

MINUTES OF THE MEETING  
LOCAL GOVERNMENT COMMITTEE  
50TH LEGISLATIVE SESSION  
HOUSE OF REPRESENTATIVES

January 9, 1987

The meeting of the Local Government Committee was called to order by Chairman Norm Wallin on January 9, 1987, at 1:00 p.m. in Room 312-F of the State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL NO. 49: Rep. Rapp-Svreck, House District #51, sponsor of the bill, stated this bill was introduced at the request of several law enforcement officers in his district indicating what they said was a problem especially in an election year concerning law enforcement in this area. (Law enforcement becomes sporadic and partial in reference to the election of the county sheriff.) The law enforcement officers thought a way to address this problem might be to have nonpartisan elections for sheriffs. Rep. Rapp-Svreck thought there was merit in looking at the fact we also have our judges elected on a nonpartisan basis, that there is a fundamental difference in those who enforce the law and administer the law and those who are policy makers, i.e. legislators or county commissioners, etc. Thus, those who administer or enforce the law ought to be elected on the basis of their qualifications for doing that job rather than their partisan leanings; that is the reason he requested this bill be drafted.

PROPOSERS: There were none.

OPPOSERS: Jack Mehlose of Clancy opposed this bill because he believed that one of the basic tests of our American form of government is that we do have the choice between political parties. There is a philosophy that goes with either party and he believes that we the people want that choice, and it does help to identify. He had discussed this bill with the county commissioners and various other persons and the consensus was unanimously YES, they want to know whether the candidate for county attorney or sheriff is Republican or Democrat.

Rep. Paul Pistoria, House District 36, stated he was very opposed to electing the sheriff or county attorney on a non-partisan basis; he believes in maintaining the party system.

There were no further proponents or opponents. Rep. Rapp-Svreck closed by stating he had no intention of diminishing the party system; however, he does believe that party identity should perhaps have less impact in the law enforcement and law administration than in the election of those people who are policy makers, such as county commissioners and legislators.

QUESTIONS (OR DISCUSSION) ON HOUSE BILL NO. 49: There were no questions.

DISPOSITION OF HOUSE BILL NO. 49; Rep. Tom Bulger made a motion HB 49 DO PASS. Rep. Jan Brown made a substitute DO NOT PASS. Chairman Wallin called for discussion. Rep. Hansen stated she had never yet seen a nonpartisan election. They don't exist. Rep. Sales spoke in favor of DO NOT PASS motion. He feels that all county offices should be nonpartisan; it is vastly different than the legislator's job. On the state level he realizes the importance of party representation; however, at the county level each one of these jobs are actually jobs and they require qualifications or should, and people are hired based on these qualifications and not on the party they are running for. Too often he has seen very qualified people not elected to local jobs simply because they ran on the wrong party. You can talk about taking the county attorney out on the basis of the judges being elected on a nonpartisan basis but you are stretching it when you go to the law enforcement. He would really like to see the day come when we are looking at the persons's qualifications for the job and not their political philosophy.

Rep. Hansen disagreed in that the county attorney must be an attorney, which is a job description or qualification; also, she felt strongly various other county offices such as county auditor and county assessors should be elected and they would have some rapport with the client - that there is a real merit in having these county officers elected where those people have to answer to their constituents.

Rep. Bulger stated he was against the substitute motion for the reasons stated by Rep. Rapp-Svreck. They recently had a very acrimonious election in his county and it was decided as it always is, in favor of his party. He believes it's the wrong message to give to the candidate for something that should be completely without favoring one side or the other. Rep. Hoffman stated he felt that if any of the offices are going to be nonpartisan, they should all be nonpartisan.

It was his concern this will be just a stair-stepping deal, we'll take out the sheriff, then county commissioners, etc. and until such time that we are ready to take all of the county officials out of partisan politics, he believes we should leave all of them in.

Roll call vote was taken on substitute motion DO NOT PASS.  
The substitute motion CARRIED.

CONSIDERATION OF HOUSE BILL NO. 88: Chairman Wallin requested the sponsor of HB 88, Rep. Rex Manuel, District 11, to address the capital replacement fund. Rep. Manuel stated we did have a reserve fund to take care of this and the Attorney General had issued an opinion that it was legal to have a replacement fund. Page 2 of HB 88 states the district may establish capital replacement only for replacement of property, plant facilities or equipment. The cost of such capital equipment must exceed \$5,000 and have a life expectancy of five years or more. After all this money is spent there is no more money to replace any of these problems.

PROPONENTS: Bill Leary, Montana Hospital Association voiced his support for this bill (Exhibit 1).

Gordon Morris, Executive Director of the Montana Association of Counties also voiced his support of HB 88 on behalf of the Association.

OPPONENTS: None.

QUESTIONS (OR DISCUSSION) ON HOUSE BILL NO. 88: Rep. Sales asked if there has to be a vote to issue these bonds, is it required? Lee Heiman, Legislative Staff, responded there is a vote required according to Title 20. There is not necessarily a bond issue involved with this bill, just that a fund could be established over a period of years to accumulate the money for replacement of property, plant facilities or equipment, etc. Rep. Pistoria asked if there doesn't have to be some way the county commissioners must either by bonds or by some means, replace this necessary money? Lee Heiman stated in his opinion, the money could be budgeted each year to be put into that fund - a budget of \$1000 a year to go into this fund. So the money could come from the operating budget or property taxes, or perhaps the original bond for the hospital - overbonded, by \$5,000, put that money into this fund. He did not see where the bill limits where the money comes from.

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Rep. Manuel stated that in Teton county, the money they get from memorials donated or from projects to raise that money are various ways of adding to that reserve fund.

DISPOSITION OF HOUSE BILL NO. 88: Rep. Pistoria made a motion HB 88 DO PASS. Chairman Wallin called for questions. Rep. Sales stated he still questions whether this bill is going to apply to the issuance of bonds, or maybe we do not have enough sections applying to district hospitals and asked who wrote this bill. Lee Heiman, Staff, stated he did write the bill, it is the only section that involves anything except operating expenses, the only capital type of section. All bonded together. He could amend the bill and provide a special section, put something in that districts may establish a capital replacement fund from any funds that the trustees have legal access to. Rep. Sales stated they are used to going to a certain section of this bill. Lee further stated that the reason is it is the only section that deals with capital type of items in hospital districts. The Chairman asked if Rep. Sales wished this bill to be amended? After further discussion, Rep. Sales made a substitute motion allowing Lee to redraft an amendment.

Lee Heiman read the amendment (Exhibit 2). Rep. Sales made a substitute motion HB 88 DO PASS as amended. Chairman Wallin asked if there were further amendments. There were no further amendments. The substitute motion HB 88 DO PASS CARRIED.

ADJOURNMENT: There being no further business to come before the committee, the hearing was adjourned at 2:30 p.m.

  
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NORM WALLIN, CHAIRMAN

ex. 1  
DATE 1-9-87  
HB 88

January 9, 1987

TESTIMONY IN SUPPORT OF HOUSE BILL 88 - HOUSE LOCAL GOVERNMENT COMMITTEE

CHAIRMAN WALLIN, MEMBERS OF THE COMMITTEE, FOR THE RECORD I AM BILL LEARY, SPECIAL CONSULTANT TO THE MONTANA HOSPITAL ASSOCIATION, APPEARING HERE TODAY IN SUPPORT OF HOUSE BILL 88. MORE SPECIFICALLY, I AM APPEARING ON BEHALF OF THE 12 DISTRICT HOSPITALS WHICH ARE ALL LOCATED IN RURAL AREAS OF THE STATE.

HOUSE BILL 88 IS PERMISSIVE LEGISLATION IN THAT IT WILL ALLOW THE HOSPITAL DISTRICT, WHICH IS CONTROLLED BY AN ELECTED BOARD, TO ESTABLISH A CAPITAL REPLACEMENT FUND DURING THEIR NORMAL AUTHORITY OF ISSUING BONDS.

AS YOU WILL NOTE, THE USE OF THE FUND IS VERY RESTRICTIVE IN THAT IT CAN ONLY BE USED FOR THE REPLACEMENT OF PROPERTY, PLANT FACILITIES OR EQUIPMENT.

BY ADOPTING THIS BILL, THE HOSPITAL DISTRICT WILL HAVE AN OPTION AVAILABLE TO THEM TO OBTAIN FUNDS TO REPLACE NEEDED EQUIPMENT. THIS WILL NOT SIGNIFICANTLY INCREASE THE TAXES WITHIN THE DISTRICT AS IT IS BASED UPON BORROWING MONEY THROUGH THE ISSUANCE OF BONDS.

I WOULD ENCOURAGE YOUR SUPPORT OF THE PASSAGE OF HOUSE BILL 88.

DISTRICT HOSPITALS

<u>City</u>	<u>Hospital Name</u>
Big Sandy	Big Sandy Medical Center
Choteau	Teton Medical Center
Culbertson	Roosevelt Memorial Hospital
Dillon	Barrett Memorial Hospital
Ennis	Madison Valley Hospital
Fort Benton	Chouteau County District Hospital
Poplar	Poplar Community Hospital
Scobey	Daniels Memorial Hospital
Sheridan	Ruby Valley Hospital
Superior	Mineral County Hospital
Terry	Prairie Community Hospital
Townsend	Broadwater Community Hospital

Amend HB 113, Introduce Copy (white)  
Rep. Brandewie  
1/12/87

1. Page 2, line 18.  
Strike: "proportionate"

Explanation: The word "proportionate" with "share" seems to imply that the charges are set by the standard proportionate methods, such as by running foot along a road or by adjoining lot area. This bill provides that "all road users" (page 1, line 24) "determine maintenance charges" (page 2, line 3). An amended reference to "share of maintenance charges" (page 2, lines 18 and 19) would be an unambiguous and could only mean those charges determined by all road users.

ROLL CALL VOTE

LOCAL GOVERNMENT \_\_\_\_\_

COMMITTEE \_\_\_\_\_

DATE \_\_\_\_\_

BILL NO. H9 -

NUMBER \_\_\_\_\_

NAME	AYE	NAY
REP. NORM WALLIN, CHAIRMAN	✓	
REP. RAY BRANDEWIE, VICE CHAIRMAN	✓	
REP. DAVE BROWN	✓	
REP. JAN BROWN	✓	
REP. PAULA DARKO	✓	
REP. BOB GILBERT	✓	
REP. BUDD GOULD	✓	
REP. LARRY GRINDE	✓	
REP. STELLA JEAN HANSEN	✓	
REP. ROBERT HOFFMAN	✓	
REP. LES KITSELMAN	✓	
REP. PAUL PISTORIA	✓	
REP. JACK RAMIREZ	✓	
REP. WALTER SALES	✓	
REP. CAROLYN SQUIRES	✓	
REP. TIMOTHY WHALEN	✓	
<i>Devin</i>		✓

TALLY \_\_\_\_\_

1

Jean Stephenson  
Secretary

Rep. Norm Wallin  
Chairman

MOTION: \_\_\_\_\_



# STANDING COMMITTEE REPORT

January 9

19 87

Mr. Speaker: We have committee on LOCAL GOVERNMENT

report RES. NO. 49

do pass  
 do not pass

be concurred in  
 be not concurred in

as amended  
 statement of intent attached

REP. NORM WALLIN,

Chairman

**FIRST**

reading copy ( WHITE )  
color

# STANDING COMMITTEE REPORT

January 9, 19 87

Mr. Speaker, We have committee on LOCAL GOVERNMENT

report SB. 88

do pass  
 do not pass

be concurred in  
 be not concurred in

as amended  
 statement of intent attached

Rep. NORM Wallin

Chairman

1. Title, line 7.

Strike: "AMENDING SECTION 7-34-2131;"

2. Pages 1 through 2.

Strike: everything following the enacting clause

Insert: "Section 1. Hospital district capital replacement fund. A hospital district may establish a capital replacement fund. The fund may be used only for the replacement of property, plant facilities, or equipment. The cost of such capital equipment must exceed \$5,000 and have a life expectancy of 5 years or more.

Section 2. Effective date. This act is effective July 1, 1987."

*B*

FIRST

reading copy ( WHITE )  
color

WITNESS STATEMENT

NAME Jack Mehlhose BILL NO. 49  
 ADDRESS Box 175 Clancy DATE 9 Jan 87  
 WHOM DO YOU REPRESENT? \_\_\_\_\_

SUPPORT \_\_\_\_\_ OPPOSE  AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

VISITORS' REGISTER

COMMITTEE \_\_\_\_\_

BILL NO. \_\_\_\_\_

DATE \_\_\_\_\_

SPONSOR \_\_\_\_\_

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
<i>John Cottino</i>	SELF		
<i>Barclay Murray</i>	MHC	✓	

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