

MINUTES OF THE MEETING  
LOCAL GOVERNMENT COMMITTEE  
MONTANA STATE SENATE

January 22, 1985

The fifth meeting of the Local Government Committee was called to order at 1:00 p.m. on January 22, 1985 by Chairman Dave Fuller in Room 405 of the Capitol Building.

ROLL CALL: All members were present. Senators Harding, Pinsoneault, and Regan arrived late.

CONSIDERATION OF SENATE BILL 118: Senator George McCallum, District #26, is the sponsor of this bill. It was introduced to provide additional compensation for a county clerk and recorder who serves as an election administrator.

PROPOSERS

Joanne Peres, President of the Montana Association of Clerk and Recorders, spoke in favor of the bill. Her written testimony is attached as Exhibit A to these minutes.

Bill Driscoll, representing the Montana Association of Clerk and Recorders, spoke in favor of the bill. He does receive two thousand dollars extra as an election administrator. He feels there is an inequity in that some people are paid extra for being an election administrator and some are not. He stated there is an extreme amount of stress involved in the job because errors cannot be made during an election.

Dennis Burr, representing the Montana Taxpayers' Association, spoke in favor of the bill. He stated that when the Jefferson County District Court ruled that the election administrator could be paid extra, they did not set a limit. He feels it is good that this bill will set a limit of two thousand dollars on the extra pay that an election administrator can receive.

Mike Stephen, representing the Montana Association of Clerk and Recorders, stated his support of the bill. He said that if a clerk and recorder is an election administrator, they do not have an option to decline this obligation. He stated elections are getting much more technical now and require someone who is quite knowledgeable.

Tom Beck, President of the Montana Association of Counties, stated he would like to go on record as being in support of the bill, but would like to propose amendments that the extra pay be at the discretion of the county commissioners and that anything up to two thousand dollars but not more than two thousand dollars could be paid.

January 22, 1985

Judith Doggett, Broadwater County Clerk and Recorder, submitted a letter of support for SB 118, which is attached as Exhibit G to these minutes.

#### OPPONENTS

Margaret Davis, representing the League of Women Voters, spoke in opposition to the bill. Her written testimony is attached as Exhibit B to these minutes.

Questions from the Committee were called for.

Senator Harding expressed her concerns that this bill would open the door for other elected county officials to request extra pay for their extra duties.

Senator Eck expressed her concerns that a clerk and recorder would receive the two thousand dollars even if they appointed a deputy election administrator who actually performed the duties of an election administrator.

Senators Fuller and Story expressed their concerns as to where the money to cover the extra two thousand dollars would come from.

The hearing was closed on SB 118.

CONSIDERATION OF SENATE BILL 102: Senator Chet Blaylock, District #43, is the sponsor of this bill. It was introduced to revise the type of documentation required for presentation of claims against a municipality.

#### PROPONENTS

Don Hackman, Laurel City Clerk, spoke in favor of the bill. His written testimony is attached as Exhibit C to these minutes.

Bill Verwolf, representing the City of Helena, spoke in favor of the bill. He stated it would provide more prompt payment to businesses that they deal with and that they would be able to operate in a more business like fashion.

Alec Hansen, representing the Montana League of Cities and Towns, spoke in favor of the bill. He stated the bill would reduce the chances of being charged interest due to late payments.

#### OPPONENTS

There were no opponents to SB 102.

Questions from the Committee were called for.

January 22, 1985

Senator Fuller asked if we were in a stronger position with the current law regarding fraudulent claims. The new bill would strike the clause requiring a signature on the claim. Mr. Verwolf stated that he has never seen the statement in the current law used when going back on a claim. They rely on the invoice itself.

The hearing was closed on SB 102.

ACTION TAKEN ON SENATE BILL 102: Senator Story moved that the Committee recommend a DO PASS on SB 102. The motion passed unanimously.

FURTHER CONSIDERATION OF SENATE BILL 94: Chairman Fuller stated this bill was pending an amendment regarding a grandfather clause pertaining to people already in elected positions. Karen Renne explained the amendment, which is attached as Exhibit D to these minutes.

ACTION TAKEN ON SENATE BILL 94: Senator Regan moved for adoption of the amendment to SB 94. The motion passed unanimously.

Senator Regan then moved that the Committee recommend a DO PASS on SB 94, as amended. The motion passed unanimously.

FURTHER CONSIDERATION OF SENATE BILL 93: Karen Renne explained the proposed amendment to SB 93 regarding the requirement of a sign in handicapped parking spaces. The proposed amendment is attached as Exhibit E to these minutes.

Senator Crippen had concerns about the clause "visible whether or not a vehicle is parked in the space." He felt that if a van is parked in the space, a sign would have to be extremely high to be visible.

Senator Regan had concerns as to why the sign would have to be specifically eighteen by twenty-four inches if it was already easily identifiable.

Senator McCallum asked about the clause in the bill itself that stated "the governing body of a city, town, or county may impose all, but not less than all, ..." Karen Renne explained that this meant that a local government did not mandatorily have to have handicapped parking spaces but that, if they do have them, they must meet the requirements in the bill.

Senator Eck expressed her concern about language in the amendment requiring that a sign "must read handicapped parking -- permit required." She is afraid this will cause local governments to have to pay for several new signs. Most existing signs now have the international wheelchair symbol but do not have any writing on them.

January 22, 1985

Senator Crippen had concerns regarding the width of the handicapped parking space if the space is at an angle to the curb. The language is in the bill itself. He feels the eight foot requirement is worthless and that it should be at least twelve or thirteen feet.

Senator Crippen asked that Karen Renne redo the amendment again with the senators' changes in the language of the amendment.

Senator Mohar asked that Karen also prepare an additional amendment regarding Senator Crippen's space concerns.

FURTHER CONSIDERATION OF SENATE BILL 62: Karen Renne summarized the proposed amendment to this bill. The proposed amendment is attached as Exhibit F to these minutes. She explained that under current law, a city police force can join their own retirement plan, join the Public Employees' Retirement System, or join the statewide police retirement plan. This amendment would remove the option of joining the Public Employees' Retirement System and police forces who do not now have a retirement plan would either have to form their own retirement fund or join the statewide police retirement fund.

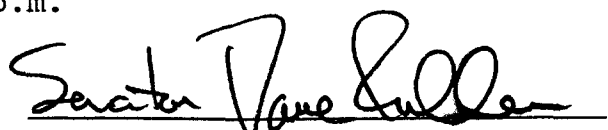
Senator Mohar asked if they joined their own system, would they be covered from day one or would they have to be on the force for five years before being eligible to collect benefits. Karen explained that the statute only required the five years of service under the Public Employees' Retirement System and not the others.

Senator McCallum expressed his concerns that it would be hard for a small city to establish a solvent retirement fund on their own because it would take such a long time to do so. He feels small towns would probably go with the statewide system for that reason.

Senator Hirsch stated he did not feel that the option of joining the Public Employees' Retirement System should be taken away from small towns and made a motion that the proposed amendment to SB 62 not be adopted. The motion failed with four senators voting yes and six senators voting no.

Chairman Fuller asked Senators Eck and Story to serve as a subcommittee and to follow up on this bill and the proposed amendments with Larry Nachtsheim, Administrator of the Public Employees' Retirement System, and to report their findings to the Committee next week.

The meeting was adjourned at 2:40 p.m.

  
Senator Dave Fuller  
Chairman

# ROLL CALL

LOCAL GOVERNMENT COMMITTEE  
 49th  
~~XXXX~~ LEGISLATIVE SESSION -- 1985

Date 01-22-85

SENATE  
SEAT

#

NAME	PRESENT	ABSENT	EXCUSED
13 Senator Crippen, Bruce	✓		
18 Senator Eck, Dorothy	✓		
11 + Senator Harding, Ethel	✓ late		
47 Senator Hirsch, Les	✓		
4 Senator McCallum, George	✓		
28 Senator Mohar, John (V.Chair)	✓		
4 + Senator Pinsoneault, Dick	✓ late		
19 + Senator Regan, Pat	✓ late		
21 Senator Story, Pete	✓		
43 Senator Fuller, Dave (Chair)	✓		

Each day attach to minutes.

# STANDING COMMITTEE REPORT

January 22

35

19.....

MR. PRESIDENT

## LOCAL GOVERNMENT

We, your committee on.....

## SENATE BILL

having had under consideration..... No. 94

**FIRST**

reading copy ( **WHITE** )  
color

**TERMINATES APPOINTMENT TO VACANT ELECTIVE OFFICE AS OF NEXT  
GENERAL ELECTION**

## SENATE BILL

Respectfully report as follows: That..... No. 94

**be amended as follows:**

1. Title, line 10.

Following: "MCA"

Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN  
APPLICABILITY DATE"

2. Page 2.

Following: line 1

Insert: "NEW SECTION. Section 3. Effective date --  
applicability. This act is effective January 1,  
1986 and applies to vacancies occurring on or  
after January 1, 1986."

**AND AS AMENDED**

DO PASS

~~XXXXXXXXXX~~  
~~DO NOT PASS~~

Senator Dave Fuller

Chairman.

# STANDING COMMITTEE REPORT

January 22

19. 85

MR. PRESIDENT

## LOCAL GOVERNMENT

We, your committee on.....

having had under consideration..... **SENATE BILL** No. **102**

**FIRST**

reading copy ( **WHITE** )  
color

## REVISE DOCUMENTATION OF CLAIMS AGAINST A MUNICIPALITY

**SENATE BILL**

**102**

Respectfully report as follows: That..... No.....

DO PASS

~~XXXXXXXXXX~~

.....  
**Senator Dave Fuller**

Chairman.

1. By statute the Clerk and Recorder is the Election Administrator unless the County Commissioners designate another official or appoints an election administrator. 13-1-101 (3) and 13-1-301.
2. In 1977 the 45th legislature established an intermin committee to prepare a revised code of election law - and proposed legislation was submitted to the 46th Legislature.
3. Prior to 1978 the Clerk and Recorder ran elections only once every two years - the June and November general elections.  
  
Presently elections are conducted every year, several times a year for dozens of entities, leaving too little time for administration of original responsibilities of Clerk to the Board of County Commissioners and other Recording and auditing duties of the office.
4. A.G. Opinion 7, Volume 39, disallowed additional compensation to Clerks performing election administration duties, stating the only way additional compensation could be given was to appoint another official or any other person but the Clerk & Recorder.
5. 13-2-101, M.C.A. relative to serving without extra pay was repealed in 1979, paving the way for the 1984 findings of the 5th Judicial District Judge that Jefferson County was legally entitled to provide additional compensation to Clerk McFarlane, who had been receiving an additional \$2,000 since July 1980 (three years).
6. Other county officials by law (7-4-2107, county commissioners, 7-4-2503, School Superintendent, sheriff, attorney) receive additional compensation due to certain levels of qualification or responsibilities connected with their office.
7. See survey of present appointed election administrators, their salary levels, and the Clerks presently receiving compensation. This present system (discretionary?) indicates seven appointed administrators receiving from \$6.25 per hour up to \$23,748 per year with three Clerk & Records receiving an additional \$2,000. (Equitable?)
8. This bill would establish comparable compensation for all Clerk and Records, doing away with possibilities of favoritism. These decisions are not always based on economics of the budget nor knowledge of duties involved, and personalities ARE involved in whether some board may allow additional compensation or not.

SOME POSSIBLE ALTERNATIVES:

1. Allow the Clerk and Recorder opportunity to decline appointment.
2. Mandate appointment of a person who is not an elected official.  
(there are some areas of possible conflict of interest when the election administrator is also running for office).
3. Giving Commissioners discretion on setting additional compensation may lead to wider diversity in levels of compensation - is hardly any different from present practice.
4. Exempt lower class counties from additional compensation - although note that Jefferson county is a 5th class county and is allowing \$2,000.00 to the Clerk



S.B. 118 (1985) Telephone Survey taken January 18, 1985 from district Chairmen,MACR

COUNTY	CLASS OF COUNTY	ELECTION ADMINISTRATOR	SALARY OR COMPENSATION
Yellowstone	1	Dave Halland (appt'd)	23,748.00
Merrill Klundt, Clerk			
Ravalli	3	Betty Lund (appt'd)	16,900.00 (90% of Clrk sal. she also does other work in the office
Darlene Hughes, Clerk			
Lake	3	Charlotte Weldon (appt'd)	\$6.25 per hour 1/2 time election adm. 1/2 time food stamps
Ethel Harding, ret. Clerk			
Custer	4	Lillian Wohlgenant (appt'd)	\$16,604.00 is also switchboard oprtr.
Dot Woolhiser, Clerk			
Carbon	3	Barbara Thormahlen (appt'd)	\$12,522.00 helps Clerk/Rec when they're rushed
Tony Zupan, Clerk			
Sheridan	1	Bernice Van Curen (appt'd)	\$15,020.00 Also does other work
Milton Hovland, Clerk			
Flathead	1	To be appointed Feb.	(undetermined)
Iris Hindman, ret. Clerk			

CLERK AND RECORDERS RECEIVING EXTRA COMPENSATION:

Jefferson	5	Joanne McFarlane	\$2,000.00
Pondera	3	Gladys Mortensen	\$2,000.00
Silverbow	2	Bill Driscoll	\$2,000.00
<i>Madison</i>	<i>5</i>	<i>Joanne McFarlane</i>	<i>\$2,000.00</i>
Powell	<i>5</i>	(Previous Clerk Bonnie Miller received Present Clerk Arthur Jennings receives:	\$2,000.00 -0-

*passed as amended August, 1984*

TO: DISTRICT #3, Montana Association of Clerks and Recorders, for your consideration for introduction to the annual convention, MACR.

WHEREAS, Section 13-1-101 (3), M.C.A. defines "Election Administrator" as the county clerk and recorder or the individual designated by a county governing body, and,

WHEREAS, Section 13-1-301 further states that the county clerk and recorder of each county is the election administrator unless the governing body of the county designates another official or appoints an election administrator, and,

WHEREAS, each session of the legislature is increasingly centralizing all in-state election processes by mandating county responsibility for conduct of elections, now including municipal, school, special districts such as fire, hospital, water & sewer, mosquito, irrigation; all of which have a multiplicity of conflicting law, transforming a county office into a many-district-city-town-county-state-federal elections office resulting in many hours being spent on non-clerk & recorder related duties, and,

WHEREAS, A.G. opinion Vol. 39, Op. 7 held that the Board of county commissioners may not provide additional compensation to a county clerk and recorder who is an election administrator, stating that in the absence of a specific grant of authority to allow additional compensation, section 7-4-2503 controls and no additional compensation is allowed, and that the only way to secure additional compensation for the position is to appoint an election administrator who is not the clerk and recorder, and,

WHEREAS, due to consideration for their specialized responsibilities, 7-4-2107 allows extra compensation to county commissioners, Section 7-4-2503 also allows extra compensation to certain other elected officials, now,

THEREFORE, let it be resolved that the Montana Association of Clerks and Recorders seek redress of this inequity wherein any official except the clerk and recorder may be allowed extra compensation for acting as county election administrator, by requesting legislation to amend section 7-4-2503 as follows:

7-4-2503. SALARY SCHEDULE FOR CERTAIN COUNTY OFFICERS.....

(2) (a) The county superintendent of schools shall receive, in addition to the salary based upon subsection (1), the sum of \$400 per year.

(b) the county sheriff shall receive, in addition to the salary based upon subsection (1), the sum of \$2,000 per year.

(c) The county clerk and recorder shall receive, in addition to the salary based upon subsection (1), the sum of \$2,000 per year.

(d) In counties with a population.....

(e) In those counties where.....

(f) For each 10th.....

Respectfully Submitted,

*Joanne M. Peres*

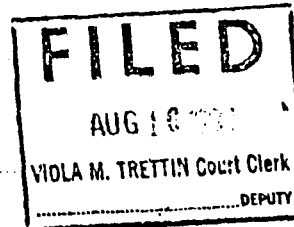
Joanne M. Peres, Clerk & Recorder  
CHOUTEAU COUNTY

*\* add amendment: "who also serves as election administrator".*

Encl. Mr. Selig

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

Defendants.



No. 7457

11  
12

13  
14  
15  
16  
17

18  
19  
20  
21  
22

**23**  
**24**

**25**

26

27

28  
29  
30

31

32

1

1 chief deputy Clerk and Recorder of said Jefferson County, and has  
2 served as such at all times herein mentioned and in such capacity  
3 receives ninety percent of the salary of the Clerk and Recorder as  
4 authorized by Section 7-4-2505 MCA.

5 4.

6 That by Resolution dated July 1, 1980, said Board of County  
7 Commissioners designated the Defendant, JOANNE P. McFARLANE, as  
8 election administrator, and she has served as such since July 1,  
9 1980, and has been paid the sum of \$2,000.00 per year for such  
10 duties, which said salary was created by Resolution No. 17 of the  
11 Board of County Commissioners, dated May 6, 1981; that said CARLA  
12 MATLACK has received the sum of \$1,800.00 for the performance of  
13 her duties as deputy election administrator.

14 5.

15 That under Section 13-1-301 MCA, the governing body of the  
16 County was legislatively empowered to designate another official  
17 (apart from the County Clerk and Recorder) or appoint an election  
18 administrator, but in the interest of economy and pursuant to the  
19 authority granted by said statute, the Board of County Commissioners  
20 of Jefferson County elected to appoint JOANNE P. McFARLANE as such  
21 election administrator, and the Court finds no conflict in the  
22 areas of those separate functions and further finds that  
23 Section 13-2-101 MCA which provided as to the County Clerk and  
24 Recorder that "...He shall serve without extra pay or compensation"  
25 was repealed by the legislature in 1979, and therefore impliedly  
26 removed any restrictions regarding extra salary for the County  
27 Clerk and Recorder, and that by reason thereof such additional  
28 \$2,000.00 salary was not unlawful.

29 6.

30 That said CARLA MATLACK was an appointed employee of the  
31 County Clerk and Recorder's Office and was not an elected official  
32 nor was she by any statutory provision an election administrator

1 as set forth in Section 13-2-101 MCA prior to repeal or 13-1-301 M  
2 and the Motion to Dismiss made by Defendant, CARLA MATLACK, should  
3 be granted as to her.

4 7.

5 That by reason of the foregoing, it is not necessary to make  
6 any determination herein as to the merits of Defendants' Answer  
7 as to estoppel and laches as the same were pleaded herein.

8 From the foregoing Findings of Fact, the Court now makes the  
9 following:

10 CONCLUSIONS OF LAW

11 I

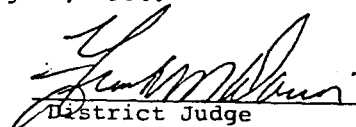
12 That said action against the Defendant, CARLA MATLACK, is  
13 entitled to be dismissed and is hereby dismissed with prejudice.

14 II

15 That Defendant, JOANNE P. McFARLANE, was lawfully entitled to  
16 act as election administrator for the County of Jefferson, State  
17 of Montana, from and after July 1, 1980, and was entitled to all  
18 remuneration received by her for acting in such capacity, being  
19 \$2,000.00 per year, and she shall be entitled to continue to act  
20 in such capacity unless and until such function be denied her by  
21 a duly adopted resolution of the Board of County Commissioners of  
22 said Jefferson County.

23 Let Judgment enter accordingly.

24 DATED THIS 15th day of August, 1984.

25  
26   
27 District Judge

3 WATER AND SEWER DISTRICTS  
3 MUNICIPALITIES ( 7 WARDS)  
2 " " " " " " " "

DISTRICTS WHICH HAVE  
BEEN ADDED TO RESPONSIBILITIES  
OF CLERK & RECORDERS

ARRICK (School)  
Name: Heaven  
ODD YEARS

April: 4 fire districts  
2 hospital districts  
school districts

September:

3 municipalities  
6 water and sewer districts

November:

3 municipalities  
6 water and sewer districts

EVEN YEARS

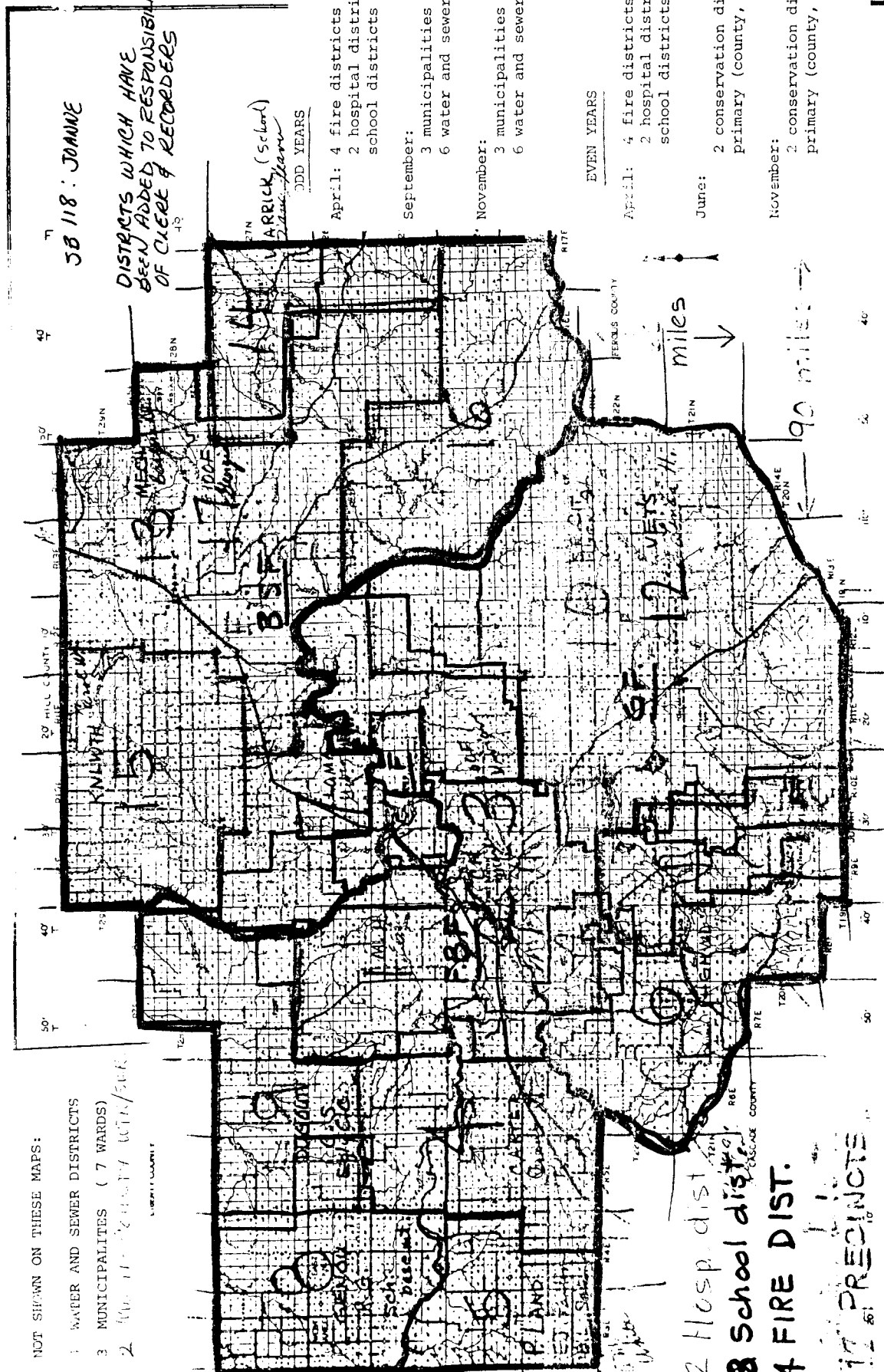
April: 4 fire districts  
2 hospital districts  
school districts

June:

2 conservation districts  
primary (county, state, fede

November:

2 conservation districts  
primary (county, state, fed)



SB 118

NAME Margaret S Davis BILL NO. SB 118  
ADDRESS 816 Florence Helena DATE 1/22/85  
WHOM DO YOU REPRESENT LVR of Montana  
SUPPORT \_\_\_\_\_ OPPOSE X AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

The League of Women Voters is not addressing the salaries of county clerks and recorders in testifying on this bill. Rather we are concerned with the precedent this bill might establish. The title "Election administrator" is used in Title 13 to cover a number of different people (incl. School clerks, dist. clerks, etc) and functions. On the hand, other clerks are elected officials. There is opportunity for confusion and disparity of salaries should this bill pass. Just as different counties have different technological equipment available to election administrators, so do counties have some flexibility in staffing this position. SB 118 would complicate these duties and powers relating to election administration.

# City of Laurel

LAUREL, MONTANA 59044

P.O. BOX 10  
PHONE: 628-8791

January 21, 1985

CITY CLERK

DEPARTMENT

~~SA~~ SB 102

I am Don Hackmann, City Clerk from Laurel, and I am speaking on behalf of the Montana Municipal Clerks' Treasurer's and Finance Officers' Association.

We are in favor of this bill, which would expedite the claims process and alleviate a big hassle every month.

Some of the problems we are now having:

- 1) When a claim is mailed to a vendor for a signature, it is not returned for various reasons, or it is returned too late for timely processing, or returned but not signed.
- 2) Due to modern day computer billing, occasionally a vendor will assess a handling charge for processing a City/Town claim because they have to re-route the billing and it creates extra paper work for them.
- 3) The current requirement does create additional work which I, personally, feel is unnecessary.
- 4) This is also costly for Cities and Towns to mail claims to vendors for a signature. Postage is due for an increase again in February. Some cities would be paying from \$50 to \$100 just on postage for processing claims.

When the purchase is approved by a department head or city official and a supporting document is received from the vendor or claimant (such as an invoice) this should be sufficient. The invoice and purchase order, if one is used, should be reviewed by the Clerk's office or the Director of Finance Office to check for purchase authorization, accuracy, etc.

School Districts and Counties do not have the requirement for vendors to sign claims and I feel that Cities and Towns should not be subject to this requirement also.



NAME Don HACKMANN BILL NO. 5B/02

ADDRESS Laurel, mt DATE 1-22-85

WHOM DO YOU REPRESENT Montana Municipal Clerk's, Treasurers & Finance  
Officers Association & City of Laurel

SUPPORT ✓ OPPOSE                      AMEND                     

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

LOCAL GOVERNMENT COMMITTEE  
January 22, 1985  
EXHIBIT D

PROPOSED AMENDMENT TO SB 94

1. Title, line 10.  
Following: "MCA"  
Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN  
APPLICABILITY DATE"
2. Page 2, line 2.  
Following: line 1  
Insert: "NEW SECTION. Section 3. Effective date -- applicability.  
This act is effective January 1, 1986 and applies to vacancies  
occurring on or after January 1, 1986."

PROPOSED AMENDMENT TO SB 93

1. Page 3, line 4.

Following: line 3

Insert: "(d) A parking space reserved for handicapped persons must be identified with a sign, at least 18 inches by 24 inches in size and attached to a pole or wall in such a way that it is visible whether or not a vehicle is parked in the space. The sign must read substantially as follows: handicapped parking -- permit required."

PROPOSED AMENDMENTS TO SB 62

1. Title, line 5.  
Following: "POLICE OFFICERS"  
Insert: "FORMERLY"
2. Title, line 7.  
Following: "SERVICE;"  
Insert: "REQUIRING ALL CITIES NOT HAVING A LOCALLY ADMINISTERED  
POLICE RETIREMENT FUND TO PARTICIPATE IN THE MUNICIPAL  
POLICE OFFICERS' RETIREMENT SYSTEM;"  
Following: "AMENDING"  
Strike: "SECTION 19-3-1002"  
Insert: "SECTIONS 19-9-104, 19-9-105, AND 19-9-107"
3. Page 1, line 11.  
Strike: Section 1 in its entirety
4. Page 2, line 13.  
Strike: section 2 in its entirety  
Insert: "Section 1. Section 19-9-104 is amended to read:

" 19-9-104. Definitions. Unless the context requires otherwise, the following definitions apply in this chapter:

- (1) "Administrator" means the public employees' retirement division of the department of administration.
- (2) "Base salary" means the sum of the monthly compensations for each month in a given calendar year.
- (3) "Board" means the retirement board described in 2-15-1009.
- (4) "Credited service" means the aggregate of a member's prior service and membership service.
- (5) "Dependent child" means a child of a deceased member:
  - (a) who is unmarried and under 18 years of age; or
  - (b) who is unmarried, under 24 years of age, and attending an accredited postsecondary educational institution as a full-time student in anticipation of receiving a certificate or degree.
- (6) "Employer" means any city which participated in a prior plan or which elects to join this plan under 19-9-107.

or is required

(7) "Employer annuity" means monthly payments for life derived from employer and state contributions.

(8) "Final average salary" means the monthly compensation of a member, averaged over the last 36 months of his active service or, in the event he has not been a member that long, over the period of his membership.

(9) "Fund" means the pension trust fund in the treasury system designated for the use of the plan.

(10) "Mandatory retirement date" means the first day of the month coinciding with or immediately following, if none coincides, the date on which a member attains age 65.

(11) "Member" means a person who is employed by an employer as a police officer or who is entitled to a retirement allowance by virtue of his service to an employer as a police officer.

(12) "Member contributions" means the total of the deductions from the compensation of a member, either made during a period of active membership hereunder or made under a prior plan and transferred to this plan, standing to his credit, together with the interest thereon.

(13) "Member's annuity" means monthly payments for life derived from member contributions.

(14) "Membership service" means a period of employment with an employer occurring after June 30, 1977, during which the withholdings required by this chapter have been made from a member's monthly compensation and credited to his member contributions account. Pro rata credit shall be granted for employment on a part-time basis or for employment over a period of less than a complete fiscal year.

(15) "Minimum retirement date" or "normal retirement date" means the first day of the month coinciding with or immediately following, if none coincides, the date on which a member becomes both age 50 or older and completes 20 or more years of credited service.

(16) "Monthly compensation" means the wage, excluding overtime, holiday payments, shift differential payments, compensation time payments, and payments in lieu of sick leave and annual leave, a member receives as an active police officer.

(17) Any reference to "municipality", "city", or "town" includes those jurisdictions which, prior to the effective date of a county-municipal consolidation, were incorporated municipalities, subsequent districts created for urban law enforcement services, or the entire county included in the county-municipal consolidation.

(18) "Plan" means the municipal police officers' retirement system created by this chapter.

(19) "Police officer" means a law enforcement officer employed by an employer.

(20) "Prior plan" means the local police reserve or retirement fund of a city which elects to join the plan under 19-9-107 or the statewide police reserve fund administered by the department of administration in accordance with Chapter 335, Laws of 1974.

(21) "Prior service" means a period of employment as a police officer for which credit was granted to a member under a prior plan and has been transferred to this plan.

(22) "Retirement allowance" means the employer annuity plus the member's annuity.

(23) "Retirement date" means the date on which the first payment of the retirement, disability, or survivor benefits of a member or a beneficiary is payable.

(24) "Surviving spouse" means the spouse married to a member at the time of the member's death.

(25) "Totally and permanently disabled" means that the board, upon certification by a licensed and practicing physician, has determined that a member's disability is of such a nature as to permanently impair his ability to discharge his normal duties as a police officer."

Section 2. Section 19-9-105 is amended to read:

"**19-9-105. Transfer of assets and liabilities from prior plans.** <sup>(1)</sup> All funds and obligations constituting the assets and liabilities of prior plans, regardless of their form or who holds them, shall be transferred to the account provided for in 19-9-501. The board shall ascertain the amounts to be apportioned to each account on April 19, 1977, and the state treasurer shall transfer such amounts to the appropriate accounts on July 1, 1977.

(2) When a city elects to join the plan under 19-9-107(1), the trustees or other administrative head of the local retirement fund as of the effective date of the election shall certify the proportion, if any, of the retirement fund that represents the accumulated contributions of the active members and the relative shares of the members as of that date. Such shares must be charged to the employer and credited to the respective individual accounts of the members in the plan and administered as if the contributions had been made during membership in the plan. Any excess of employer credits over charges under this section will be offset, with interest, against future required employer contributions, for a period of 10 years or less as determined by the administrator.

(3) When a city is required to join the plan under 19-9-107(2), the board shall transfer to the account provided for in 19-9-501 all accumulated deductions paid into the public employees' retirement system by any police officer during any period of service as a police officer and all contributions paid into the public employees' retirement system coincident with such accumulated deductions by the state of Montana or any city. Any excess of employer charges over credits under this subsection is payable by the state auditor from the premium tax on motor vehicle property and casualty insurance policies."

Section 3. Section 19-9-107 is amended to read:

Participation in

" 19-9-107. Election to join plan ~~transfer of assets.~~ (1) Cities operating a police retirement fund under Title 19, chapter 10

~~other than those participating in the statewide police reserve fund administered by the department of administration in accordance with Chapter 335, Laws of 1974, as of June 30, 1977,~~ may elect to join the plan by passing an ordinance stating the election and the consent of the city to be bound by the provisions of this chapter. Upon the enactment of such an ordinance, the provisions of this chapter become applicable to the city. Any city enacting such an ordinance shall send a certified copy thereof to the board and shall, as soon as possible thereafter, deposit with the board all cash and securities held by it in its local police reserve or retirement fund. The value of the securities shall be determined by the board.

~~(2) The trustees or other administrative head of the local system as of the effective date of the election shall certify the proportion, if any, of the funds of the system that represents the accumulated contributions of the active members and the relative shares of the members as of that date. Such shares shall be charged to the employer and credited to the respective individual accounts of the members in the plan and administered as if the contributions had been made during membership in the plan. Any excess of employer credits over charges under this section will be offset, with interest, against future required employer contributions for a period determined by the administrator. Any excess of employer charges over credits under this section are payable by the employer, with interest, for a period of 10 years or less as determined by the administrator.~~

A city other than a first- or second-class city that has not established a local police retirement fund under Title 19, chapter 10 by June 30, 1985, must join and participate in the plan commencing no later than January 1, 1986.

(3) A police officer hired before July 1, 1985, and employed on July 1, 1985 by a city required to join the plan under subsection (2) may retain membership in the public employees' retirement system by filing a written election of intent with the board before January 1, 1986. Police officers hired on or after July 1, 1985, are required to join the plan."

Renumber: subsequent sections

# County Clerk and Recorder

BROADWATER COUNTY

P. O. BOX 489

TOWNSEND, MONTANA 59644

January 22, 1985

SB 118

Senate Bill 118

"AN ACT TO PROVIDE ADDITIONAL COMPENSATION FOR A COUNTY CLERK AND RECORDER WHO SERVES AS ELECTION ADMINISTRATOR".

I am writing this letter in support of Senate Bill 118.

There are very few counties that have election administrators who are not county clerks and Section 13-1-101(5) states that the "Election Administrator" means the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties, except that with regard to school elections, the term means the school district clerk. Also reference is made to Section 13-1-301 (1) which states that the county clerk and recorder of each county is the election administrator unless the governing body of the county designates another official or appoints an election administrator.

Attorney General Mike Greely stated in his opinion issued in Volume No. 39, Opinion No. 7 that "The only apparent way to secure additional compensation for the position of election administrator is to appoint an election administrator who is not the clerk and recorder. The costs of appointing and paying someone other than the clerk and recorder in our county would be many times more than the additional compensation that Senate Bill 118 would provide.

Our office spends approximately 25% of the time working on elections. As you know, election laws are very complex and elections are very time consuming. By the time we register voters, do all of the indexing required on registrations, prepare official registers, submit all of the advertising required and then prepare the ballots, we are only part way into an election. Even on school elections, we register the voters and must submit official registers to the school clerks.

If someone other than the clerk and recorder is appointed as election administrator, we would have to pay a comparable salary due to the amount of work and time that is spent. Considering that 25% of our time is spent on elections, we are speaking of approximately \$4,000 base without any benefits. Benefits would come to another 20% to 22%. The overhead and expertise is already with the clerk and recorder, the additional compensation should also be there.

Respectfully submitted,

  
Judith R. Doggett

Clerk & Recorder & Ex Officio Election Administrator

DATE:

COMMITTEE ON

# VISITORS' REGISTER

[illegible]