

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

January 28, 1987

The meeting of the Local Government Committee was called to order by Chairman Norm Wallin on January 28, 1987, at 1:00 p.m. in Room 312-F of the State Capitol.

ROLL CALL: Roll call was taken with all members present except Rep. Ramirez who was excused. Lee Heiman, Committee Counsel from the Legislative Council was also present.

CONSIDERATION OF HOUSE BILL 380: Rep. Dave Brown, House District 72--Butte-Silver Bow and sponsor of HB 380, stated there have been a number of similar bills in past sessions. He felt this bill was one that could be lived with and passed. The bill results from a long-standing legislative desire to not be forced to continually monitor, review and establish local governmental salaries and particularly elected county officials' salaries. Rep. Brown stated this function should be within the decision-making processes of local government and not at a state or legislative level. This proposal will create a county salary commission made up of five members: one county commissioner elected by the board of county commissioners, two elected county officials that are not county commissioners elected by the elected county officials other than the county commissioners and two public members appointed by the district judge or the chief judge in a multijudge district. The public members are selected by the judge from a list of six or more county residents compiled by a jury voted by the other three commission members. Rep. Brown felt this salary commission has the advantages of being representative of elected county officials generally and not just one particular group. Secondly, it has two public members which invites public scrutiny and public input in financial matters on the local level. The salary commission will establish the elected officials salaries in all cases except the county attorney.

PROPONENTS: Tom Harrison, Sheriffs' and Peace Officers' Association and Clerks of Court Association, stated he had been asked to also convey support of HB 380 for Jim Haynes, Lobbyist MT Magistrates Association and Mickey Nelson, Lobbyist Coroners Association who were unable to be present. Mr. Harrison stated last special session the legislature enacted a law giving the ability to the local level to put freezes on county expenditures; some counties implemented the freezes and some did not. He viewed that as legislative desire to move some or all authority of salary setting to the local level. He said assuming it is to go to the local level, they are confronted with what is the best mechanism

to accomplish that and felt they did come up with that mechanism with the salary commission proposed in HB 380. They feel the input and availability of the public members is an important facet of the bill. Mr. Harrison stated no particular group should be totally in charge of this important function because of the possibility of cronyism and dictation. He felt that particularly this is true with county commissioners. If the commissioners were to set salaries they would have budget setting functions as well as salary setting functions which could lead to tradeoffs.

Mr. Harrison stated the recently demised state salary commission was recommended but never accepted by the legislature. They felt it a horse-trading mechanism with the salary commission saying the legislature will not give a 15 percent raise, they might give 10; we will ask for 25.

The members of the commission in HB 380 would be subject to voters and if anything came from the commission that was defective or perceived as outrageous and unacceptable, the remedy would be clear and could be exercised by the people.

Mike Schafer, Yellowstone County Sheriff and President of MT Sheriffs' and Peace Officers' Assoc., stated the association because of a push from the legislature to move salary setting back to the local level began having meetings which led to inviting other elected official organizations into discussing developing a plan to meet some of the needs at the local level instead of turning everything over to the county commissioners. He stated HB 380 gives better control and also gives the community a way to better control salaries.

Judy Doggett, Broadwater County Clerk and Recorder and Representative of MT Assoc. of Clerks and Recorders on the local salary committee, stated the association felt the fairest way for salaries to be established would be by local salary commission as set forth in HB 380 (Exhibit 1).

Bob Butorovich, Sheriff Butte-Silver Bow and Chairman of the Legislative Committee to the MT Sheriffs' and Peace Officers' Assoc., stated as a former commissioner of Butte-Silver Bow he has strong reservations about commissioners setting salaries. His reasons were because of the time involved, the lack of knowledge of the responsibilities of the elected officials and of the concerned political ramifications. Mr. Butovich said as an elected official sitting on a county salary board, he was sure fairness and impartiality would exist because an elected official is responsible to the voters in general.

John Poundstone, Clerk of District Court in Beaverhead County and representing MT Assoc. of Clerks of District Court, viewed HB 380 as an opportunity to open up dialogue

between the association and their board of commissioners. He stated that upon passage and approval of HB 380 from the first year on previous legislatures' intent would be carried out but in addition it would smooth and increase efficiency at the county operations level (Exhibit 2).

Jim Dupont, President of Flathead County Sheriffs' Employees Assoc. and Vice President of MT Sheriffs' and Peace Officers' Assoc., stated employees of the Flathead County Sheriff feel salaries should be set at the county level. A salary commission on the local level is the most effective way to review the duties of the elected officials and compensate them accordingly.

Court Harrington, MT County Treasurers' Association, stated the treasurers would prefer that the status quo remain and that no change be made to the setting of salaries. If the legislature decides to return the responsibility of setting salaries of elected officials to the local level the county treasurers support the concept of a salary commission on the local level to set those salaries rather than giving it to another group, particularly county commissioners.

The following persons stood in support of HB 380 and stated their names: Rick Later, Second Vice President MT Sheriffs' and Peace Officers' Assoc. and Beaverhead County Sheriff; Tony Harbaugh, Custer County Sheriff and Secretary Treasurer of MT Sheriffs' and Peace Officers' Assoc.; Marie Morrison, Granite County Clerk and Recorder; Janet Jennings, Park County Clerk and Recorder (Exhibit 3); Curt Petty, Lewis and Clark County Deputy Sheriff and First Vice President MT Sheriffs' and Peace Officers' Assoc.; Clara Gilreath, Clerk of Court Helena; Jim Barnes, Undersheriff Cascade County and Member Board of Directors MT Sheriffs' and Peace Officers' Assoc.; Jack Barney, Deputy Sheriff Fergus County and Board of Directors Sheriffs' and Peace Officers' Assoc.; Susan Spurgen, Fergus County Treasurer and President MT County Treasurers' Assoc.; Dick Michelotti, Cascade County Treasurer and Past President MT Treasurers' Assoc.

OPPONENTS: Gordon Morris, MT Association of Counties, stated elected officials need to have a fair and just salary that is reflective of their capabilities and competencies. He did not think HB 380 the right mechanism to do this. Mr. Morris stated the bill would not generate healthy public scrutiny from the standpoint that it would establish a procedure where salaries would be fixed. The salaries would be determined by the salary commission which would then submit them to the board of county commissions and that would be the end of it. This would not contribute to the budgetary process that is open to the public. He said salaries should be first a consideration in terms of using every tool at its disposal to balance the county budget and

to be fiscally responsible. He did not feel it an adequate response to concerns of property taxpayers across Montana. The bill will further erode the authority and chain of responsibility that stops with county commissioners that operate on a day-to-day basis with public scrutiny being there and their constituency watching over their shoulders.

Ray White, Gallatin County Commissioner and representing all three county commissioners at Gallatin, stated their position is that county elected officials are established under the Montana Constitution and therefore it is a legislative responsibility to set salaries. They are comfortable with the existing salary schedule passed in a previous session. Mr. White has been an elected official at the county level for 18 years and said there has been this struggle every year with elected officials coming in for money. He stated a few years ago the legislature was getting tired of this and through the efforts of Senator Pete Story a joint resolution was introduced to authorize a special study of elected officials salaries. The study commission was mandated and operated for two years. Every elected official in Montana had a representative on this board. Their recommendations were made back to the legislature and the legislature approved those recommendations. Mr. White said this is the salary bill we have today. The salary bill has built in a cost of living increase and a base salary. Mr. White felt, if there is a problem with the existing legislation, then the base salary or cost of living increments in the statute should be worked on. He stated the salary commission would create a monetary competition among the county elected officials on an annual basis. He felt operating county government is a team effort and if HB 380 is passed the team will start breaking up because everyone will be vying for different salaries. Mr. White proposed if HB 380 was to pass to strike "shall" and insert "may" because the salary commission should be a recommending and not mandating body. He said it is not an elected body because the members are appointed and even though there are elected officials on the commission, they do not run to be on it but are appointed. He suggested the following changes to the bill: page 5, strike lines 4 and 5; page 8, strike lines 2-7; page 12, strike lines 9-20; and page 13 and 14, reinstate original text.

The bill allows up to one mill to be levied to pay for the duties of the salary commission. Mr. White stated these bodies will be spending the taxpayers money on a yearly basis and there will be 56 different bodies with no correlation whatsoever.

Vera Cahoon, Missoula County Freeholders Association, stated if HB 380 was passed and more taxes levied by the salary commission, the taxpayers will take a very dim view of this.

If it is the decision of this legislature to set salaries at the county level, Ms. Cahoon stated the budgeting process to which there is public input would serve well in keeping county commissioners honest. The citizens and the voters do have this input into the budgeting process.

Jim Campbell, Urban County representative of MACo and Lewis and Clark County Commissioner, stated he opposed HB 380 because it is bad law to set up a policy board, it would represent an opportunity to levy one additional mill against tax dollars and because of past experiences this state and the federal government has had with salary commissions.

Ann Mary Dussault, Second Vice President for MACo, reviewed the bill. On page 3, line 15 of the bill, the commission will set salaries and benefits for elected officials. She stated this not only talks of elected officials but a whole series of county employees whose salaries and benefits are tied to elected officials. On page 4, line 5, the language to mandate the board of county commissioners to include this in the budget would be authorizing the commission to actually fix expenditures for the county when they are really not responsible for levying the taxes to do so. On page 5, line 4, the commission shall appropriate up to one mill for the activities of the commission. Mr. Dussault stated what is being done is another mill is being added to the already overburdened property tax system in the counties. On page 3, lines 22 and 23, she said that mill could be used by the board for any number of purposes including retaining consultants and contracting with other agencies. She stated it would not take long for a whole mill to be used up on those activities. Ms. Dussault asked the legislators to think seriously of being put into a position where the budget that they would have to establish and raise revenue for was taken out of their control and invested in an independent authority.

Allen Jacobson, Flathead County Commissioner, stated he served on the committee with many of the proponents present that worked out HB 380. However, when the bill was taken to MACo, they said their ability to control the budget was being taken away. Mr. Jacobson stated MACo brought the bill to the legislature changed. Up to one mill to finance the salary commission was added to the bill. In Flathead County \$93,000 would be able to be taken out of their general fund. Mr. Jacobson said this nonelected commission now has budgetary power taken away from the commissioners and actually from the legislature because they can force money to be spent with themselves being elected. He said he would like the committee to look at HB 338 because that keeps the fiscal responsibility with the county commissioners.

Doug Schmitz, Jefferson County Commissioner, stated with the pay freezes authorized during the last special session they

were given an option in their county of not laying off more people as was done the previous year. He said the infrastructure needs of local governments are great and the policies were mandated to give certain salary increases irrespectable of what the other problems are. Mr. Schmitz stated they won't survive if the protests in his area are allowed to continue.

Jack Mehlorose, Jefferson County, stated as a taxpayer he would like to see the legislature take it easy on the taxpayers. The millstone being carried keeps getting heavier. He said the commission which is not responsible to the voters is not needed. The commissioners are responsible to the voters. He commented there is no way the commission can possibly operate without additional cost to the taxpayer.

Bob Mullen, Richland County Commissioner, Past President of MACo and chairman of the salary committee, stated his reasons for opposing HB 380 were heard.

Rep. Pistoria, House District 36, stated he was in opposition of the bill.

Robert VanDeveer, Lobbyist, listened to proponents and opponents on the bill and felt HB 380 is a "foot in the door approach". He said it is not known who will be elected after the present county commissioners leave office.

Jim Halverson, Roosevelt County and Fiscal Officer for MACo, stated they were opposed to creating an expensive level of bureaucracy on the county level. He felt it would be difficult in his county and in most other counties even finding anyone to serve on this type of commission.

Rep. Brown in closing stated the philosophical approach of the state versus the local level could be disagreed with or agreed with but the rest of the statements seemed to be ill placed and not well founded. The concern is 1) either the county commissioners are afraid of the rest of the elected officials or 2) somehow it becomes an unrepresented process when all elected officials get together that allows them to decide and make a decision that they will be held accountable for when they go up for reelection. Rep. Brown said the approach in HB 380 provides the flexibility county to county to pay, based on their own problems, cashflow, and revenues generated, whatever they believe the people in those counties will let them. He said no representative in the room would let the senate set the salary for the legislature nor would the senate let the house and that is what is going on here. He felt this bill was a very decent attempt and still a viable one where everyone has the

opportunity to say what they think, set those salaries and stand by their decisions.

On page 3, lines 22 and 23, Rep. Brown stated this could be taken out. On page 5, line 4, it says shall appropriate up to one mill. Rep. Brown said that means from zero to one mill. He said a few other spots in the bill may or may not be a little rough and felt the legislature has a bill in HB 380 that can be worked on.

CONSIDERATION OF HOUSE BILL 338: Rep. Poff, House District 21, stated all the bill does is give the authority to the county commissioners to set compensation for elected officials providing that if compensation was set by the commissioners, it must be set by resolution and may not result in a decrease in salaries.

PROPOSERS: Bob Mullen, Richland County Commissioner and Past President of MACo, presented written testimony in support of HB 338 (Exhibit 4). Mr. Mullen read from his testimony for the committee.

Allen Jacobson, Flathead County, asked the committee to look at HB 338 if they felt it necessary to change the present way of setting elected officials' salaries. He was not trying to say that HB 338 was the best way but felt it better than HB 380 and said it was up to the legislature to decide whether it was better than the present statute. He stated HB 338 does retain the counties budgetary responsibility. County commissioners are definitely responsible for controlling the budget to everyone in that county.

Jim Campbell, Urban County Representative for MACo and Member Lewis and Clark County Commission stated he supported HB 338. Elected officials and employees last year sat down together to decide whether to go for pay freezes as the law allowed or to go for a 3 1/2 percent increase. It was decided to go for a 2 1/2 percent increase and that was implemented. Mr. Campbell did not feel the potential of a \$235,000 salary commission was needed to come to that same conclusion.

Gordon Morris, Executive Director MACo, submitted into the record communication from the Yellowstone County Commissioners endorsing HB 338 (Exhibit 5).

Jim Halvorson, Fiscal Officer MACo, stated he was in support of the bill as written.

Kathy Crego, Director of Personnel and Labor Relations Missoula County, stated the cornerstone of affective personnel administration is through equitable and consistent compensation for all employees throughout an organization. If the cornerstone is eroded the imbalance may be evidenced

by poor morale, difficulty in retaining qualified individuals and decreased productivity. She said human resources in the counties are the most valuable resource. Personnel must be managed in a way to ensure efficiency and increase productivity especially now with decreasing revenues.

Counties historically have been unable to control compensation levels of employees, resulting in a loss of pay equity within county agencies. Elected officials and those employees whose salaries are driven by the salaries for the elected officials comprise 15 percent of the workforce in Missoula County and include deputy sheriffs and other chief deputy positions. Ms. Crego presented data (Exhibit 6) which showed the salary increases for the county employees as established by the board of county commissioners versus salaries set by state law over the past four years. It also showed the relationship between salaries set by county commissioners and salaries tied to those elected officials. She stated HB 338 guarantees that no one will suffer a decrease in salary. The county commissioners will merely be given the ability to begin to restore equity among the employees and compensate all employees under a fair and consistent system.

Ann Mary Dussault, Second Vice President for MACo, submitted testimony from Tony Haganer, President of MACo in support of HB 338 and in opposition to HB 380 (Exhibit 7). Ms. Dussault said budget authority and responsibility has to be vested at the local level with those responsible for setting the budget and setting the levies. She stated the budget process that Mr. Harrison spoke about seems to be the appropriate place to determine what those salaries should be. She felt it is a controversial process and also a very public process and stated this is the appropriate time for setting not only officials salaries but all county employees salaries within the budgeting process.

OPPONENTS: Tom Harrison, representing Sheriffs' and Peace Officers' Assoc., Clerks of Court Association and in absence of two lobbyists the Magistrates' Assoc. and Coroners' Assoc., said HB 338 and 380 are two contrasting ways to come to grips with the same problem. A third way is the present way established by state statute. Mr. Harrison commented on some of the proponents arguments. He stated employee status as viewed by the county commissioners is that county commissioners do not have equal status with other public officials. Mr. Harrison stated all the laws we have indicate county commissioners are elected separate public officials with their own duties and he felt they should not be placed in a committee where they could control all the rest of the salaries.



Mike Shea, Yellowstone County Sheriff and President MT Sheriffs' and Peace Officers' Assoc. asked that the setting of salaries be left the way it is now and the legislature wrestle with the salary problem.

Susie Spurgen, Fergus County Treasurer and President MT. County Treasurers' Assoc. stated the legislature mandates treasurers' duties and they would like to see the legislature have authority to control their salaries. The majority of treasurers are women and feel inequalities could be raised between female and male elected officials. The county treasurers support the current system but if change is mandated they would support HB 380 which would allow more input than having county commissioners set the salaries.

Ray White, Gallatin County Commissioner and representing the other commissioners not present stated they feel very strongly that they do not want to set the elected officials salaries within the county and do not want to set their own salaries.

Dick Michelotti, Cascade County Treasurer and past president of the MT Treasurers' Assoc. stated inequity will evolve because treasurers throughout the state are earning the same wages. If the county commissioners set the salaries they would be set on the financial status of the county and everyone would be paid differently even though they do the same work. Mr. Michelotti said an elected official is not an employee of the county commissioners but are on a lateral relationship with their employer being the taxpayer who elects them. He said he was also on the committee that went in front of MACo to come back with some type of proposal for a salary bill. The bill was presented to the MACo people in a negative fashion so he expected it to be handled negatively. It was a "we'll show them who's boss" fashion and in this manner he felt the county commissioners would not be fair and equal.

Sandra Oitzinger, MT County Attorneys' Assoc., spoke of the inclusion of county attorneys' salaries in HB 338 and noted that 50 percent of each county attorney's salary is paid by the state. HB 338 would thus allow county commissioners to effect a salary increase which would commit state funds as well as local funds (Exhibit 8).

Greg Jackson, representing MT Clerks and Records Assoc. stood in opposition of HB 338.

John Poundstone, MT Assoc. of Clerks of Court stated the mechanism presently in place for salary setting isn't doing what it should. He did feel that HB 338 is the proper mechanism to employ.

Elinor Collins, representing County Superintendents of Schools asked to do not pass HB 338 because of reasons stated and because of the inequities in salaries in each county and the problems it would create in each county themselves.

Sally JuPrice, former member of the salary commission, stated they worked hard and long to study and learn what everyone's job was. From the study, they realized they could not let the county commissioners have that 100 percent control. Ms. Collins was in favor of HB 338 as a secondary choice but asked to support and keep the current statute.

DISCUSSION (OR QUESTIONS) ON HB 338: Rep. Grinde asked Rep. Poff to comment on county attorneys being excluded from HB 380.

Mr. Morris responded for Rep. Poff that in light of comments during the testimony of the bill they did not anticipate problems in any particular office and used a blanket approach. He said it would be appropriate to amend the bill to exclude county attorneys and leave it to the applicable statute.

Rep. Grinde asked if anyone had a list of salaries set by the state with benefits and cost of living clauses.

Mr. Morris stated he would provide that information as he did not have it with him.

Rep. Poff in closing stated the two bills had quite an airing on both sides. He said he cannot see that much problem and had been hearing from elected officials all over the state that they want more local control. These officials were not only county commissioners but also treasurers and clerks and recorders who would be satisfied if elected officials and county commissioners could get together and come up with a satisfactory agreement. Rep. Poff realized there are problems in some areas but said the county commissioners are the governing board of the county and should have the responsibility to set salaries.

CONSIDERATION OF HB 335: Rep. Pistoria, House District 36--Great Falls and sponsor of HB 335, stated the bill is an act for prohibiting a private parking service from impounding a motor vehicle. Rep. Pistoria presented an information packet (Exhibit 9) and explained the history behind HB 335 for the committee and reviewed the packet.

PROPOSERS: None.

OPPOSERS: None.

The hearing was closed on HB 335.

LOCAL GOVERNMENT BONDING OVERVIEW: Rep. Bulger introduced Mr. Creg Jones, D. A. Davidson, Great Falls who was present to give an overview for informational purposes to the committee on bonding within local governments. Mr. Jones presented the committee with a handout which outlined different types of municipal bonds and the requirements for each type of bond.

Mr. Jones reviewed the handout for the committee. He said bonding is a complex subject. What was reviewed in the outline was possibly the simple issues involved. He hoped it would give a working knowledge of the type of bond issues. Mr. Jones stated there are some discrepancies in types of bonds and they would like to see some standardization of the statutes governing local government bonding.

There being no further business to come before the committee, the hearing was adjourned at 3:20 p.m.

  
Rep. Norm Wallin, Chairman

## DAILY ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 1-28-87

NAME	PRESENT	ABSENT	EXCUSED
REP. NORM WALLIN, CHAIRMAN	✓		
REP. RAY BRANDEWIE, VICE CHAIRMAN	✓		
REP. BUDD GOULD	✓		
REP. REP. TIMOTHY WHALEN	✓		
REP. PAULA DARKO	✓		
REP. TOM BULGER	✓		
REP. JAN BROWN	✓		
REP. BOB GILBERT	✓		
REP. LARRY GRINDE	✓		
REP. WALTER SALES	✓		
REP. STELLA JEAN HANSEN	✓		
REP. PAUL PISTORIA	✓		
REP. ROBERT HOFFMAN	✓		
REP. LES KITSELMAN	✓		
REP. JACK RAMIREZ			✓
REP. DAVE BROWN	✓		
REP. CAROLYN SQUIRES	✓		

January 28, 1987

Honorable Legislators:

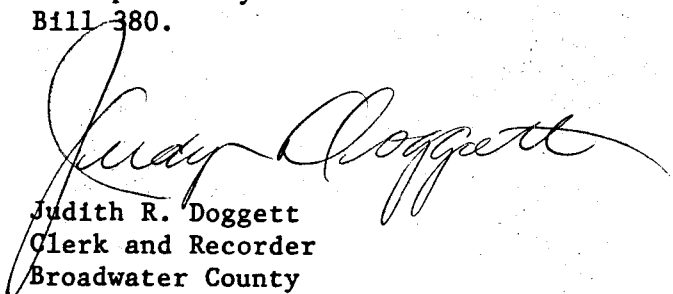
My name is Judy Doggett and I am the Clerk and Recorder for Broadwater County Montana and also the representative for the Montana Association of Clerks and Recorders on the local salary committee.

I personally and as the representative of the association, am in support of House Bill 380. I feel that the most fair way for salaries to be established is by a local salary commission as set forth in this house bill.

The members of the various associations have worked long and hard to come up with a salary bill that the local elected officials could live and work with. We feel that establishing a local salary commission consisting of a county commissioner, two other elected officials and two persons at large is a fair representation for the elected officials and to the taxpayers. We feel that with this bill, elected officials are not setting their own salaries without public input and also that the county commissioners are not totally responsible for the setting of the salaries. This bill also relieves the burden of setting salaries from the legislature.

We feel that with the economy as it is in our counties, the salary commission would be fair and not add an unfair burden to the taxpayers but would take into account all of the problems that are being faced by taxpayers and elected officials.

I respectfully submit this letter as testimony and in support of House Bill 380.



Judith R. Doggett  
Clerk and Recorder  
Broadwater County  
Townsend, Montana 59644

Representative for the Montana Association of Clerks and Recorders

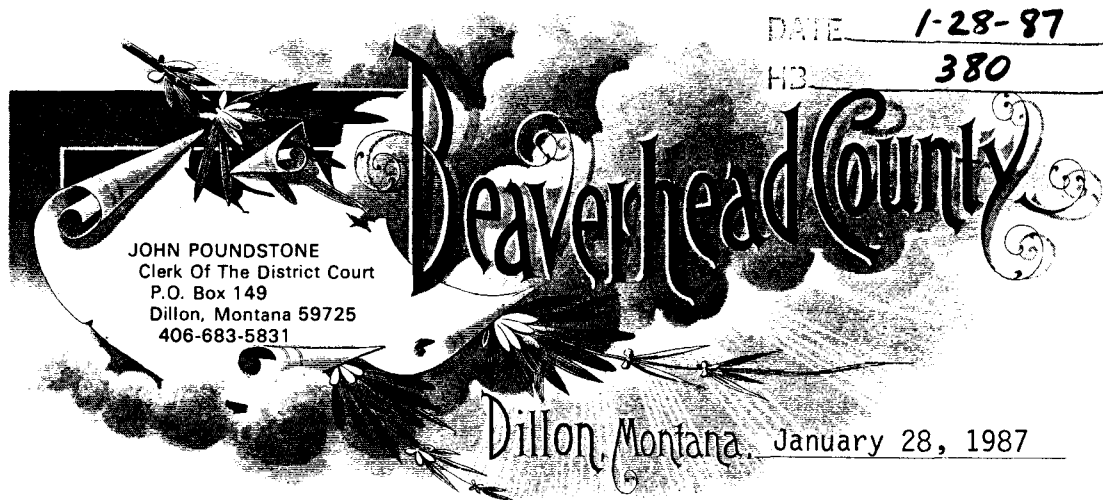
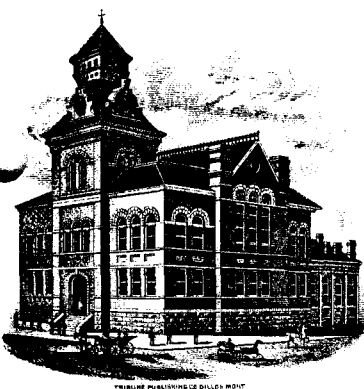


EXHIBIT 2  
DATE 1-28-87  
HB 380

TO: Chairman Wallin, Vice Chairman Brandewie and all members of the  
House Committee on Local Government

ON BEHALF OF: The Montana Association of Clerks of District Court

REGARDING: House Bill 380, Establishing Local Salary Commissions

Dear Members:

It is the firm recommendation and hope of the Montana Association of Clerks of District Court that your committee will give favorable consideration and an eventual "do pass" recommendation to HB380. We believe, after extensive and exhaustive research, review and thorough discussions that this is by far the best remedy available to the legislature to once and for all put to bed the local government salary issue.

We believe it is equitable; it is extremely well thought out; it finally relieves the legislature of this issue in a fashion that will carry out the legislature's intentions palatably to the body; and that it is very workable at the county level.

We fully realize and respect what you are up against this session is for all practical purposes unmanageable in terms of the sheer weight of legislation introduced already. We encourage you, however, that HB380, once given careful thought, comparison shopping and a little extra "thinking it through" will clearly stand out as the option of choice this session. We ask that you choose this bill as one that will be given whatever extra effort you have to muster.

Thank you very much for your kind patience and consideration.

Appreciatively yours,

John Poundstone  
Legislative Committee  
Montana Association of Clerks of District Court

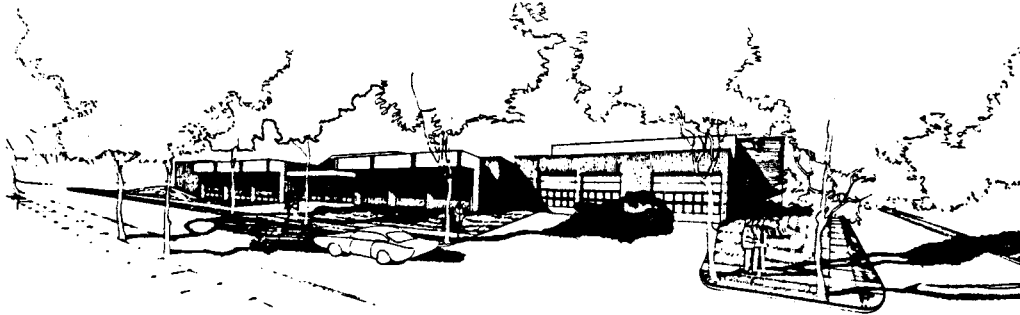


EXHIBIT 3  
DATE 1-28-87  
HB 380

JANICE JENNINGS  
Clerk and Recorder  
(406) 222-6120

## PARK COUNTY CLERK & RECORDER

P. O. Box 1037 — Livingston, Montana 59047

January 27, 1987

Norm Wallin, Chairman  
House Local Government Committee  
Montana House of Representatives  
Helena, Montana 59620

Dear Chairman Wallin and Members of the House,

I am writing in support of HB380, which establishes a Salary Commission.

I believe this is the fairest way of dealing with the salary issue that has plagued the legislature for several sessions. The commission would be unbiased and able to deal with salary concerns objectively. HB380 would eliminate the possibility of vendettas, power struggles and favoritism between elected officials.

I urge you to consider and then pass HB380.

Thank you for your consideration on this important matter.

Sincerely,

Janice Jennings  
Clerk and Recorder

JJ

HB 338

Robert Mullen, Commissioner - Richland County - Past President MALC.

Perhaps it would be best for me to provide a short history of how we arrived at the position we are advocating in the bill, namely salary administration responsibility for <sup>locally</sup> elected officials.

My tenure as MALC President followed the 1985 Legislative session. A session that saw virtually every local elected officials association parade before legislative hearings to request additional salaries or to oppose the requests of other elected officials. Many legislators expressed to myself and others that they were totally frustrated with the entire matter of setting local salaries and watching each LEO Ass'n. dog and pony show. Therefore, during my MALC presidency I appointed a committee to analyze the present salary structure and recommend <sup>legislative</sup> a new salary proposal for the 1987 session. All other LEO Ass'ns. we also invited to attend our meetings and make recommendations as to the direction we should go. After 4-5 meetings, we arrived at a consensus position that was palatable to all associations represented. The consensus called for the establishment of a local salary committee, whose sole responsibility was to recommend to the county commissioners the cost of living increase for the ensuing fiscal year.

This consensus position was drafted into a resolution for presentation at the annual conventions of each LEO ass'n. At MALC's annual convention in June, the consensus resolution was "shockingly" amended on the floor and passed in amended form. That form you have before you today, the basis of HB 338. I say "shockingly" amended, because the MALC



membership unanimously elected to allow county commissioners to discretionarily set salaries of LEO.

This was a radical change from our long-standing position of "letting anyone else, besides us, set salaries. In the past, whenever the subject of letting commissioners set salary, most commissioners ran for cover.

It is important for us to understand why such a drastic change took place. First of all, it is perhaps the discretionary nature of the bill that will allow commissioners not wishing to set salaries to maintain the status quo. But equally as important to most county commissioners that June day was the realization that Montana's local economies are in tough shape. Whether you are talking about agriculture, timber,

oil & gas or mining, there is basically no growth in jobs or incomes in the private sector. At the time of our consideration, our only option was to grant the COLA that present law allows. (The authority to freeze salaries was the result of the June special session that followed our convention.) The COLA that is granted to LEO is also the raise that is given all other county employees. (This is true in my county and I believe most other counties.) When one stops to think that salaries

constitute an estimated 70% of each counties General Fund (in which incidentally ~~about~~ 3% of Montana's Counties are at or within 1 mill of statutory <sup>(not reduction in)</sup> limit), salaries, and specifically salary increases, are truly

a budgetary issue. And it is primarily because of our budgetary concerns the <sup>not because we feel the present statute is poor, or because we have</sup> we ask for this tool, a personal vendetta against other LEOs and employees.

Montana County commissioners are willing to take on this responsibility and balance it with our other budgetary concerns and responsibilities. County Commissioners need this authority at a time when most <sup>property</sup> taxpayers are screaming for local budgetary responsibility. Montana County commissioners are merely asking for the same authority that is granted to city councils and school boards —

# County of Yellowstone



COMMISSIONERS

(406) 256-2701

Box 35000  
Billings, MT 59107

January 22, 1987

Gordon Morris  
Executive Director  
Montana Association of Counties  
1802 Eleventh Avenue  
Helena, Montana 59601

Re: House Bill 338

Dear Gordon:

The Board of County Commissioners of Yellowstone County wish to express their support for House Bill 338. With this bill authorizing County Commissioners to set salaries for themselves and other elected officials of their county, it gives local government control over their budgets. The ability to manage our counties' assests is increasingly more difficult because of the dictates from the State level. This bill will allow us, as County Commissioners, to adjust our priorities to fit the needs of the people of our county and deliver those essential services demanded by them.

Please relay these comments to those legislators involved with this bill indicating our support of House Bill 338.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

Absent

Grace M. Edwards, Chair

*Dwight MacKay*  
Dwight MacKay, Member

*Conrad R. Burns*  
Conrad R. Burns, Member

CRB:gp

*Bochy  
Gregg*

IN SUPPORT OF HB-338

A. The fact that state law establishes the salaries of elected officials impacts a portion of our workforce which is frequently overlooked. Those employees whose salaries are directly tied to elected officials' must be considered when determining whether County Commissioners should have the authority to set officials' salaries.

B. Segregating a portion of our workforce and not authorizing the Board of County Commissioners to establish compensation for all County employees results in significant inequity within our agencies.

C. Gross inequity is a major factor in lowered morale of current employees and difficulty in hiring qualified and competent personnel. The result is decreased efficiency and productivity in government operations.

---

Salary Increases of Missoula County Employees

---

Salaries Established by the Board of County Commissioners		Salaries Tied to Elected Officials
<hr/>		<hr/>
FY'84	6.5%	4.3%
FY'85	5.5%	2.2%
FY'86	4.5%	3.0%
FY'87	0	0

---

#####

Current Salaries Tied to  
Elected Officials' Salaries

---

Position of Supervisor	9%	<u>Lower</u> than comparable position set by BCC
Position of Division Head	12%	<u>Lower</u> than comparable position set by BCC

#####

Conclusion

It is essential that the County Commissioners be authorized to establish the compensation of elected officials and other employees whose salaries are currently controlled by that of elected officials. An effort must be made to achieve equity within each agency to improve the level of productivity and efficiency.

# County of Yellowstone



COMMISSIONERS

(406) 256-2701

Box 35000  
Billings, MT 59107

January 22, 1987

Gordon Morris  
Executive Director  
Montana Association of Counties  
1802 Eleventh Avenue  
Helena, Montana 59601

Re: House Bill 338

Dear Gordon:

The Board of County Commissioners of Yellowstone County wish to express their support for House Bill 338. With this bill authorizing County Commissioners to set salaries for themselves and other elected officials of their county, it gives local government control over their budgets. The ability to manage our counties' assests is increasingly more difficult because of the dictates from the State level. This bill will allow us, as County Commissioners, to adjust our priorities to fit the needs of the people of our county and deliver those essential services demanded by them.

Please relay these comments to those legislators involved with this bill indicating our support of House Bill 338.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

Absent

Grace M. Edwards, Chair

*Dwight MacKay*  
Dwight MacKay, Member

*Conrad R. Burns*  
Conrad R. Burns, Member

CRB:gp

IN SUPPORT OF HB-338

- A. The fact that state law establishes the salaries of elected officials impacts a portion of our workforce which is frequently overlooked. Those employees whose salaries are directly tied to elected officials' must be considered when determining whether County Commissioners should have the authority to set officials' salaries.
- B. Segregating a portion of our workforce and not authorizing the Board of County Commissioners to establish compensation for all County employees results in significant inequity within our agencies.
- C. Gross inequity is a major factor in lowered morale of current employees and difficulty in hiring qualified and competent personnel. The result is decreased efficiency and productivity in government operations.

Salary Increases of Missoula County Employees

	<u>Salaries Established by the Board of County Commissioners</u>	<u>Salaries Tied to Elected Officials</u>
FY'84	6.5%	4.3%
FY'85	5.5%	2.2%
FY'86	4.5%	3.0%
FY'87	0	0

#####

Current Salaries Tied to  
Elected Officials' Salaries

Position of Supervisor	9%	<u>Lower</u> than comparable position set by BCC
Position of Division Head	12%	<u>Lower</u> than comparable position set by BCC

#####

Conclusion

It is essential that the County Commissioners be authorized to establish the compensation of elected officials and other employees whose salaries are currently controlled by that of elected officials. An effort must be made to achieve equity within each agency to improve the level of productivity and efficiency.

*My Desk*

**MONTANA  
ASSOCIATION OF  
COUNTIES**

EX-101  
DATE 1-28-87  
HB 338

1802 11th Avenue  
Helena, Montana 59601  
(406) 442-5209

Jan. 26, 1987

To: Chairman Wallin and Members of the House Local Government Committee

From: A R. (Toni) Hagener, President Montana Association of Counties

Re: House Bill # 338 introduced by Representative Poff and House Bill # 380  
introduced by Representative Brown

Mr Chairman and Members of the Committee, I wish to ask for your support of House Bill #338 to allow County Commissioners to set the salaries of elected officials and your opposition to House Bill #380 which would establish a local salary commission.

H.B#338 is both a housekeeping bill and a legislators relief bill. It is a housekeeping bill in that it places the action, accountability and responsibility for local salaries at the local level where it properly belongs. It is a legislators relief bill in that it should relieve legislators from the constant pressure of dealing with salary issues from various groups within county government!

As matters stand now, county governments are the only units of local government limited in the ability to set salaries. Cities, School Districts and other boards already have that power and responsibility. Since all of these groups (including legislators) are elected by the same group of citizens, it seems only reasonable that County Commissioners should be allowed to set the salaries. Please keep in mind that the setting of elected officials salaries also effects the salaries of many other county employees. It therefore significantly effects the mill levy assessments necessary to cover salary and benefit costs.

County Commissioners must deal with elected officials on a face-to-face as well as a daily basis. They must deal with the taxpaying public on the same basis. They are in the best position to know and act responsibly within the context of those with whom they work and within the local situation. In the light of these facts, the creation of a local salary commission as suggested in HB#380 is unnecessary. Commissioners acting under HB#338 could opt to appoint a salary commission if the local situation warranted it. The choice should be left to them.

I would like to point out that the Commissioners present at the annual convention held in Red Lodge last June voted unanimously in support of setting salaries themselves.

I thank you for your time and courtesy in reading this letter and hope that you will concur with my request for your support of HB#338 and opposition to HB#380.

Sincerely,  
*A.R. (Toni) Hagener*  
A.R. (Toni) Hagener

**MACo**

1/28/86

MONTANA COUNTY ATTORNEY'S ASSOCIATION

Mr. Chairman and members of the Committee. My name is Sandra Oitzinger, and I am here representing the Montana County Attorneys Association. The Association wishes to speak to the inclusion of county attorney salaries in HB 338, and note for the committee that fifty percent of each county attorney's salary is paid by the state. HB 338 would thus allow county commissioners to effect a salary increase which would commit state funds as well as local funds.

FOR  
H.B. 335

EXHIBIT 9  
DATE 1-28-87  
HB 335

DONALD A. GARRITY  
ATTORNEY AT LAW  
1313 ELEVENTH AVENUE  
HELENA, MONTANA 59601  
(406) 442-8711

January 8, 1986 - Rec'd - Thur - Jan. 9, 1986

Paul Pistoria  
2421 Central Avenue  
Great Falls, MT 59401

Dear Paul:

Tom Keegan and I thought you might be interested in this.

Very truly yours,



Donald A. Garrity

DAG rs  
encl.



HB. 335

Jan. 30, 1986

Mr. Ort, Mgr.:  
Diamond Parking.

Enclosed is a copy of  
the Supreme Court Ruling on  
Boating Vehicles in the State  
of Louisiana.

Therefore, if I hear or  
catch your people chaining  
Barrels to Vehicles in Great Falls  
I am giving you notice  
that I will do the same.  
I am giving you that it is un-  
Constitutional to do so.

Paul G. Pistoria  
State Representative  
2421 - Central Ave.  
Great Falls, Mont.  
59401

original

Jan. 30, 1986

President  
Diamond Parking  
3161 - Elliott Ave.  
Seattle, Washington 98121

Dear Sir:

Enclosed is a copy of  
the Supreme Court Ruling on  
Boating Vehicles in the State  
of Louisiana.

Therefore, if I hear or catch  
your people chaining Barrels to  
Vehicles in Great Falls I am  
giving you notice that I will  
do the same. You know that  
it is unconstitutional to do so.

Paul G. Pistoria  
State Representative  
2421 - Central Ave.  
Great Falls, Mont.  
59401

*Rep. Paul H. Dietrich*

3620 Quimet Circle  
Billings, MT 59106  
June 1, 1984

*Rec'd - Tues - Feb. 12/1985*

Al Thelen  
City Manager  
City Hall  
Billings, MT 59101

Dear Al:

Jake's Restaurant, for several years, has provided courtesy parking at the Diamond Parking Lot adjacent to the restaurant. A large sign notified the public of the privilege. Recently, Jake's discontinued this courtesy without notice to its customers.

On May 26, 1984, I had the unfortunate experience of taking out-of-town guests to Jake's for a pleasant dinner, only to find on returning to our automobiles that the vehicles had been "impounded" for failure to pay one dollar into the parking meter. We were forced to pay a total of \$42.00 to have a huge barrel removed from the bumper of each automobile. At least three cars were similarly "impounded". The young attendant smirkingly remarked that this happens nightly and "we make more on fines than we do on parking fees". The manager of Jake's confirmed that this happens to their customers nightly, yet did not feel that it was Jake's responsibility to notify the public of a change in their parking policy. She pointed out that a small, inconspicuous sign, "she did not expect anyone to see", had been posted in the parking lot, but no notice has been displayed in the restaurant.

Is this the type image citizens of Billings want for our city - a restaurant that renounces any responsibility to its customers and a parking lot that gleefully impounds automobiles of unsuspecting citizens and visitors to our city in order to extract a heavy fine? As the lot attendant states, "we make more in fines than in parking fees". Therefore, why display a conspicuous sign?

Unquestionably, this type of action reflects poorly on our citizens, merchants, and city.

Acknowledgement of receipt of this letter would be appreciated. I trust this matter will receive your prompt attention.

Yours, truly,

*George F. Hatch, Jr.*  
George F. Hatch, Jr., M.D.

CFH/sr

*COPY*

STATE  
OF  
MONTANA

**ATTORNEY GENERAL  
MIKE GREELY**

STATE BUILDING, 2ND FLOOR, HELENA, MONTANA 59601  
TELEPHONE 467-4444

*Ken Finner 10/28/84*  
*1984*

27 August 1984

Representative Paul Piscoria  
2421 Central Avenue  
Great Falls MT 59401

Dear Paul:

Thank you for your letter and attached newspaper articles concerning the dispute over procedures followed by Diamond Parking officials when ticketing and immobilizing vehicles whose parking fees are overdue.

The Great Falls City Attorney's Office has not yet requested my opinion on this matter. I will keep your letter and attachments on file for future reference should questions on this matter be submitted for my consideration.

I appreciate your taking the time to share your views with me on this matter.

Very truly yours,



MIKE GREELY  
Attorney General

HOUSE LOCAL GOVERNMENT COMMITTEE

Local Government Bonding Overview

I. General Obligation Bonds.

- A. Security - Full faith and credit and unlimited taxing power of the issuer.
- B. Authorization.
  - 1. County Government.
    - a. Election - Majority vote of at least 40% of qualified electorate.
  - 2. Municipal Government.
    - a. Election - Majority vote of at least 40% of qualified electorate.
  - 3. School Districts.
    - a. Election - Majority vote of at least 40% of qualified electorate.
    - b. 60% favorable vote required if 30 - 40% of qualified electorate vote.
- C. Debt Capacity.
  - 1. County Government.
    - a. General Purpose - 11.25% of taxable valuation plus 60% of new production taxes.
    - b. County High School - 27.75% of taxable valuation plus 60% of new production taxes.
    - c. Jail - additional 12.5% of taxable valuation over and above limitations set forth in (a) and (b).
  - 2. Municipal Government.
    - a. General Purpose - 28% of taxable valuation.
    - b. Water and Sewer Systems - Additional 55% over and above 28% limitation.
  - 3. School Districts.
    - a. 45% of taxable valuation.
- D. Issuance Procedures.
  - 1. County, Municipal.
    - a. Resolution providing for sale.
    - b. Publish Notice of Sale 4 consecutive weeks in local paper.
    - c. Sale.
      - i). Oral or Written.
      - ii). Competitive Sale.
      - iii). Par bid.

2. School Districts.
  - a. Resolution providing for sale.
  - b. Advertising Requirements.
    - i). 4 consecutive weeks in a newspaper determined by Trustees.
    - ii). Once at least 30 days prior to sale in daily paper when statewide circulation.

## II. Municipal Water and Sewer Revenue Bonds.

### A. Security.

1. Lien on revenues generated from utility system only.
  - a. Coverage Covenant.
  - b. Reserve Fund.

### B. Authorization - Bonds and Utility Rates.

1. Bonds.
  - a. Resolution of the governing body.
2. Rates
  - a. Under 12% increase or mandated improvements - local public hearing.
  - b. In excess of 12% - Public Service Commission.

### C. Debt Capacity.

1. Statutory - none.
2. Additional Bonds Test - historical coverage.

### D. Issuance Procedures.

1. Resolution providing for sale.
2. Advertising.
  - a. One time, 5 days prior to sale in local paper.
  - b. One time in paper published in New York.
3. Sale.
  - a. Oral or Written.
  - b. Competitive Sale.
  - c. Par bid.

III. Special Improvement Districts.

A. Security.

1. Special Assessments levied on property within District.
  - a. Delinquent taxes create a lien on property.
  - b. Levy methods.
  - c. Prepayment option.
2. Revolving Fund.
  - a. Loans to District Fund.
  - b. Funding.
    - i). General Taxes & General Fund.
    - ii). Capitalized Contribution.
    - iii). Limitation.

B. Authorization.

1. Creation.
  - a. Petition of Landowners.
  - b. Resolution of Intention to Create.
  - c. Public Notice - 5 days in local paper.
  - d. Notice to Landowners.
  - e. 15 day written protest period.
  - f. Public hearing.
  - g. Resolution Creating District.

C. Debt Capacity.

1. Statutory - none.
2. Market Limitations.

D. Issuance Procedures.

1. Advertising.
  - a. Four consecutive notices in local paper.
2. Bond Sale.
  - a. Oral or Written.
  - b. Competitive Sale.
  - c. Par or discount.

IV. Other Revenue Bonds.

A. Categories.

1. Parking.
2. Tax Increment.
3. Water and Sewer Districts.
4. Airport.

B. Security.

1. Revenues generated from project or system only.
2. Taxing power for water and sewer district.

C. Authorization.

1. Resolution of governing body.

D. Debt Capacity.

1. Statutory - none.
2. Market limitations.

E. Issuance Procedures.

1. No Advertising Requirements.
2. Competitive or Private Sale.
  - a. Par bid or Discount.

V. Refunding and Advanced Refunding Obligations.

A. Purpose.

1. Debt Service Savings.
2. Restructure Debt Service.
3. Negative Covenants.

B. Security.

1. Corresponds to Original Security for all issues.
2. U.S. Government Obligations in Escrow.

C. Authorization.

1. Resolution of governing body.

D. Debt Capacity.

1. Subject to same restrictions as primary issues.

Note: Refunded issue does not constitute outstanding indebtedness.

E. Issuance Procedures.

1. Resolution of Governing Body.

2. Bond Sale.

- a. Competitive or Private Sale.
- b. Par bid.



**Arlynn Borla**

Clerk of the District Court

Telephone: (406) 436-2320

Powder River County  
P.O. Box G  
Broadus, Montana  
59317

January 23, 1987

House Local Government Committee  
Capitol Station  
Helena, Montana 59620

re: HB 338 and HB 380, to be heard by committee on  
Wednesday, January 28, 1987, 1:00 p.m.

Dear Representative Norm Wallin,

I am in favor of HB 380 and opposed to HB 338 and ask that you pass only HB 380.

The Clerks of District Court are presently mandated to follow in excess of 1050 Montana Statutes. This does not take into consideration Federal Statute, Administrative Rules of Montana, Montana Rules of Civil Procedure, Judicial Rules or Montana Rules of Appel. Procedure. I am sure there are a like or greater number of statutes that govern the other officials at the local level. It is NOT possible for Co. Commissioners to understand the enormity of other official's positions and responsibilites or fairly evaluate. Therefore they can not be put in a position of having control of salary setting.

All county officials are very much in-tune with the state and their county's economic status, Co. Commissioners are NOT the only officials that are watching budgets, all officials answer to the same constituency.

Please, take just a minute to consider the possibilities if HB 338 passes. Will politics be played? Will cronieism become an issue? How will a Co. Attornry, J.P., Co. Sheriff or Clerk of Court negotiate a raise from a Co. Commissioner if he or a member of his family, has been detained, arrested or formally charged with a crime? This HAS happened in two counties in the last year! Will an official challenge the board of commissioners in regard to needs and statutory duties of his office if he knows that most likely a power play or vendetta will arise and he will suffer financial reprisal?

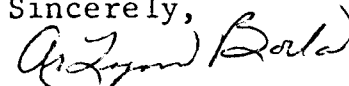
I recently was called upon by a east-central commissioner to answer what I felt about HB 338, after explaining some of the above to him and voicing my opposition he told me, "I would consider cutting all official's salary by 10% in my re-election year to garner re-election"!!!! You must not give this power to this mentality.

HB 380 would provide for a much fairer system.

Again, I ask that you ONLY pass HB 380.

Thank you.

Sincerely,



ArLynn Borla  
Powder River County  
Clerk of Court

Clerk of District Court  
P.O. Box 357  
Roundup, Montana 59072

Norm Wallin, Chairman  
Local Government Committee  
Helena, Montana 59620

Dear Committee Member;

I strongly urge you to support HB-380 which will be  
heard on Wednesday January 25, 1987.

Thank you for your consideration in regards to this  
matter.

Very truly yours,



Alice Brower  
Clerk of District Court  
Musselshell County  
Roundup, Montana

JEAN CAMERON

## ***Clerk of the District Court***

FALLON COUNTY

DRAWER M  
BAKER, MONTANA 59313

January 23, 1987

Norm Wallin, Chairman  
Local Government Committee  
Capitol Station  
Helena, Montana 59620

Dear Mr. Wallin:

Please vote against House Bill No. 338 and  
for No. 380.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Jean Cameron". The signature is fluid and elegant, with the first name "Jean" and last name "Cameron" clearly distinguishable.

Jean Cameron  
Clerk of the District Court  
Fallon County - Drawer M  
Baker, Montana 59313

# DISTRICT COURT OF CARTER COUNTY, MONTANA

OFFICE OF  
**CAROLE CAREY**  
CLERK OF DISTRICT COURT, CARTER COUNTY  
PHONE: 775-8714  
775-6844 RES.


P.O. Box 322  
EKALAKA, MONTANA 59324  
January 23, 1987

Honorable Norm Wallin  
Chairman House Local Government  
Capitol Station  
Helena, Mt. 59601

Dear Mr. Wallin:

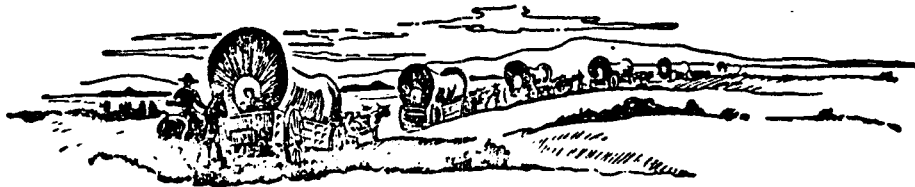
Please vote NO on House Bill # 338 and vote YES on House Bill # 380. It will be much better for the County Officials if each county sets up a Salary Commission rather than letting the County Commissioners set the Salaries.

Yours truly,

  
CAROLE CAREY  
Clerk of the District Court

CC/cc

# Carter County, Montana



JOE CAREY  
Sheriff

## OFFICE OF THE SHERIFF

Telephone 775-8743

Res. Ph.

775-6644

EKALAKA, MONTANA  
January 23, 1987

Honorable Norm Wallin  
Chairman House Local Government  
Capitol Station  
Helena, Mt. 59601

Dear Mr. Wallin:

Please vote NO on House Bill # 338 and YES on House Bill # 380. This is the Bill that the Sheriff's Association have helped develop. It will be much better for each County to set up a Salary Commission then to just leave it up to the County Commissioners. This type of Commission will be more fair to County Elected Officials and cause a lot less bickering in local Courthouses.

Yours truly,

JOE CAREY  
SHERIFF CARTER COUNTY

JC/cc

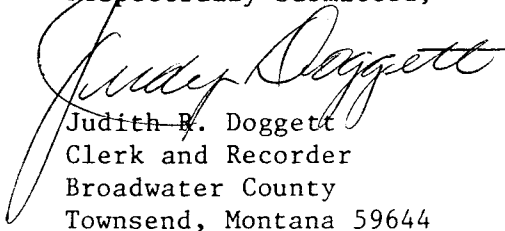
January 28, 1987

Honorable Legislators:

My name is Judy Doggett and I am the Clerk and Recorder from Broadwater County, Montana and also the representative for the Montana Association of Clerks and Recorders on the salary committee.

As a local elected official and a member of the association, I request that House Bill 338 not be passed and that consideration be given to House Bill 380 which establishes salaries by a local salary commission.

Respectfully submitted,



Judy Doggett  
Judith R. Doggett  
Clerk and Recorder  
Broadwater County  
Townsend, Montana 59644

Representative for the Montana Association of Clerks and Recorders

January 23, 1987

The Honorable Norm Wallin  
House of Representatives  
State Capitol  
Helena, MT 59620  
Re: HB 338 & 380

Dear Representative:

A couple of Bills are being considered by your body regarding the establishment of elected officials' salaries.

At present local salaries are established according to a formula set forth in State Law. There are 2 Bills that are being considered which would allow the County Commissioners or a Commission to assume this authority.

We are opposed to these Bills because it opens the door to favoritism and cronyism and other unprofessional practices.

Please vote against these Bills which would take county government back to the dark ages.

Thank you.  
Sincerely,

*Marlene Johnson*

Clerk of District Court  
P. O. Box 367  
Columbus, Montana 59019

*Leana Maki* Deputy

*James L. Loe, Judge*  
*E. A. Evers, Court Reporter*  
*Wilma Antonson, Deputy*

# County of Roosevelt

OFFICE OF

*M. Lorene Knudson*

CLERK OF COURT

WOLF POINT, MONTANA

Phone (406) 653-1590.  
Ext. 66

January 27, 1987

TO: LOCAL GOVERNMENT COMMITTEE.

RE: HB 338 and HB 380

In response to the above numbered HB's, both having to do with salary of elected officials.

I am Clerk of Court in Roosevelt County and have been for a number of years. Every legislature we have a struggle to get a fair pay raise, usually to no avail.

HB 338, which I understand is a MACO bill for commissioners to set salaries, I DO NOT SUPPORT.

HB 380, which I understand sets up a salary commission, and I feel this has possibilities of being a fair proposal and I DO SUPPORT THIS BILL.


Sincerely,

*M. Lorene Knudson*

Clerk of Court

Fifteenth Judicial District





# McCone County

## Circle, Montana

- 59215 -

**COMMISSIONERS**

Lyle Quick  
Melvin Skyberg  
Chuck Kleppelid  
Box 199  
485-3505

January 26, 1987

**ASSESSOR**

Mari Youngkin  
Box 179  
485-3565

Honorable Norm Wallin, Chairman  
Local Government Committee  
State Capitol  
Helena, MT 59604

**CLERK & RECORDER**

Paula L. Kuntz  
Box 199  
485-3505

RE: House Bill No. 338  
House Bill No. 380

**CLERK OF THE COURT**

Betty L. Robinette  
Box 208  
485-3410

Dear Mr. Wallin:

**COUNTY ATTORNEY**

Arnie A. Hove  
Box 184  
485-2952

I am writing this letter to express my concern for the above listed bills. The duties of my office and the location of my county does not enable me to attend the hearing for these two bills, so I am expressing my views in this manner.

**COUNTY HEALTH DEPT.**

Mae Rittol PHN  
Pauline Wischmann PHN  
485-3425

I am very definitely opposed to House Bill No. 338, as I do not feel that any person should establish their own salary as well as all elected officials. Each elected official is responsible for his or her own office and I feel that the Commissioners setting salaries could cause very hard feelings towards the Commissioners and the other elected officials.

**COUNTY PLANNER**

Mary Garfield  
Box 199  
485-3505

House Bill No. 380 includes other elected officials as well as Commissioners and the private sector as well. I feel that this is a more fair and equitable way than House Bill No. 338 which enables just the Commissioners to establish ALL elected officials salaries.

**JUSTICE OF THE PEACE**

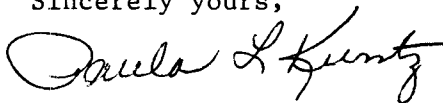
Gene LaRowe  
Blanche Elverud  
485-3548

**SHERIFF**

Robert A. Jensen  
Box 207  
485-3405

Thank you for your time.

Sincerely yours,

**TREASURER/  
SUPT. OF SCHOOLS**

Kay H. Wolff  
Box 180  
485-3590

Paula L. Kuntz  
County Clerk & Recorder  
McCone County  
Box 199  
Circle, MT 59215

*Acelia A. Leach,*

~~MATTHEW A. HENDERSON~~, CLERK OF COURT

# *Judith Basin County, Montana*

OFFICE OF CLERK OF COURT

STANFORD, MONTANA 59479

*January 26, 1987*

*Dear Norm Wallin,  
Chairman,*

*I would just like to let you know  
that I'm for House Bill 380. And Against  
House Bill 338.*

*Thank You,*

*Acelia A Leach*

*Clerk of District Court*

**June Little  
Clerk of The District Court  
Sixth Judicial District**

Telephone 222-6120 Ext. 234  
Area Code 406

**PARK COUNTY, MONTANA**

Box 437  
Livingston, Montana 59047

January 23, 1987

Representative Norm Wallin  
Chairman  
Local Government Committee  
Capitol Station  
Helena, Montana 59620

Dear Mr. Wallin,

I am writing to you concerning House Bill 338, which would allow establishment of salaries of elected officials by the county commissioners. I am adamantly opposed to this bill.

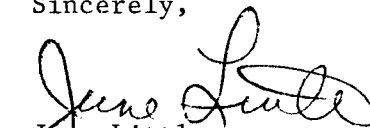
It is not uncommon in this state for elected officials and county commissioners to have differences of opinions. In our county at this time we are experiencing just that between our county commissioners and the justice of the peace regarding an emergency budget. It has caused a great deal of animosity between them.

I fear by giving commissioner's control over an elected officials salary on top of the other controls they already possess, you will be opening the door to more problems between them. An additional problem is not what county government needs right now, they need to pull together, not be kept in turmoil about such things as salaries. This will not do the commissioners, the elected officials, nor our employees any good.

It can even go further in that it would restructure our commitments so that we, the elected officials, would be serving the commissioners, not our public.

The potential for abuse and creation of problems far outweighs any merit this bill may have. I ask for your support in defeating this bill.

Sincerely,



June Little  
First Vice President  
Montana Clerk of Court's Association

OFFICE OF  
Clerk of the District Court  
DANIELS COUNTY  
Scobey, Montana  
59263

January 26, 1987

Rep. Norm Wallin, Chairman  
Local Government Committee  
House of Representatives  
Helena, Montana 59601

Dear Rep. Wallin:

Please note that I am against HB338 giving control of setting our salaries to the Commissioners. Our commissioners have really know idea how to run my office and the budgets they are setting for it now is way out of line.

I am in favor of HB 380 establishing a Salary Commission. At least this way the elected officials would have a say in the salary. Taxpayers would also have their presence felt.

Sincerely yours,



Patricia McDonnell  
Clerk of Court  
Daniels County  
Box 67  
Scobey, Montana 59263



# County of Musselshell

ROUNDUP, MONTANA

BOARD OF COUNTY COMMISSIONERS

HERSHEL M. ROBBINS  
DICK WALKER  
LYLE E. STORTZ

January 27, 1987  
9:00 a.m.

FRANCES L. DAWSON  
Clerk & Recorder  
WARREN SMITH  
Ass.  
CLINTON J. MOORE  
Treasurer  
Supt. of Schools  
BRIAN NIEDHARDT  
Sheriff  
JOHN L. PRATT  
County Attorney  
ALICE BROWER  
Clerk of Court  
JOHN RAE  
Coroner  
IRVING DODDS  
Public Administrator  
EVELYN HATTERSCHEID  
Justice of the Peace

MR. NORM WALLIN, CHAIRMAN  
House Local Government Committee  
Room 312F Capitol Building  
Helena, Montana 59620

We are writing with MUCH CONCERN in regard to HOUSE BILL 380.

We STRONGLY URGE you to SUPPORT HOUSE BILL 380.

This House Bill deals with establishing salary commission, to set elected official's salaries.

We STRONGLY URGE you (NOT) to SUPPORT HOUSE BILL 338.

Your hearing will be on Wednesday, January 28, 1987 at 1 p.m. in Room 312F. I feel and we all feel that this information should have been furnished to those involved long before today in order to receive a great number of letters and input.

Thank you.

Sincerely yours,

*Clinton J. Moore*

CLINTON J. MOORE  
MUSSELSHELL COUNTY TREASURER  
MUSSELSHELL COUNTY SUPERINTENDENT OF SCHOOLS

CJM/s

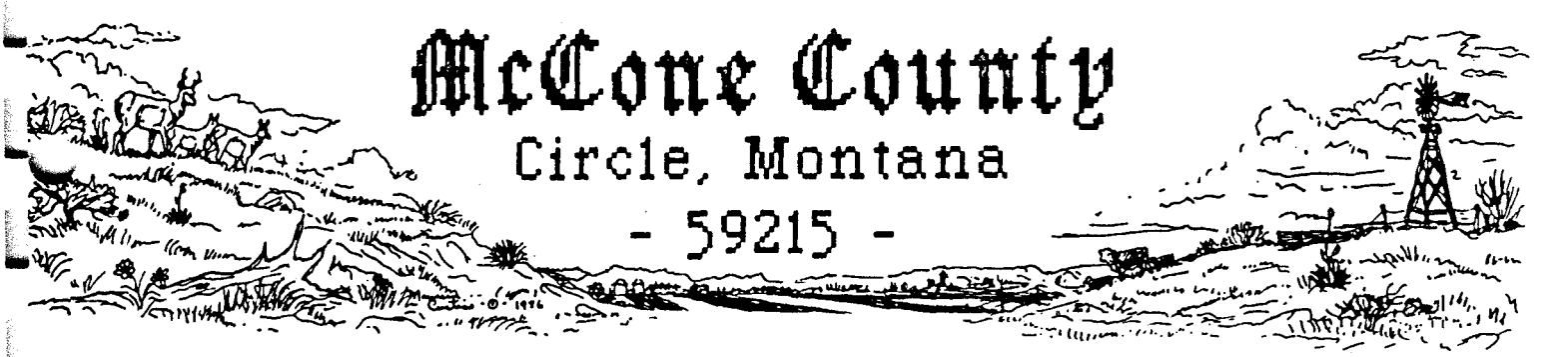
*Margaret A. Reighard, Deputy Treasurer*

*Anna L. Grieder*

*Colleen Mass*

*Eugene A. Grieder*

IN FAVOR OF HOUSE BILL 380 AND OPPOSE HOUSE BILL 338.



# McCone County

## Circle, Montana

- 59215 -

### COMMISSIONERS

Lyle Quick  
Elvin Skyberg  
Chuck Kleppelid  
Box 199  
485-3505

### SESSOR

Mari Youngkin  
Box 179  
485-3565

### CLERK & RECORDER

Paula L. Kuntz  
Box 199  
485-3505

### CLERK OF THE COURT

Betty L. Robinette  
Box 208  
485-3410

### COUNTY ATTORNEY

Arnie A. Hove  
Box 184  
485-352

### COUNTY HEALTH DEPT.

Mae Rittal PHN  
Phylline Wischmann PHN  
485-3425

### COUNTY PLANNER

Mary Garfield  
Box 199  
485-3505

### JUSTICE OF THE PEACE

Gale LaRowe  
Blanche Elverud  
485-3548

### SHERIFF

Robert A. Jensen  
Box 207  
485-3405

### TREASURER/

### SUPERVISOR OF SCHOOLS

Koy H. Wolff  
Box 180  
485-3590

January 26, 1987

Honorable Norm Wallin  
Chairman of Local Government Committee  
State Capitol  
Helena, Montana 59620

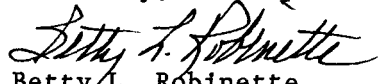
RE: HOUSE BILL NO. 338  
HOUSE BILL NO. 380

Dear Representative Wallin:

I strongly urge you to kill House Bill No. 338 in Committee. I believe letting the County Commissioners set salaries of all elected County Officials, including their own, would be like opening Pandora's Box. Political favors and personality conflicts could become rampant.

Between House Bill No. 338 and House Bill No. 380, I would prefer House Bill No. 380. I believe with either Bill, there would be more inconsistent salaries among the County Elected Officials statewide than there is presently.

Sincerely,

  
Betty L. Robinette  
Clerk of District Court  
McCone County, Montana

BLR/hs

# FERGUS COUNTY

## STATE OF MONTANA

*Lewistown, Montana 59457*

January 26, 1987

TO: NORM WALLIN


RE: HB338-County Commissioners setting salaries.  
I am absolutely opposed to this bill. I feel that the Commissioners are not well informed as to the duties and responsibilities of the Clerk of District Court's Office. They rarely visit the office and therefore never observe us, but they are situated so that they can see what goes on in the Treasurer, Assessor and Clerk and Recorder offices. I feel that they would not be fair in setting salaries because of this.

Also, last summer one of our commissioners informed me that I did not need a raise because my husband has a ranch. (What ones spouse does or does not do for a living should have no bearing on setting salaries.)

RE: HB380-Establishing a Salary Commission to set salaries.  
I am in favor of this bill. The Clerk of Court's Association as well as over 70% of the members of all the other elected officials associations are in favor of this bill. Passage of this bill would enable all of us to receive a fair salary. It would also give the elected officials an input into salary schedules. Three people should not have the final say on this matter.  
This would also give the public an idea of what the function of each office is all about as well as acquainting them with the people they have elected.

Thank you for your attention and consideration in this matter.

Sincerely,



GRETA M. ROSS  
CLERK OF DISTRICT COURT  
P.O. BOX 1074  
LEWISTOWN, MT 59457

**PHILLIPS COUNTY**

**COUNTY COMMISSIONERS**

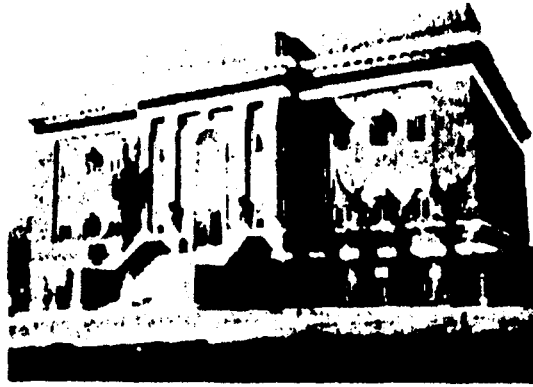
**CHAIRMAN**  
**SHERMAN DOUCETTE**  
Wagner, Montana

**EUGENE (GENE) COWAN**  
Loring, Montana

**DANN M. GARRISON**  
Seco, Montana

**Clerk and Recorder**  
**INGELEF I. SCHWARTZ**

**Treasurer**  
**MARION K. GOULET**



**MALTA, MONTANA**

59538

**Assessor**  
**HELEN WATERS**

**Sheriff - Coroner**  
**MIKE CAMP**

**Clerk of Court**  
**FRANCES WEBB**

**Superintendent of Schools**  
**DOLORES HUGHES**

**County Attorney**  
**WILLIS M. MCKEON**

**Justice of Peace**  
**GAYLE STAHL**

**District Judge**  
**LEONARD H. LANGEN**  
Glasgow, Montana

January 23, 1987

To: The Honorable members of the Local Government Committee  
Norm Wallin, Chairman  
Ray Brandewie, Vice-Chairman  
Dave Brown  
Jan Brown  
Tom Bulger  
Paula Darko  
Bob Gilbert  
Budd Gould  
Larry Grinde  
Stella Jean Hansen  
Robert Hoffman  
Les Kitzelman  
Paul Pistoria  
Jack Ramirez  
Walter Sales  
Carolyn Squires  
Timothy Whalen

As a member of the Montana Association of Clerks of District Court I would like to make it known that I am in support of House bill 380, which would establish a county level salary commission. I urge you to support this bill with us.

Very Truly Yours,

Frances Webb  
Clerk of District Court  
Phillips County

cc: Tom Harrison



# County of McCone

OFFICE OF: COUNTY TREASURER  
OFFICE OF: COUNTY SUPERINTENDENT OF SCHOOLS

P.O. BOX 180

CIRCLE, MONTANA 59215

PHONE: ( 406 ) 485-3590

KAY H. WOLFF

January 26, 1987

House Committee of  
Local Government

Dear Mr. Norm Wallin, Chm.

I am writing to express my concern and opinions on HB 338 and HB 380.

I have a prior committment that I cannot break that evening, or I would drive to Helena to personally testify.

I feel very strongly against HB 338 as in my capacity as a County Treasurer there are times I have to sieze and sell Personal Property for non-payment of taxes, and this could be a local county commissioner! I really don't think they could be objective and non-biased setting my salary soon after I had to sell their property for tax sale.

In HB 380, there are all local officials represented, not just county commissioners, as well as the taxpaying sector, therefore I feel that would be much more fair, than giving that kind of power to just one elected local body.

Thank you.

Sincerely,

*Kay H. Wolff*

Kay H. Wolff

McCone County Treasurer

&

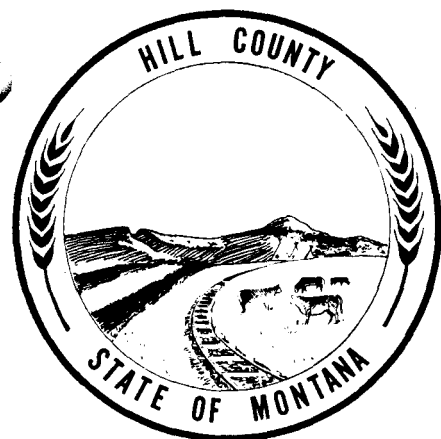
Supt. of Schools

KAE A. FRITZ  
Deputy

KATHERINE S. KOCH  
Bookkeeper

MARALOU KADRMAS  
Clerk

STACIE BRATLAND  
Clerk



## *Hill County Superintendent of Schools*

315 4th Street  
Havre, Montana 59501

Shirley Isbell, Superintendent  
Phillis Long, Deputy  
(406)265-5481, Ext. 50

January 30, 1987

The Honorable Norm Wallin, Chairman  
Local Government Committee  
Capitol Station  
Helena, Montana 59620

RE: HOUSE BILL 338

Dear Representative Wallin;

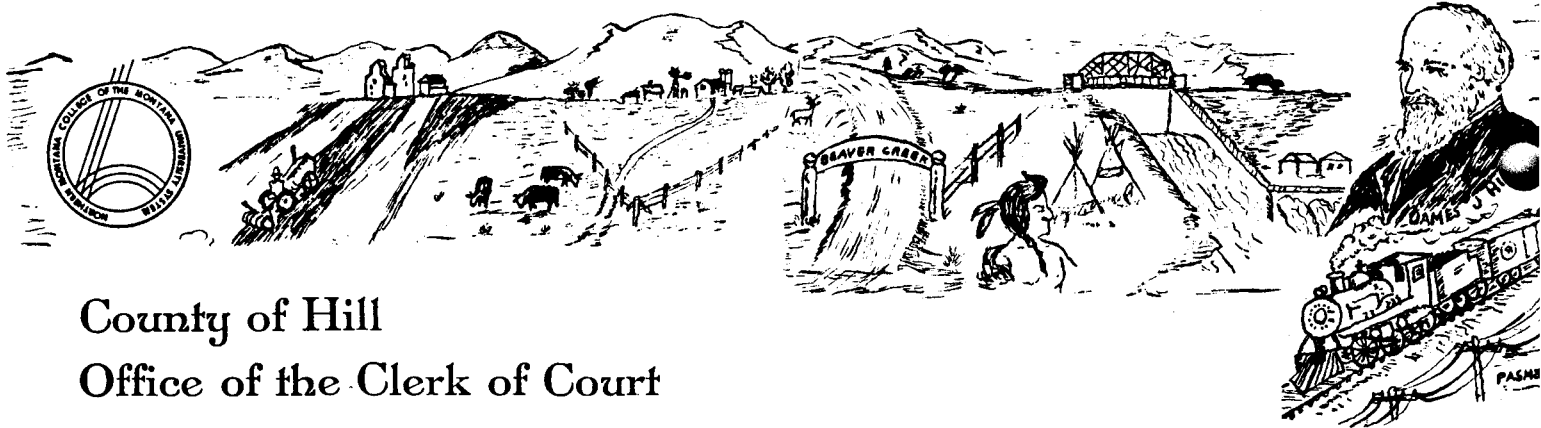
House Bill 338 does relieve the Legislature of its responsibility to set elected officials salaries and it does provide a mechanism for setting them. However, the "can of worms" which it also opens could destroy the county government system. There appears to be a movement toward increasing local control from the state and national levels, and, while I am not opposed to government taking that direction, this particular piece of legislation would destroy the effectiveness of that unit.

My rationale for making this statement is based on two facts: All county officials are elected by the people and, therefore, equal. If one faction has control over the others in that one important area it destroys the equality; County officials who can be intimidated by the power given to the commissioners by this bill will not feel free to participate in the decision-making process at the county level. It seems self defeating to me to make county government more powerful and then set into motion a law which could destroy its effectiveness from within.

I urge you to consider the ramifications of this bill and to give support to the bill which authorizes a committee composed of representatives of county officials to set salaries. The committee would still have to act within the tax structure of each county and the potential problem of putting county officials in a combative arena would be avoided.

Sincerely,

Shirley Isbell  
Superintendent of Schools  
Hill County



County of Hill  
Office of the Clerk of Court

January 27, 1987

Courthouse  
HAVRE, MONTANA 59501

Norm Wallin  
Chairman  
Local Government Committee

Dear Mr. Wallin,

I am writing to you on HB-338, in regards to authorizing county commissioners to set the compensation for other elected officials in lieu of compensation set forth by law.

I plead with you not to pass this piece of legislature as it will cause many problems in county courthouses. All county officials are elected to the offices they now hold, including county commissioners. I have been in the Clerk of Court office for the past eighteen years and have seen commissioners come and go. Most of them serve approximately two terms, then do not care to run again or they run and are defeated. To many of the commissioners, it is a second job; to the other elected officials, it is our livelihood. I feel that the county commissioners have enough to do to run the county without running up against all other elected officials. As Clerk of Court, I do not want to have to cater to county commissioners to get a pay raise, I have enough to do and think about to keep the court system running smoothly in my county. This bill is not fair to either elected officials or the tax payers. Please give this bill a lot of consideration before you rule on it.

Very truly yours,

*Maryhelen Habeger*

Maryhelen Habeger  
Hill County Clerk of Court

VISITORS' REGISTER  
LOCAL GOVERNMENT

COMMITTEE

BILL NO. HB 380

DATE Jan. 28, 1987

SPONSOR Dave Brown

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Greg Jackson	MT. CLK & Rec. Assn	✓	
Sum Spurgeon	Pres. MT Co Deas. Assoc	✓	
James Jennings	Boz. Co. Clerk & Recorder	✓	
Andy Crisp	Shadwater Co. Clerk	✓	
Bob Banner	Mont. Sheriff & Peace Officer	✓	
JOHN DUNSTONE	MT ASSOC. CLERKS OF DIST. COURT	✓	
Jim DuPont	MT. SHERIFF & Peace OFF. ASSN	✓	
Bob Butorsink	Sheriff - Mont. Peace Off	✓	
Jim Banger	" " "	✓	
Steve Harbaugh	MT. Sheriff & Peace Off	✓	
Rick Latere	MT. Sheriff & Peace Off	✓	
Malman	MACC		✓
Ly Crisp	MSA Co		✓
Richard Dechelat	Cascade Comm	✓	
Robert Mullen	Rickland Co.		✓
Allen A. Jacobson	Flat. Co		✓
Mike Schaffer	Yellowstone	✓	
Tom Hamon	Sheriff & Peace Officer & Cl. of Ct. Pres	✓	
Ray White	Substation Co		✓

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.

380

DATE

Jan. 28, 1987

SPONSOR

Dave Brown

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Elinor Collins	Co. Supt. of School		<del>X</del>
Morvin Barker	Mt. Assessment Assn.	X	
Carl Petty	Mt. Sheriff & P.O. Assn.	✓	
Gordon Morris	MACO		X
Jim Campbell	MACO LEC County		X
Clara Helms	Clerk of Court	✓	
Douglas V. Schum	Jefferson County	<del>✓</del>	✓
Jack Mehlhose			✓
DAVE Brown	HD-72-Butte (sponsor)	X	<del>X</del>
Vera Cahoon	Mesa Co. Freeholders		X
Julie Hacker	Mesa Co. Freeholders		X
Jim Halverson	MACO Road Co		X
Sally J. Price		X	<del>X</del>

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

LOCAL GOVERNMENT

COMMITTEE

BILL NO. HB 338

DATE January 28, 1987

SPONSOR Poff

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Greg Jackson	MT. CLK & OCC ASSN		✓
Sumner Jackson	Pres. MT Co Deers Assoc.		✓
Janice Jammerap	Butt County Clerk & Recorder		✓
Judy Bennett	Holdwater Co. Clerk		✓
Ed Bagnay	Indian Shoshone & Peace Officer Assoc.		✓
Jim Dwyer	" " " "		✓
JOHN FOUNDSTONE	MT ASSOC CLERKS OF DIST. COURT		✓
Jim Breen	Ind Shoshone & Peace Off.		✓
Dale Bultman	Sheriff & Peace Off.		✓
RICK LATOP	MT-Sheriff's & Peace Officers		✓
Tracy Hargrave	" " " "		✓
W. H. Hunsman	MACO	✓	
Fred & Craig	MSA Co	✓	
Richard J. Mitchell	Parade County		✓
Kelvin Miller	Richland Co.	✓	
Allen A. Jacobson	Flat Co.	✓	
Mike Schaefer	Yellowstone		✓
Ray White	Gallatin		✓
Tom Hamer	Sheriffs & Peace Off + Cls of Assoc.		✓

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.

HB 338

DATE

Jan. 28, 1987

SPONSOR

Rep. Poff

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Eleanor Collins	Co. Supt. of Schools		X
Marvin Barber	mt. Assessor Assn		X
Vera Cahoon	Meala Co. Freeholders		X
Judi Hacker	Meala Co. Freeholders		X
Carl Puffy	mt. Sher. <sup>or</sup> RR & Power Assn		X
Borom Murin	MACO	X	
Shirley M	MACO Lewis & Clark	X	
Robert G. Smith	Chiefs of Court		✓
David K. Sch	Jefferson Court-1	X	✓
Jack Mehlfrose		✓	
Barbara S. Utzinger	MT Co. Attys Assn		✓
Kraig A Jones	P.A. Davidson & Co.		
Jim Halverson	MACO Ross Co	X	
Sally Price	self <sup>former salary</sup> comm. member		✓

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.