRED IN, seconded by Rep. Gilbert.

Rep. Kadas moved to amend page 2, line 1, following the second "to", insert "or on" the date set for hearing on the petition. Second was received from Rep. Kitselman. Question being called for, the motion PASSED UNANIMOUSLY.

Rep. Kadas then moved that SB 266 BE CONCURRED IN AS AMENDED, and this was seconded by Rep. Kitselman. Question being called for, motion PASSED UNANIMOUSLY.

CONSIDERATION OF SENATE BILL NO. 188: Sen. Towe of District 46, appeared as sponsor of the bill and apologized to the committee for being a little late. He said SB 188 is a bill that is introduced at the request of the Public Employees' Retire-

ment Board, and it deals with pensions and the consolidation of law enforcement officers. There is a provision that deals with consolidation. In this bill, if a police officer has a retirement plan and consolidates, how is his pension handled? Unfortunately a police officer went into a consolidation plan and an issue arose from his pension benefits. The Retirement Board said the statutes are clear that he should not receive the pension. It was taken to court, and the decision was in favor of the retiree. Because of that case, they are afraid it will happen again. The law will either have to be changed or more money will have to be put into the fund. Senate Bill 188 and Senate Bill 187 arose from that particular case. Therefore, they are plugging the loopholes and making it clear what they are talking about. There was no definition of death benefits prior to this bill. Page 6 makes it substantially clear that the surviving spouse receives a sum equal to one-half of the officer's final average salary. They are creating for the most part the benefits that the courts said should be provided and there is a clarification in limiting some of the benefits. This is a clarifying bill which does nothing but clarify.

PROPOSERS: Larry Nachtsheim, Administrator of the Public Employees' Retirement Division, said this bill is very technically correct. They had a gentleman who served as a sheriff for many years. When they had the consolidation of law enforcement systems in Butte-Silver Bow and Deer Lodge Counties, they had many law enforcement officers who had many years of service but they did not pay into the retirement system. In this particular case, a gentleman retired from the police system and asked for the benefits of the police system. They lost the court case, and since there was no funding to provide this type of benefits, they came up with this bill. The new language on page 6 is simply the language that was on page 7, which describes the death benefits.

OPPOSERS: There were no opponents present to testify.

There were no questions and no discussion from the committee.

In closing, Sen. Towe told the committee that when SB 187 is heard, he will be referring to the case mentioned in SB 188.

Chairman Darko told him the committee may act on this bill but she will hold the committee report until the other bill comes up. Rep. Fritz is to carry the bill on the floor.

CONSIDERATION OF SENATE BILL NO. 25: Sen. Towe of District #46, also appeared as sponsor of SB 25. The bill requires the state to assume funding for certain district court expenses and requires the Legislature to provide full funding for the district court grant fund. Sen. Towe said this bill is not terribly complex or complicated, but it is an important piece of legislation. He has been asked by two people

to make amendments. The first set of amendments came from John W. Northey, Staff Legal Counsel of the Office of the Legislative Auditor. These are attached as Exhibit 1, and deal with the legislative auditor. Sen. Towe said he accepts these amendments and has no problems with them, and asked for the committee's support. The second set of amendments, (Exhibit 2), was prepared by Lois Menzies of the Legislative Council. In some counties, instead of putting the money in the general fund, it is deposited in the district court fund, if the county has a district court fund. Sen. Towe felt it is a good idea to adopt those amendments as well. This bill deals with a very serious problem. It is a product of the Joint Interim Subcommittee No. 3 which was assigned to look at the court system in Montana to see if it could be made to work more effectively. There is a very serious funding problem in the court system. The district court is on the criminal side of Montana. It is a state court and is operated for the benefit of the state, not the counties. The counties have no control over it. When a criminal case is heard, it is the State of Montana vs the defendant, yet the county pays all but the judge's salary. The only thing that the state does pay is the judge's salary. The state puts into a fund a sum of money which would help the courts if the counties in that district levy 6 mills. The system was first created in 1981, but they put no money in it. The second time, in 1983, they funded it only half way, and it does not even come close to covering the cost over and above the 6 mills. In a county where the general mill levy is up to the maximum and the county mill is fully utilized and along comes a notorious criminal case which costs a lot of money, what does the county do? It is different in every county. Two counties exceed their mill levy, Broadwater and Butte-Silver Bow, but it also happened in Cascade county. Commissioner Pat Ryan raised a question. They can't levy more than is permitted or they will be violating the law. And if they don't provide money for the court system like the judges say, then they will get thrown in jail for contempt of court. Mr. Ryan came to the committee at that point, as they can go to jail either way. Those counties are today violating the law as they are levying more mills, and this bill addresses that question. Sen. Towe then listed the court expenses in criminal cases which is funded from the supreme court administrator, under the direction of the supreme court. There is a special provision for reimbursement of witnesses, which they want to be continued. Section 4 of the balance of the bill simply outlines in other sections those things that need to be changed. There is one question that he hasn't raised -- where does the money come from? Page 17, section 18, which was added by the Senate Committee, states that SB 142 is the Senate bill that does provide the money for this. In fact, it provides twice as much money than is necessary. \$1.6 million is needed in each year of the biennium, \$3.1 million takes care of the situation. Sen. Towe suggested striking section 18, since SB 142 was passed through the Senate, but Chairman Darko said that section is needed. Sen. Towe said

if SB 142 is not favorably acted upon he would ask the committee to look at this carefully. The bill is critical and is the single most important problem of local governments of funding district courts whether through SB 142 or some other bill.

PROPOSERS: Gordon Morris, representing the Montana Association of Counties, said that in reference to Sen. Towe's excellent presentation, House Taxation heard SB 142 and it will go out on a 10 - 10 recommendation. For the record, MACo has identified this particular issue as a high priority item of the county commissioners throughout the state. It is not a new study. The bill is a direct product of the report of the Judicial Committee. Those areas that would be administered under this bill, on page 1, line 18, items a, b, c, and d, are items which are currently funded out of the District Court Grant Program. Items e and f would be new requests within the context of this bill. It is not fair to assume that SB 25 and SB 142 would generate twice as much money as needed. Putting these two bills together was an attempt to generate \$3.4 million which is being budgeted out of the grant-in-aid money. There is no additional money. He requested the committee's favorable action on SB 25.

Clara Gilreath, representing the Montana Association of Clerks of District Courts, stated they would like to go on record in support of SB 25. This bill is a product of a lot of hours the committee put in.

Greg Jackson, Urban Coalition, stated they are made up of the six largest counties of Montana. The Urban Coalition, along with MACo, has marked this as a high priority bill. Five counties in their membership have a \$65,000 deficit. Cascade county has a deficit of \$379,000. Of the 22 counties, 10 are rural counties so the problem is evident throughout the state as to the deficit problem. Revenue sharing can't be relied on. The Urban Coalition would like to go on record in high support of SB 25.

Lorraine Van Ausdol, Clerk of District Court, and president of the Clerk's Association, stated their association would like to go on record as asking for the committee's support for this bill. Funding the courts has been a problem for Gallatin County. She presented a letter from the Gallatin County Commission, which she read. This is attached as Exhibit 3. She stated they have no idea what is going to come up so it is hard to set up a budget and stick with it.

Toni Hagener, representing Hill county, stated the bill is deserving of the committee's favorable consideration. It defines what will be paid and makes a fairer statement of what will be paid than in the past. It is a concern of the counties that it is mandated. The counties have no opportunity to refuse, they have no control over the operation. She said in

their county, a murder was committed. They are over their 6 mill levy, and they are looking at a long term assumption of debt for which they have no source for getting the money. It is not all large counties that have these problems. The situation is urgent. She urged the committee's favorable action.

OPPONENTS: There were no opponents present.

DISCUSSION OF SENATE BILL NO. 25: Rep. Pistoria said Sen. Towe described very accurately what happened in Cascade county, and he wondered if this bill requires a 6 mill levy. Gordon Morris said that is not the fact. Taking a look at the fiscal note, the local impact is \$3.2 million in fiscal year 1986 and 1987, and that represents real property tax relief. It is a realistic property tax relief effort that every county will benefit from.

Rep. Sands said Yellowstone county is one of the counties not over the six mills. He asked Gordon Morris if he has run the numbers for 1986 of what Yellowstone county will receive from this. Mr. Morris replied he has not run that number. One fifth of that would be allocated to those expenses. Under this bill they would be getting reimbursed and would not have to levy for that amount. Rep. Sands then asked if Yellowstone county would get one fifth of its court costs paid under this bill. Gordon Morris said this bill calls for 100% grant in aid program. In Cascade county and the other 22 counties that amount of money would be picked up 100%. In the case of Cascade county, he estimated it would be one fifth of the total budget. The dollar amount in Cascade county would be \$300,000.

Rep. Gilbert asked Gordon Morris what affect this bill will have on counties that have no mills. Mr. Morris said that is not the situation at all. It is funding the district court operation out of a levy. There are nine counties that are in that unique situation. They do use the specific authority for district courts.

Rep. Wallin wanted to know how much SB 142 raises, and Mr. Morris told him it is a \$5 motor vehicle flat fee increase on motor vehicles, which is anticipated to raise \$6.6 million.

Rep. Wallin then asked why we look to automobiles for this, and he wondered if he was right in assuming that farmers and ranchers would be paying very high on this because they have many vehicles. Mr. Morris told him that in Montana, automobile owners and operators are enjoying the benefits of the flat fee. By looking at the fee schedule, that is currently fixed by law. The license fee on a new Lincoln would be \$102. Rep. Wallin told Mr. Morris that when he is talking about a Lincoln, what would that 1 1/2% sales tax be on it if he had to pay that license. Mr. Morris answered that it is cheaper to own or license a vehicle in Montana than Washington, North

Dakota, or other states. At that point, Chairman Darko told them to please keep their comments to SB 25.

Rep. Kitselman stated they are trying to ask what percentage and benefits are derived from Yellowstone county and how much money would remain in Yellowstone county if this bill passes. Mr. Morris said there are 101,788 vehicles certified in Yellowstone county, with \$505,000 being raised to support state assumption of the district court. Rep. Kitselman asked how much of that \$505,000 would come back to benefit Yellowstone county. Mr. Morris told him he would have to realize that they are funding \$350,000. Rep. Kitselman then asked if they went with a local option type of taxation would it be possible for Yellowstone county to fund with this option without going into this grant in aid? Mr. Morris replied he did not know what local option they were talking about.

Rep. Sales then asked Mr. Morris if he could give an idea of how many grant in aid counties there are now and how many there will be if this bill passes. Mr. Morris said there are 22 grant in aid counties in the year 1984. They were appointed \$1.375 million. Under this bill, there would be no grant in aid program. Those same 22 counties would be the primary recipients.

Rep. Kadas asked if this was going to lower the required mill levy for every county, and Mr. Morris replied that is an unequivocal yes. Rep. Kadas said it will be lowered by the percentage of criminal cases for every county. If a county is levying 6 mills plus expenses and it does not bring them below 6 mills, what does this do? Mr. Morris replied this bill is built on the concept that there would be 100% refunding of the grant in aid program. Rep. Kadas said that district court expenses will be paid by the state across the county, and he wondered if that is the only place the money is going, in indigent legal costs. They don't guarantee that a county is going to be levying 6 mills. Mr. Morris said that the way grant in aid programs work now to levy up to the maximum, this bill would assure \$1.701 million plus other expenses.

Rep. Switzer asked Mr. Morris if it picks up no costs that are not criminal, and Mr. Morris replied that the criminal part is that part picked up by the state of Montana.

Rep. Gilbert asked Mr. Morris if in his county under this program, would the state still come and fund 100% and not require them to raise their levy, and Mr. Morris replied that is correct. They would get \$45,000 to \$50,000 back.

Rep. Brandewie asked Mr. Morris out of the 28 counties that aren't required to raise the 6 mills, if they were to raise the 6 mills permissive, how much would they have raised? This is supposed to be equilizing, so how much would you raise in excess in the county that at this point isn't neces-

sary to raise the maximum? Are all counties required to levy the maximum mills for the purpose of courts, regardless of whether they need them or not? Mr. Morris said you have the authority for district court levies in every county, based on classification. It wouldn't be a case of equilizing of the 6 mills in every county. He guessed that the total amount raised would be \$13 1/2 million.

Greg Jackson of the Urban Coalition told Rep. Brandewie there are 22 counties not levying their maximum and it would be \$13 to \$14 million.

Rep. Brandewie asked what was the total cost of operating the courts across the state, and Mr. Jackson replied the total cost is around \$13 million.

In closing, Sen. Towe said this bill mandates that the state pay the entire 6-mill levy. There is considerable concern of where the money is coming from. This bill deals with the allocation of money. He would rather have the bill on the books unfunded than have nothing.

Rep. Pistoria stated there are a lot of counties that are not levying the 6 mills and he wondered if this bill forces them to come up with the 6 mills or leave it as it is. Also, if they don't have any costs below the 6 mills, do they take advantage of it? Sen. Towe told him that many of them levy 6 mills, some 4 or 5 mills. All the big ones are at the top. Silver Bow county is levying 10.2 mills. The bill only addresses criminal court cases and only those items listed on page 1. There are still costs for clerk of courts, filing costs, bailiff costs, etc., which are still paid by the local counties. In the 1982-83 fiscal year, the total costs in Montana was \$11.9 million.

Rep. Gilbert asked Sen. Towe what percentage of the total court costs is criminal, and Sen. Towe told him \$1.6 million, and that the only thing to keep in mind is that this bill works with the 6 mills, and the state contributes for anything over the 6 mills.

Rep. Darko suggested that Rep. Brown carry the bill, and that action on SB 25 be postponed until the next meeting. She advised the committee members to be prepared.

Rep. Brandewie said he would like someone to supply him with how many cars are in each county.

The committee then went into executive session for action on SB 188.

DISPOSITION OF SENATE BILL NO. 188: Rep. Hansen moved that SB 188 BE CONCURRED IN, seconded by Rep. Sales. Motion PASSED UNANIMOUSLY.

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There being no further business before the committee, the meeting was adjourned at 6:15 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 3-19-85

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

STANDING COMMITTEE REPORT

March 19, 19 35

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration SENATE Bill No. 177

THIRD reading copy (BLUE color)

CORONER QUALIFICATIONS AND EDUCATION.

Respectfully report as follows: That SENATE Bill No. 177

BE CONCURRED IN
DO PASS

STANDING COMMITTEE REPORT

March 19, 1935

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration SENATE Bill No. 454

THIRD reading copy (BLUE color)

ENABLING COUNTIES TO REHABILITATE RURAL NONFARM HOUSING.

Respectfully report as follows: That SENATE Bill No. 454

BE CONCURRED IN
DO PASS

STANDING COMMITTEE REPORT

March 19, 19 85

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration SENATE Bill No. 118

THIRD reading copy (BLUE color)

INCREASE SALARY OF CLERK AND RECORDER WHO SERVES
AS ELECTION ADMINISTRATOR

Respectfully report as follows: That SENATE Bill No. 118

BE NOT CONCURRED IN
~~DO PASS~~

STANDING COMMITTEE REPORT

March 19, 19 85

SPEAKER:

MR.

We, your committee on LOCAL GOVERNMENT

SENATE
having had under consideration Bill No. 266

THIRD reading copy (BLUE color)

ALLOW BOUNDARY ALTERATION ON CREATION OF RURAL FIRE DISTRICT.

SENATE
Respectfully report as follows: That Bill No. 266

BE AMENDED AS FOLLOWS:

1. Title, line 8.
Following: "TO"
Insert: "OR ON THE DATE SET FOR"

2. Page 2, line 1.
Following: "prior to"
Insert: "or on"

AND, AS SO AMENDED,
BE CONCURRED IN
~~DO PASS~~

STANDING COMMITTEE REPORT

March 19, 19 85

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration SENATE Bill No. 189

THIRD reading copy (BLUE)
color

CLARIFY PAYMENT OF RETIREMENT BENEFITS TO DECEASED
POLICE OFFICER'S SPOUSE.

Respectfully report as follows: That SENATE Bill No. 188

BE CONCURRED IN
~~XXXXX~~
DO PASS

EXHIBIT
S.B. 177
3-19-85
Senator Kolstad

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

FOR THE RECORDS I'M ALLEN KOLSTAD, SENATOR DISTRICT #7,
AND CHIEF SPONSOR OF S.B.177.

THIS BILL SETS UP SOME BASIC REQUIREMENTS FOR THE OFFICE
OF COUNTY CORONER AND ALSO MANDATES SOME CORONERS EDUCATION
AND CONTINUING EDUCATION. AT THE PRESENT TIME, THE ONLY
REQUIREMENTS FOR SERVING AS A CORONER ARE THAT YOU ARE A
RESIDENT OF THE COUNTY AND ARE A REGISTERED ELECTOR.

THIS EDUCATION WE ARE ASKING FOR IN THIS BILL IS ONE
BASIC 40-HR. COURSE AND ALSO 16 HRS. A YEAR OF CONTINUING
EDUCATION. THE COUNTY IS RESPONSIBLE FOR PAYING THE SALARY,
MILEAGE, AND PER DIEM TO EACH CORONER ELECT, CORONER OR
DEPUTY CORONER ATTENDING FROM THAT COUNTY. IN THIS BILL THE
CORONER MUST BE 23 YRS OF AGE OR OLDER AND BE A HIGH SCHOOL
GRADUATE. THE FISCAL NOTE INDICATES THAT THE ONLY COST TO
THE STATE WOULD BE \$500 IN FISCAL YEAR 86 AND \$2450 IN FY 87.
THIS WOULD BE USED TO HIRE EXPERTS TO TEACH AT THE SCHOOL.
I THINK THIS IS A SMALL COST TO THE STATE FOR THE AMOUNT OF
GOOD IT WILL DO.

THE CORONER'S ASSOC. SUPPORTS THIS AND I URGE YOUR
SUPPORT.

LC-893

JAN 21
Exhibit 1
SB 183
3-19-85
Senator
Mazurek

April 3, 1984

Senator Joseph Mazurek
Box 1715
Helena, MT 59624

Dear Senator Mazurek:

I write this letter to you as a State Senator in the hope that the statutes of the State of Montana can be amended to remove the very clear appearance that Section 7-4-2106, MCA is unconstitutional.

This particular statute provides that the district judge or judges should appoint to fill a vacancy in the office of County Commissioner. Under the previous (1989) constitution there was a specific provision that such district judge or judges should make such an appointment. However, this provision was not included in the 1972 constitution so that there is no direct constitutional provision empowering a district judge or district judges to make such an appointment.

On the face of it, we then have a situation where officials of the judicial branch of government are making appointments of persons who are part of the executive branch of government. In Application of O'Sullivan, 117 Mont. 295, 302, 158 P.2d 306 (1945), it is said:

"Generally speaking, appointment to an office is an executive function. True, not every appointment is executive in character, for appointments may be made by judicial officers in the discharge of their official duties, and the legislature may appoint the officers necessary to enable it to discharge its duties. But such appointments are necessary to enable them to properly discharge their duties, and to maintain their separate existence. These do not involve an encroachment on the function of any other branch. The appointments authorized by the Act in question are in no manner connected with the discharge of judicial duties, and to our minds clearly fall within the prohibition of the article of the constitution hitherto quoted. Much more might be said in support of the

Senator Joseph Mazurek
April 3, 1984

Page Two.

conclusion reached, but this opinion has already outgrown proper limits. Judges of courts created by the constitution should not be burdened with executive or administrative duties. They should, as nearly as possible, be freed from everything not judicial in character. Respect for the position has materially lessened whenever judges have attempted to discharge duties of an executive character. The judge should have no favors to grant, no patronage to dispose of, and no friends to reward. The spoils system should have no place in the selection of judicial officers. The manifest purpose of the legislature in passing the act in question and placing the appointing power in the hands of the judiciary is a compliment that speaks loudly of the integrity, fairness, and independence of judicial officers; but, if they are put on a plane with other officials, who are compelled to, or who, at least, in many instances do, use their appointing power to further their own interests, will they not sacrifice their standing as judges, and defeat the very object intended to be secured? Let us adhere to the traditions and history of the past; let the judge be supreme in his field, the legislator in his, and the executive remain where the constitution placed him; let the three co-ordinate departments of government be preserved intact; let neither trench upon the other and our liberties will be preserved, and our rights duly maintained."

Further, in the same opinion, on page 305 of 117 Montana, it is said:

"It follows that the clause above quoted in Chapter 160 so far as it attempts to confer authority upon the court to make an appointment is unconstitutional and void."

It seems to me, therefore, that the legislature should, as soon as possible, change the statute in question to provide an appointing authority other than the judiciary.

Sincerely yours,

Henry Loble,
District Judge

HL/hb

applicable rule as follows: "Generally speaking, appointment to an office is an executive function. True, not every appointment is executive in character, for appointments may be made by judicial officers in the discharge of their official duties, and the legislature may appoint the officers necessary to enable it to discharge its duties. But such appointments are necessary to enable them to properly discharge their duties, and to maintain their separate existence. These do not involve an encroachment on the function of any other branch. The appointments authorized by the Act in question are in no manner connected with the discharge of judicial duties, and to our minds clearly fall within the prohibition of the article of the constitution hitherto quoted. Much more might be said in support of the conclusion reached, but this opinion has already outgrown proper limits. Judges of courts created by the constitution should not be burdened with executive or administrative duties. They should, as nearly as possible, be freed from everything not judicial in character. Respect for the position has materially lessened whenever judges have attempted to discharge duties of an executive character. The judge should have no favors to grant, no patronage to dispose of, and no friends to reward. The spoils system should have no place in the selection of judicial officers. The manifest purpose of the legislature in passing the act in question and placing the appointing power in the hands of the judiciary is a compliment that speaks loudly of the integrity, fairness, and independence of judicial officers; but, if they are put on a plane with other officials, who are compelled to, or who, at least, in many instances do, use their appointing power to further their own interests, will they not sacrifice their standing as judges, and defeat the very objects intended to be secured? Let us adhere to the traditions and history of the past; let the judge be supreme in his field, the legislator in his, and the executive remain where the constitution placed him; let the three co-ordinate departments of government be preserved intact; let neither trench upon the other;

and our liberties will be preserved, and our rights duly maintained."

The fact that judges fill vacancies in the office of county commissioners by appointment does not militate against this view for that power is expressly provided for in the Constitution. Sec. 4, Article XVI; State ex rel. Downen v. District Court, 50 Mont. 249, 146 Pac. 467. Were we to hold that the statute does not make the court in effect the appointing power, we still could not uphold the amended statute in all its provisions. If the statute be not construed as delegating executive powers to the judiciary, and were we to say that it merely imposes judicial duties upon the court, the statute as amended would have to fall because it fails to provide for notice and a hearing.

Judicial proceedings without notice and opportunity for [4] hearing are contrary to the State and Federal Constitutions as a deprivation of rights without due process. It is to be noted that Chapter 160 is silent as to notice and an opportunity for anyone to be heard. The significance of this omission is accentuated when it is remembered that Chapter 66 specifically provided for notice and a hearing by the appointing power, and these provisions are dropped by the amendment of 1943. This evidences a clear legislative intent to dispense with notice and a hearing. If we concede that the statute imposes judicial and not executive duties upon the court, then the court's only function would be to determine whether the appointing power abused its discretion, or acted arbitrarily or fraudulently as held in the Horvath case, and on that issue notice and opportunity for hearing are essential. Compare State ex rel. Dolin v. Major, 58 Mont. 140, 192 Pac. 618.

Under the statute a controversy may arise between two or more veterans and the issue before the court acting judicially would be limited to determining whether the appointing power acted arbitrarily or fraudulently or acted in abuse of its discretion, and as before stated notice and opportunity for hearing

Exhibit 2
SB 183
3-19-85
Sen. Mazurek

PRESENTATION OF HENRY LOBLE, A DISTRICT JUDGE OF
THE FIRST JUDICIAL DISTRICT, ON THE QUESTION OF
THE UNCONSTITUTIONALITY OF SECTION 7-4-2106 MCA
WHICH REQUIRES MONTANA DISTRICT JUDGES TO FILL BY
APPOINTMENT A VACANCY WHICH OCCURS IN THE OFFICE
OF COUNTY COMMISSIONER.

Question:

Is Section 7-4-2106, MCA unconstitutional insofar as it requires district judges to fill, by appointment, a vacancy which may occur in the office of county commissioner?

This question has already been answered in a case entitled "Application of O'Sullivan," 117 Mont. 295, 158 P.2d 306 (1945).

In that case Mr. O'Sullivan was an attorney at law in Harlowton. He applied to the city, its mayor and city council to be appointed as city attorney. He claimed a veteran's preference under Chapter 66, Laws of 1937, and Chapter 160, Laws of 1943. He was not appointed as city attorney and brought an action to enforce his veteran's preference. At that time the veteran's preference law (Chapter 160, Laws of 1943) stated:

"Any judge in said court shall have original jurisdiction to determine whether said applicant shall be preferred for appointment and to issue its order directing and ordering said appointing authority to employ said applicant, and said applicant's compensation shall be effective as of the date his employment would have been effective if the appointing authority had employed him."

(Emphasis supplied.)

The question for the Supreme Court to decide was whether the legislature could constitutionally require a district judge to appoint a city attorney under the circumstances and facts of the case. On page 305 of 117 Mont., the court answered this question succinctly as follows:

"It follows that the clause above quoted in Chapter 160 so far as it attempts to confer authority upon the court to make an appointment is unconstitutional and void."
(Emphasis supplied.)

The reasoning for the court's ruling is set forth on pp. 302 and 303 of 117 Mon. where the court quoted with approval from an Iowa case as follows:

"Generally speaking, appointment to an office is an executive function. True, not every appointment is executive in character, for appointments may be made by judicial officers in the discharge of their official duties, and the legislature may appoint the officers necessary to enable it to discharge its duties. But such appointments are necessary to enable them to properly discharge their duties, and to maintain their separate existence. These do not involve an encroachment on the function of any other branch. The appointments authorized by the Act in question are in no manner connected with the discharge of judicial duties, and to our minds clearly fall within the prohibition of the article of the constitution hitherto quoted. Much more might be said in support of the conclusion reached, but this opinion has already outgrown proper limits. Judges of courts created by the constitution should not be burdened with executive or administrative duties. They should, as nearly as possible, be freed from everything not judicial in character. Respect for the position has materially lessened whenever judges have attempted to discharge duties of an executive character. The judge should have no favors to grant, no patronage to dispose of, and no friends to reward. The spoils system should have no place in the selection of judicial officers. The manifest purpose of the legislature in passing the act in question and placing the appointing power in the hands of the judiciary is a compliment that speaks loudly of the integrity, fairness, and independence of judicial officers; but, if they are put on a plane with other officials, who are compelled to, or who, at least, in many instances do, use their appointing power to further their own interests, will they not sacrifice their standing as judges, and defeat the very objects intended to be secured? Let us adhere to the traditions and history of the past; let the judge be supreme in his

field, the legislator in his, and the executive remain where the constitution placed him; let the three co-ordinate departments of government be preserved intact; let neither trench upon the other; and our liberties will be preserved, and our rights duly maintained."

(Emphasis supplied.)

A further quotation in the O'Sullivan case deals directly with the question presented here where the court said:

"The fact that judges fill vacancies in the office of county commissioners by appointment does not militate against this view for that power is expressly provided for in the Constitution. Sec. 4, Article XVI; State ex rel. Downen v. District Court, 50 Mont. 249, 146 Pac. 467."

However, the power referred to is not contained in our 1972 Constitution. District judges no longer have this constitutional authority. Our Supreme Court has expressly ruled that were it not for the constitutional power previously contained in the 1889 Constitution, but now eliminated, it would be equally unconstitutional for a statute to require district judges to fill a vacancy in the office of county commissioner by appointment.

There is no reason for any further citation of authority. The matter is crystal clear. Section 7-4-2106 MCA is unconstitutional insofar as it requires district judges to fill, by appointment, a vacancy which may occur on the board of county commissioners.

Since the above was written, our Montana Supreme Court has again and recently affirmed the principle announced in the O'Sullivan case. In Jensen v. State of Montana, 41 St.Rep. 1971, 1976, decided on October 25, 1984, our Court said:

"In summary, the remedy the District Court granted Jensen was once provided by statute and this Court found the law unconstitutional. The precedent of O'Sullivan controls: the legislature cannot place the power of appointment in the judiciary. Under the enforcement statute and the Constitution, the District Court may order the Department to grant Jensen the

veteran's absolute preference. Beyond this statutory relief, the judiciary lacks any power to appoint a particular petitioner to a job." (Emphasis provided)

Exhibit 1
SB 454
3-19-85
Sen. Fuller

Background on Senate Bill 454

In 1981, as part of his New Federalism Program, President Reagan made administration of the Community Development Block Grant (CDBG) Program available to the States. The program had been administered by the U.S. Department of Housing and Urban Development (HUD) since 1974. The Montana Legislature approved this transfer in November, 1981.

The State CDBG program is administered by the Montana Department of Commerce and awards approximately \$6 million in federal funds annually, on a competitive basis, to assist Montana counties and municipalities in addressing serious community needs. All counties and municipalities are eligible to apply for these funds with the exception of Billings and Great Falls, which receive CDBG funds on a formula basis, automatically. The basic types of projects funded are for economic development, public facilities and rehabilitation of substandard housing; federal law requires that all projects principally benefit low and moderate income families.

Twenty-three (23) of the State's 55 CDBG projects involve rehabilitation of substandard housing owned or occupied by low income families. CDBG housing rehabilitation projects typically involve grants to low income families and loans to moderate income families to bring their homes up to State housing standards. This often includes stabilizing foundations, installing insulation and weather-tight windows and doors, upgrading electrical wiring and plumbing, roof or siding repairs, and modifications to improve access or living arrangements for handicapped family members. Of those 23 housing rehabilitation projects 21 are being administered by cities or towns, only two are county projects.

A major reason for the lack of participation by counties in housing projects relates to the difference in enabling legislation for municipalities and counties. In 1983, the Attorney General ruled that, unlike municipalities, counties have no authority to directly administer a Community Development Block Grant project for housing rehabilitation. The Attorney General's opinion held that in order to conduct a project, a county must first establish a separate county housing authority and arrange to administer the grant through it. This creates an unnecessary and cumbersome administrative structure for administering these local projects and forces the creation of a permanent governmental body in order to administer a project that normally lasts only from 1½ to 2 years.

Senate Bill 454 would put counties on an equal footing with cities and towns and remove an unnecessary obstacle to helping low income families in rural areas.

The bill would not affect the current authority of counties to establish county housing authorities to address the long-term housing needs of county residents. (Only two counties have county housing authorities, Mineral and Richland. Mineral established its last year in order to administer a CDBG housing project for the unincorporated community of St. Regis.)

Senate Bill 454 would also remove archaic language dating back to 1941 which limits assistance from county housing authorities to "farmers of low income" and would substitute "rural residents of low income."

(Submitted by Montana Department of Commerce, Community Development Division)

WITNESS STATEMENT

NAME Lyle P. Nagel BILL NO. SB 266
ADDRESS Simons Mt. DATE 3-19-85
WHOM DO YOU REPRESENT? Mont. State Vol Firemen's Assn.
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

This bill will reduce the time and expense of creating fire districts.

For this reason we support this bill and hope that it will receive a do pass.




Exhibit 1
SB 25
3-19-85
Senator Towe

STATE OF MONTANA

Office of the Legislative Auditor



ROBERT R. RINGWOOD
LEGISLATIVE AUDITOR

STATE CAPITOL
HELENA, MONTANA 59620
406/444-3122

March 15, 1985

DEPUTY LEGISLATIVE AUDITORS:

JAMES H. GILLET
FINANCIAL/COMPLIANCE AUDITS

SCOTT A. SEACAT
PERFORMANCE AUDITS

STAFF LEGAL COUNSEL

JOHN W. NORTHEY

Senator Tom Towe
Senate Chambers
State Capitol
Helena, MT 59620

RE: S.B. 25

Dear Senator Towe:

Please find enclosed a copy of proposed amendments to S.B. 25, a bill requiring the state to assume certain district court costs. These are the amendments I spoke with you about relating to the auditing of district court expenditures. The purpose of the amendments is to clarify who is responsible for which audit areas. I have discussed these proposals with Mike Abley, Supreme Court Administrator, and Don Dooley, Assistant Administrator of the Local Government Services Division of the Department of Commerce, and they both support the amendments.

I will be at the hearing in House Local Government on March 19 to be available to answer any questions. Thanks for your assistance, and if I may provide further information, please advise.

Sincerely,

A handwritten signature in cursive script, appearing to read "John W. Northey".
John W. Northey
Staff Legal Counsel

JWN/jw332e

Enclosure

cc: Mike Abley, Supreme Court Administrator

Don Dooley, Local Government Services
Department of Commerce

AMENDMENTS TO SENATE BILL #25
Third Reading Copy

BE AMENDED AS FOLLOWS:

1. Title line 8.
Following: " PROGRAM;"
Insert: "PROVIDING FOR AUDITS OF DISTRICT COURT EXPENSES;"
2. Page 2, line 9.
Following: "expenses."
Insert: "(1)"
3. Page 2, line 11.
Strike: "(1)"
Insert: "(a)"
4. Page 2, line 13.
Strike: "(2)"
Inset: "(b)"
5. Page 2, line 17.
Strike: "(3) provide for annual auditing of"
Insert: "(2) The department of Commerce shall audit"
6. Page 2, line 19.
Following: "expenditures."
Insert: "The legislative auditor shall audit the disbursement of funds by the supreme court for payment of district count expenses listed in [section 1]."

Proposed Amendments to SB 25 (blue copy):

1. Page 3, line 3.

Strike: "general" through "the"

2. Page 3, line 4.

Following: "."

Insert: "The county shall deposit the amount reimbursed in its general fund unless the county has a district court fund. If the county has a district court fund, the amount reimbursed must be deposited in such fund."

3. Page 11, line 1.

Following: "{1}"

Insert: "(1)"

4. Page 12, line 15.

Strike: "general fund"

5. Page 12, line 17.

Following: "."

Insert: "The county shall deposit the amount reimbursed in its general fund unless the county has a district court fund. If the county has a district court fund, the amount reimbursed must be deposited in such fund."

6. Page 15, line 15.

Strike: "as provided in"

Insert: "according to procedures established under"

Following: "2"

Insert: "(1)"

7. Page 16, line 7.

Strike: "the" through "of"

Following: "."

Insert: "The county shall deposit the amount reimbursed in its general fund unless the county has a district court fund. If the county has a district court fund, the amount reimbursed must be deposited in such fund."

State of Montana

County of Gallatin

Bozeman

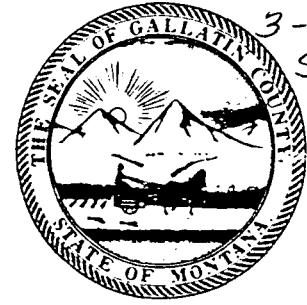


Exhibit 3
Y SB 25
3-19-85
Sen. Towe

March 18, 1985

Representative Paula Darko
State Capitol
Helena, MT 59601

Dear Representative Darko:

We would like to express our support for SB 25. Counties are experiencing great difficulty in planning for district court expenses which we can neither control nor predict. State assistance is essential to assure for an adequate judicial system.

Please vote for SB 25.

Sincerely,

GALLATIN COUNTY COMMISSION

Wilbur Visser
Wilbur Visser, Chairman

Jane Jelinski
Jane Jelinski, Member

Ramon S. White
Ramon S. White, Member

JJ:vj

LOCAL GOVERNMENT

BILL NO. SB 177

DATE March 19, 1985

SPONSOR SENATOR KOLSTAD

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FOR
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

LOCAL GOVERNMENT

BILL NO. SB 266

SPONSOR SENATOR HALLIGAN

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

CS-33

LOCAL GOVERNMENT COMMITTEE

DATE March 19, 1985

[illegible]

CS-33

LOCAL GOVERNMENT COMMITTEE

DATE March 19, 1985

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

COMMITTEE

DATE March 19, 1985

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

CS-33

VISITORS' REGISTER

LOCAL GOVERNMENTCOMMITTEEBILL NO. SB 188DATE March 19, 1985SPONSOR SENATOR TOWE

NAME (please print)	<u>REPRESENTING</u>	SUPPORT	OPPOSE
<i>Larry Nachtstein</i>	<i>PERD</i>	<i>X</i>	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

LOCAL GOVERNMENT

COMMITTEE

BILL NO. SB 25

DATE March 19, 1985

SPONSOR SENATOR Towe

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
LORRAINE Van Ausdell	President of Elkhart County Clerk of District Court	X	
Michael Abley	Supreme Court	X	
Greg Jackson	Urban Coalition	X	
D. Morris	M.A.C.	X	
A.R. (Toni) Hagen	Hill County	✓	
Pat Melby	State Bar of Mont	✓	
Clara DeLusth	Clerk Dist Court	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FOR

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

REPRESENTATIVE PAULA DARKO

HOUSE DISTRICT 2

HELENA ADDRESS:
CAPITOL STATION
HELENA, MONTANA 59620
HOME ADDRESS:
P.O. BOX 490
LIBBY, MONTANA 59923
PHONE: (406) 293-4838

COMMITTEES:
LOCAL GOVERNMENT, CHAIRMAN
JUDICIARY
HUMAN SERVICES & AGING

To: Senate Members
From: Paula Darko, Local Government
Chairman
Re: Hearing Schedule, March 19, 1985

The order of hearing bills will be:

SB 177 Kolstad - AYE
SB 183 Mazurek - AYE
SB 454 Fuller - AYE
SB 118 McCallum - AYE
SB 266 Halligan - AYE
SB 188 Jowe - AYE
SB 25 Jowe - AYE

Dave Brown

This is pd for in HB 870
or Halligan's bill

The house adjourns around 3:30 and we
will convene about 10 minutes after that
time. I will send someone for you
immediately prior to when your bill
is up.
Thanks.