

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

January 30, 1987

The meeting of the Local Government Committee was called to order by Chairman Norm Wallin on January 30, 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. Dave Brown who was excused. Lee Heiman, Committee Counsel from the Legislative Council was also present.

CONSIDERATION OF HOUSE BILL 350: Rep. Bernie Swift, House District 64 and sponsor of the bill, read from the title of the bill that it was an act to delete payment of mileage to the county commissioners in the county of first, second, third or fourth class for travel between his residence and the county seat. Rep. Swift stated this varies from county to county. There are different distances the county commissioners travel. He said in Ravalli County there are nine other elected officials who travel as far or farther than the county commissioners and they do not draw as large a salary as the county commissioners. The county commissioners rate is based on the clerk of court rate and they are allowed at least \$2,000 more than the clerk rate. Rep. Swift stated his objective was to try to establish an equal approach to both elected officials and appointed officials that work in public office. He believed there has been a carryover in the law and that is why the bill covers the first four classes of counties. Rep. Swift stated in the past some county commissioners worked part-time and were only paid part-time. There are still commissioners who work part-time in certain counties. He pointed out that county commissioners are still authorized to draw mileage and per diem if they are traveling to county seats and stay over for business.

PROPOSERS: Laura Risdahl from Missoula rose in support of HB 350.

Rep. Pistoria stated he was in support of the bill.

Naomi Powell, Corvallis Montana, stood in support of HB 350. Lowry Risdahl, Missoula and representing the Missoula County Freeholders Association also stood in support.

OPPONENTS: Gordon Morris, MACo, stated the bill had no merit and did not deserve the committee's time. He said the commissioners, unlike other officials, are required by law to live within their district. Some counties are bigger than states and some commissioners have to drive considerable distances in order to serve the people in the district. Mr. Morris stated there were a number of people present to oppose the bill. He asked if those people could stand. Those present in opposition stood for the committee. The Chairman asked the people to register their names on the visitor's register in the back of the room.

Doug Allen, Former Madison County Commissioner and Member Madison County Study Commission, stated he addressed the bill from the county class standpoint. He stated he did not have knowledge of the first three classes but was greatly concerned with 4th and 5th class. Mr. Allen felt it a real problem because of the transition from 5th to 4th class showed a county commissioner collecting approximately \$250 a month for travel to four or five meetings per month going to \$1600 per month as is presently the case in Madison County. He urged the committee to amend the bill to cover the upper counties. He said his knowledge of 4th and 5th class and his experiences show the people are not very happy with commissioners earning ten times what they did before with the work unchanged. Mr. Allen proposed something be done with county classification schedules so they would reflect the true value of the dollar today. He believed the bill was unfair and discriminatory of the counties he was familiar with in the middle of the classification. He presented written testimony (Exhibit 1).

Ray Harbin, Lake County Commissioner and former legislator stood in opposition of HB 350 because of inherent inequities. Mr. Harbin stated Rep. Swift commented that other elected officials are not paid for travel to and from work. He said the difference is that county commissioners are by law required to live in the districts where the other elected officials can live anywhere they want. He has to drive 50 miles every day back and forth to work and if he moved any closer, he would become ineligible to run again in that district. The law also requires that he live in his district two years prior to election. Mr. Harbin did not feel the state has business interfering with the business of local government. He said the state has inclined in the past to disenfranchise themselves from local government operations. He thought it appropriate that the legislature wants to give commissioners authority to establish salaries and to do other activities that

historically have been the obligation of the legislature. He felt dealing with the issue of mileage was a county responsibility. Mr. Harbin stated each commissioner files a claim and may or may not present it. If he does, the other county commissioners may reject it. There already is a mechanism in place to deal with the problem and to save money at the bidding of the taxpayers. He said if the commissioner in each district is charging excessive mileage, the people can vote him out.

Marion Davis, Ravalli County Commissioner, stated that the commissioners are responsible for all county roads. In his county, constituents call and ask them to stop by on their way home to talk about the roads. He said a commissioner is not off duty at 4 or 5:00. Mr. Davis did not think the legislature feels badly about paying legislators mileage and the extra \$2,000 that Rep. Swift spoke of is not a very high compensation because the transportation burden is put on the county commissioners.

DISCUSSION (OR QUESTIONS) ON HOUSE BILL 350: Rep. Pistoria stated he wanted to know more about the bill. He had a similar bill which required that the county commissioners had to work 40 hours a week to get compensated for travel. He asked if this bill included anything like that?

Rep. Swift stated that was the objective of breaking the counties into classifications. He said his intent was to have those county commissioners not on full-time salary to still get mileage because they are only paid as they work. That was the reason the bill addressed those classes of counties. His intention was not to generally address the class situation and salaries in this bill.

In closing, Rep. Swift stated that in his county there are commissioners who travel from 1 1/2 to 30 miles one way. When this is transferred into dollar amounts over a 12 month period it adds up and is a financial impact. He reiterated that there are many other people who travel as far or farther and who have responsibilities whether elected or appointed. He said the objective of the bill was to try to solve some inequality.

CONSIDERATION OF HOUSE BILL 422: Rep. Janet Moore, House District 65 and sponsor of the bill stated she was carrying the bill for the Missoula county commissioners and the county surveyor. The bill provides for preservation of section corners--monuments put on the corners in past times. Those section corners are the basis for all surveys. Rep. Moore stated the corners have aged, been stolen or different things have happened and they have to be relocated.

The bill would provide a fee funding source to replace those monuments. People who file property transfer requests would pay a \$10 fee. She stated the bill would take some burden off the taxpayer. Rep. Moore handed out an amendment to HB 422. On page 2, line 2, subsection 5 would be added (Exhibit 2).

PROPOSERS: Howard Schwartz, Executive Officer of Missoula County, stated the Missoula county commissioners wanted him to convey their support of the bill. He said the county surveyor worked with staff and Rep. Moore to put the bill together and was present to explain the fine points of the bill and answer questions.

Charles Wright, representing Missoula County Surveyors Office, presented written testimony to the committee (Exhibit 3). He stated that some monuments are over 100 years old and the accessories used to mark the corners (stones with tree accessories, wooden posts with pits or mounds of dirt) are being destroyed at a faster and faster pace. He said it is essential to accelerate the restoration schedule of these corners before original evidence is lost. The proposal as set forth in HB 422 brings a means to the counties to restore public land corners with very little monetary cost to an individual and no additional cost to taxpayers or counties who choose not to invoke the fee. Mr. Wright gave on the back page of his handout an example in Missoula County how the fee would be used. He said it was not necessary that the maximum fee be used.

OPPOSERS: Robert Holding, representing MT Association of Realtors, directed the committee's attention to Section 7-22-109, the duties of the county clerk and recorder in regard to the recordation of the monuments. In 1981 the legislature passed an amendment deleting the fee and so there is presently no filing fee. HB 422 seeks to establish a \$10 fee. The bill states in section 2, that the county governing body may establish by resolution a fee not to exceed \$10 to be collected by the county clerk for recording any instrument under 7-4-2613 that conveys an interest in real property. He read from Section 7-4-2613 which lists the documents required to be filed with the county clerk. He said the amount of traffic a large county like Yellowstone, Silver Bow, Cascade or Missoula has everyday in these types of instruments would be enormous at the rate of \$10 an instrument. He said most surveyors do this anyway. Mr. Holding commented on the statement that it won't cost the taxpayer anything, that a person who buys or sells real estate is a taxpayer. Mr. Holding felt this type of legislation is not needed.

He felt it a wide open fee to build up a slush fund in the counties and there is nothing that says it has to be used for the monuments.

Doug Allen, former county commissioner felt the bill was setting up another bureaucracy and more fees that were not needed. He said if there is a need to relocate a corner when the surveyor is hired he could relocate the corner at that time.

Greg Jackson, MT Clerk and Records Association, stated they were not in opposition to the intent of the bill but concerned with the establishment of uniform fees throughout counties. He said with HB 422 and the discretion of the county commissioners to assess the fees, it could result in different fees in different counties. He was concerned with lines 17 and 18 of the bill that refers to county clerks recording instruments that convey interest in real property. He felt the statement ambiguous. Even though it refers to 7-4-2613 it could also refer to other documents that may be interpreted as having interest in real property. Mr. Jackson said they also take issue with fee collectors for specific programs. For these reasons they opposed HB 422 and wanted clarification on lines 17 and 18, subsection 2.

Jack Traxler, Missoula County Freeholders, stated he opposed this bill on the grounds that the \$10 fee taken by the government would be a tax.

Jerry Niddle, Private Land Surveyor, relayed some statistics about the bill. He said 230,000 documents pass through the clerk and records office to be recorded. That would be \$2,300,000 at the \$10 fee per document to restore section corners. The land surveyors are obligated to restore these when they use them and the landowners are responsible to pay for that service. The only other people in government that restore survey corners is the Bureau of Land Management and they do it almost exclusively where their land borders land where the monument needs to be restored. Mr. Niddle's opinion was that what was being asked for in the bill is already being done without the counties having to pay \$2,300,000.

DISCUSSION (OR QUESTIONS) ON HOUSE BILL 422: Rep. Brandewie commented on amending the bill to limit the recordation fee to simply plats instead of all the other recording instruments.

Mr. Wright stated that the intent of the bill was to give each county commissioner in each county the option to

decide if they needed it in their county. He said smaller counties may not invoke the fee. The major counties that have the problem will do it. Ravalli County provides the monuments to the private landowner. Missoula County provided them until they could not afford them. This \$15 fee would be for the aluminum ragerbolt monuments that are now being used. These have a magnetic top so they can be easily found with a pinfinder. That is what cost the \$15 and other times it is just the labor of putting the monuments in.

Rep. Brandewie stated it's given fact that it is in the interest of all landowners to have proper corners. In talking with people from the Montana Association of Registered Landowners it was his understanding of the bill that money collected would be available, if a situation arose where corners were lost and would be a considerable expense to reestablish, to help the one landowner because everyone in the four sections would need to know where the corners were. He asked if this was a correct understanding?

Mr. Wright responded that there are 46 counties that do not have county surveyors and 10 that do. The counties that do not have county surveyors, the process would be taken care of by the county commissioners. Those individuals would make up their minds if they wanted to have the fee, would charge the fee, and then would have to contract out to have it done.

Rep. Ramirez stated that the number of monuments in a county didn't have anything to do with the amount of people or the amount of transactions in the county. A small county with a small population and not very many transactions but having a fairly large area with a lot of deteriorating monuments will not be able to raise the money. Rep. Ramirez said it seemed the bill favors the counties with large populations but does not do anything for the small counties.

Mr. Wright said this was probably right and the small counties would probably not go for this particular type of fee.

Rep. Ramirez questioned if he lived in a subdivision that had been all surveyed and he had paid for a survey and all monuments were there, why if his house were sold should he have to support the surveying in another place in the county? What is the fairness in that every transaction contribute toward this?

Mr. Wright responded that the Missoula County Surveyors Office has a corner restoration program within the city and county of Missoula. He said they have been replacing corners in old subdivisions for the past 12 years. He said as a landowner selling a house on a city lot, you pay for a particular house location survey. A much lower rate is paid for those surveys which go with the transfer of the house and will be paid every time the house transfers. If the monuments are there, you are going to get the benefit back as a landowner and seller of the piece of property.

Rep. Sales commented that in 1963 the law was passed which required that the corners had to be recorded and that wasn't being done because of the fee, so the fee was removed. He asked if there has been any change in the number being done?

Mr. Wright explained that the fee Rep. Sales was speaking of was for a piece of paper filed with the clerk and recorder. They were talking about the replacement of monuments on the ground. The filing was the corner recordation monument form. Mr. Wright said since 1963 in Missoula County there is a total of 9,000 corners and they have replaced 2,300 in 23 years and 30 percent of those need to be replaced or maintenance done on them.

Rep. Sales commented then it would take 90 years to replace at that rate.

Rep. Moore in closing stated the bill has identified the problem and has provided a solution to solve the problem. She stated that it gives a local option and if that is not clear in the bill, it could be amended to allow for that.

Vice Chairman Brandewie chaired the hearing at this time.

CONSIDERATION OF HOUSE BILL 452: Rep. Norm Wallin, House District 78 and sponsor of the bill, stated he introduced HB 452 on behalf of the League of Cities and Towns. HB 452 is intended to allow cities and towns to take action to comply with the election laws governing the council/mayor form of government. If a municipality has not adopted nonpartisan election through the voter review process or a special ballot issue, the MT codes require partisan elections. HB 452 allows cities that conducted nonpartisan elections prior to the passage of Title 7, Chapter 3, Part 113 in 1975 to formally adopt this form by resolution. The law will terminate after one year and its single purpose is to allow cities and towns to

correct a technical violation of election laws without the cost of placing a special measure on the ballot. (Exhibit 4).

PROPONENTS: Alec Hansen, League of Cities and Towns, said there are approximately 20 small towns in MT that are in technical violation of the election laws because they have never formally adopted the nonpartisan form of election. Mr. Hansen said in November many cities will have elections and would like to have the elections on a nonpartisan ballot. If the council can take the time before the election to pass a resolution formally adopting the nonpartisan form, this problem will be eliminated.

OPPONENTS: None.

DISCUSSION (OR QUESTIONS) ON HOUSE BILL 452: Rep. Ramirez asked how many problems has there been with the elections?

Mr. Hansen responded there really have been no problems. If someone would disagree with the action of one of the councils, it could be said that the people are not properly elected. It is a potential problem.

EXECUTIVE ACTION

DISPOSITION OF HOUSE BILL 452: Rep. Gould moved DO PASS on HB 452. The question was called and the motion carried unanimously.

DISPOSITION OF HB 422: Rep. Brandewie asked that action be held on HB 422 because of the concern of the massive amount of documents that would be required to pay the fee for monument restoration. Rep. Brandewie felt that only survey documents for recording plats, or certificate of surveys should be required to pay the fee. He stated the idea of the bill was that the fee would be collected and when a difficult section corner, a lost section corner, or lost quarter corner situation arises, there would be public funds there to reestablish that corner and the expense would not all fall on one landowner.

Rep. Sales moved to DO NOT PASS HB 422. He said it appears from the testimony that was given that the Recordation Act is working out very well. The monuments would be replaced in a 90-year period and he felt that very reasonable that these monuments should last for 90 to 100 years. Rep. Sales stated he didn't see the need for the bill.

The question was called on Rep. Sales' motion to DO NOT PASS HB 422. A roll call vote was taken and the motion carried 10 to 6.

DISPOSITION OF HOUSE BILL 350: Rep. Darko moved to DO NOT PASS HB 350. The question was called and all were in favor with the exception of Rep. Gould.

Rep. Ramirez commented that calling the question immediately after a motion and then putting it immediately to a vote is not an appropriate way to proceed. He commented that because someone calls the question does not mean that the motion has to be voted on. He said the committee should be more informal. He said it did not matter on the last bill but sometimes it can make a difference.

DISPOSITION OF HOUSE BILL 277: Rep. Brandewie moved to DO PASS HB 277 and moved the AMENDMENTS proposed by Rep. Connelly (Exhibit 5). He said the amendments address concerns and questions the committee had during the hearing. They take out of the bill someone losing their license for reckless driving and other violations which narrows it down to actual use of alcohol or narcotic drug.

Rep. Darko asked if Lee Heiman could explain the amendments.

Mr. Heiman stated Amendment 2 provides that it only be an alcohol or drug-related license loss or seizure. He said it references the implied consent law. Amendment 3 and 5 speak to the fiscal note and that the fund was wrong and the money in the fund should be appropriated. Amendment 4 provides that if the county does not have the program, the county still gets the money from violations occurring within the county but can only use it for DUI education or DUI law enforcement. Amendment 1 conforms the title.

Rep. Sales voiced concern of what was done to the revenue in the bill. The section that applied to suspensions was taken out and mandatory revocations left. He assumed there would be four times as many suspensions as revocations and this would only leave 20 percent of the money. He said with the amendments it might destroy what they are trying to do.

Rep. Bulger commented that according to testimony this does not take out suspensions. It only includes suspensions that are related to alcohol and drugs. There are other suspensions that were less than 1/3 which were not alcohol or drug related. It excludes the 16 percent only.

Rep. Kitselman commented that before money could be shifted to existing programs. The way the bill is worded now, the money stays with the county where it is generated so that some of the programs that were having the pooling effect no longer have that which might cause those counties to eliminate the program.

Rep. Bulger commented that the purpose of the bill is to give the funds to the task forces and if it is for funding education or law enforcement there needs to be clarification.

Rep. Brandewie commented that the counties that have the most activities will be getting the money. Yellowstone, Flathead, Cascade, Fergus, Gallatin, Silver Bow are the counties that have most of the violations. He did not see any problem with the distribution of the money. For counties that don't have a program, the money will be there for educational programs in the grade schools or high schools.

Rep. Brown wasn't sure that regarding driving under the influence of alcohol, if the intent was to limit it to alcohol or to include other narcotic substances. She said it does not seem to be consistent throughout the bill.

The question was called on Rep. Brandewie's motion to pass the AMENDMENTS. The motion carried unanimously.

Rep. Brandewie moved to DO PASS HB 277 AS AMENDED. The motion carried with Rep. Grinde and Rep. Whalen voting no.

DISPOSITION ON HOUSE BILL 335: Rep. Sales moved to DO PASS HB 335. The question was called and the motion carried unanimously.

ADJOURNMENT: There being no further business to come before the committee, the meeting was adjourned at 2:50 p.m.


Rep. Norm Wallin, Chairman

DAILY ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date

1/30/87

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	✓		

STANDING COMMITTEE REPORT

JANUARY 30

19 87

Mr. Speaker: We, the committee on LOCAL GOVERNMENT

report HB 452

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☐ as amended
☐ statement of intent attached

Rep. Norm Wallin

Chairman


FIRST

WHITE

reading copy ()
color

STANDING COMMITTEE REPORT

JANUARY 30

19 87

Committee on LOCAL GOVERNMENT

#22

☐ do
☒ do

☐ be concurred in
☐ be not concurred in

☐ as amended
☐ statement of intent attached

Rep. Norm Wallin

Chairman

MS
FIRST

reading copy (WHITE)
color

STANDING COMMITTEE REPORT

JANUARY 30

19 87

LOCAL GOVERNMENT

Mr. Speaker: We, the committee on

HB 350

report

☐ do pass
☒ do not pass

☐ be concurred in
☐ be not concurred in

☐ as amended
☐ statement of intent attached

Rep. Norm Wallin

Chairman


FIRST

WHITE

reading copy (color)

STANDING COMMITTEE REPORT

January 30

19 37

LOCAL GOVERNMENT

Mr. Speaker: We, the committee on

report **HB 277**

☒ 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.

Following: "PER"

Insert: "; AND PROVIDING AN APPROPRIATION"

2. Page 2, line 22.

Following: line 21

Insert: "for driving a motor vehicle under the influence of
alcohol or a narcotic drug"

Strike: ", 61-5-206,"

Following: "or"

Insert: "seized pursuant to"

3. Page 3, line 4.

Strike: "proprietary"

Insert: "special revenue"

4. Page 3, line 16 through line 5 on page 4.

Following: "[section 1]" on line 16 page 3

Strike: the remainder of subsection (4) and subsection (5) in its
entirety

Insert: "the department shall transmit the proceeds of the
license reinstatement fees collected in that county to the
county treasurer at the end of each quarter and the
treasurer shall deposit the license reinstatement fee in an
account earmarked solely for funding education or law
enforcement aimed at reducing driving under the influence of
alcohol or narcotic drugs."

5. Page 4.

Following: line 5

Insert: "Section 3. Appropriation. All money deposited in the
special revenue account established in [section 2] is
appropriated to the department of justice for the biennium
ending June 30, 1989, for distribution as provided in this
act."

Re-number: subsequent section

FIRST

WHITE

reading copy ()
color

CLERICAL

Date: 1/30

House Bill 277

Time: 6:00

In accordance with Joint Rule 3-7(b) the following clerical errors may be corrected:

House Local Government

1. Title, line 5 ~~and 7~~

Following "PROGRAMS;" on line 5
Strike "AND"

4. Insert: (1) the department
each quarter; and the (1)

Norman Waller

Sponsor

1-31
10:45

Secretary of Senate
or
Chief Clerk

caj
Legislative Council

STANDING COMMITTEE REPORT

JANUARY 30

19 37

Mr. Speaker: We, the committee on **LOCAL GOVERNMENT**

report **HB 335**

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☐ as amended
☐ statement of intent attached

Rep. Norm Wallin

Chairman

MS
FIRST

reading copy (**WHITE**)
color

ROLL CALL VOTE

LOCAL GOVERNMENT

COMMITTEE

DATE 1/30/87

BILL NO. HB 422

NUMBER _____

NAME	AYE	NAY
REP. NORM WALLIN, CHAIRMAN		X
REP. RAY BRANDEWIE, VICE CHAIRMAN		X
REP. DAVE BROWN Excused		
REP. JAN BROWN	X	
REP. TOM BULGER	X	
REP. PAULA DARKO		X
REP. BOB GILBERT	X	
REP. BUDD GOULD	X	
REP. LARRY GRINDE	X	
REP. STELLA JEAN HANSEN		X
REP. ROBERT HOFFMAN		X
REP. LES KITSELMAN	X	
REP. PAUL PISTORIA	X	
REP. JACK RAMIREZ	X	
REP. WALTER SALES	X	
REP. CAROLYN SOUIRES		X
REP. TIMOTHY WHALEN	X	

TALLY

10

6

Vonnie Evans

Secretary

REP. NORM WALLIN

Chairman

MOTION: _____

Rep. Sales moved to DO NOT PASS HB 422.

ROLL CALL VOTE

LOCAL GOVERNMENT

COMMITTEE

DATE _____ BILL NO. 422 NUMBER _____

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

TALLY

10

6

Jean Stephenson
Secretary

REP. NORM WALLIN
Chairman

MOTION:

Do Not Pass

Rep. Sales Motion

Members of the House Committee on Local Government
Montana House of Representatives

DATE 1-30-87
HB House Bill 350

As a two term former county commissioner from Madison County and a member of the Madison County Local Government Study Commission from 1984-86, I feel qualified to speak on this bill.

House Bill 350 seems to be an effort to pacify the taxpayers by taking away a county commissioners mileage allowance under specified circumstances. It is totally unfair, since in a large county like Madison, one commissioner may live in the county seat while another might live 35 miles away as I did. They are entitled to compensation for transportation, it is a major expense today.

Our county government study commission as well as some others, especially those study commissions whose counties advanced from 5th to 4th class in recent years, realize people object to the substantial increase in county commissioners salaries when this change is made.

There is a better solution, County classification brackets have not changed for many years, since before I was elected first in 1970. It is high time they did, 15 million dollars is not what it was 25 years ago, the valuation figure that requires this change. Yes, they spend more days on the job than 25 years ago and should be paid a good wage for every day worked and should also receive mileage for travel to the county seat. HB 350 is unfair, discriminatory and obscures the real issue. People are fed up with higher and higher property taxes.

When I was commissioner we advanced to 4th class for 1 year. At that time the amount of salary was optional, later it became mandatory that they take the full amount allowed. The quality of their work has not changed but taxes have certainly gotten more oppressive.

I urge you to kill this bill and consider on that will pay county commissioners every cent they earn for time spent and mileage traveled. You members of the legislature are paid this way, it is the cornerstone of citizen government. Our Federal government has departed from this and members of congress are full time, our state and counties should cling to this concept as if letting go threatened all our freedoms, which it most certainly does.

Douglas Allen

EXHIBIT 4
DATE 1-30-87
HB 422

1-29-87

16:40

HB 422

1) Page 2, following line 2.

Insert: "(5) The county sureyor may delegate authority, contract for performing, or make other arrangements as are appropriate for the performance of the duties listed in subsection (4)."

Rep. Moore

PROPOSAL TO AMEND STATE LAW TO ESTABLISH
PUBLIC LAND CORNER PRESERVATION FEES

INTRODUCTION

The public land surveys began in Montana in 1867 and were three-fourths completed in 1916 with the majority of the Valleys being surveyed in the 1870's. Monuments were set at all Section Corners, Township Corners, Quarter Section Corners and all Meander Corners. These monuments were stones with bearing tree accessories or wooden posts with pits and mounds of dirt as accessories. As these accessories are in most cases over 100 years old and time is destroying them at a faster and faster pace, it is essential that we accelerate our restoration schedule before all original evidence is lost.

These original monuments are absolutely essential for the break down of any section and are the primary control monuments for all property boundaries within the section.

EXISTING LAW

The Montana Corner Recordation Act which became law in 1963 was an attempt to make a public record of the original monuments that have been restored. This law is good in that it makes a mandatory public record of restored corners, but it does not provide a means of perpetuating the corners and accessories that are fast disappearing due to age deterioration. If we do not provide a means to allow for their perpetuation then in the next few years we will not have any original evidence to predicate our surveys on which will result in greatly increased cost to determine a point of beginning for not only our own public surveys but also private ones.

This proposal brings to each county the means in which to restore public land corners with very little monetary cost to an individual and no additional cost to the taxpayers and those counties with little development may choose not to invoke this fee.

In conclusion, I would like to say this is not a new idea, but a proven law that is presently in effect in the State of Oregon and is working extremely well. All of the Western States have the same problem with original monuments and at some time or another will have to have similiar legislation.

PROPOSAL TO AMEND STATE LAW TO ESTABLISH
PUBLIC LAND CORNER PRESERVATION FEES

EXAMPLE--MISSOULA COUNTY

The ten dollar (\$10.00) maximum filing fee was used so smaller counties would have the ability to collect enough money to do a minimum amount of work. As you know many counties do not have County Surveyors and the Board of County Commissioners would have to let contracts for the desired corner work. Missoula county for example would need much less than the \$10.00 maximum filing fee because of the relatively large number of transfers. In 1985 there were 15,000 documents related to land transfers filed with the Missoula County Clerk and Records office. At a rate of \$2.00 each, which could be adjusted according to need, that \$30,000.00 would provide for materials and labor to remonument many of these corners with this program. We could conceivably catch up with the destructive forces that are destroying these very important monuments. At this point we could then lower the fee and still keep up with the occasional request to remonument a corner.



Montana League of Cities and Towns

P.O. Box 1704

Helena, MT 59624

Phone (406) 442-8768

EXHIBIT 4

DATE 1-30-87

HB 452

HOUSE BILL 452 IS INTENDED TO ALLOW CITIES AND TOWNS TO TAKE ACTION TO COMPLY WITH THE ELECTION LAWS GOVERNING THE COUNCIL-MAYOR FORM OF GOVERNMENT. IF A MUNICIPALITY DOES NOT ADOPT NON-PARTISAN ELECTIONS THROUGH THE VOTER REVIEW PROCESS OR A SPECIAL BALLOT ISSUE, THE MONTANA CODES (7-3-113) REQUIRE PARTISAN ELECTIONS.

A LARGE MAJORITY OF THE CITIES IN MONTANA HAVE CONDUCTED THEIR ELECTIONS ON THE NON-PARTISAN BASIS FOR MANY YEARS. THERE ARE POSSIBLY 20 CITIES AND TOWNS WHERE THIS OPTION WAS NOT FORMALLY ADOPTED BY THE VOTERS. IN SOME CASES, THE REPORT OF A STUDY COMMISSION THAT WOULD HAVE MADE OTHER MORE SUBSTANTIVE CHANGES IN THE FORM OF GOVERNMENT WAS REJECTED, AND NON-PARTISAN ELECTIONS WENT DOWN WITH THE SHIP. IN OTHER INSTANCES, THE NON-PARTISAN OPTION WAS INADVERTANTLY OMITTED FROM THE COMMISSION REPORT, OR A VOTER REVIEW WAS NOT CONDUCTED. AS A RESULT, CITIES AND TOWNS THAT HAVE TRADITIONALLY CONDUCTED THEIR ELECTIONS ON THE NON-PARTISAN BASIS ARE IN TECHNICAL VIOLATION OF THE LAW.

THIS BILL ALLOWS CITIES THAT CONDUCTED NON-PARTISAN ELECTIONS PRIOR TO THE PASSAGE OF TITLE 7, CHAPTER 3, PART 113 IN 1975 TO FORMALLY ADOPT THIS FORM BY RESOLUTION. THE LAW WILL TERMINATE AFTER ONE YEAR, AND ITS SINGLE PURPOSE IS TO ALLOW CITIES AND TOWNS TO CORRECT TECHNICAL VIOLATION OF THE ELECTION LAWS WITHOUT THE COST OF PLACING A SPECIAL MEASURE ON THE BALLOT.

Amend House Bill 277 Introduced copy (white)
Rep Connelly

1. Title, line 7.

Following: "FEE"

Insert: "; AND PROVIDING AN APPROPRIATION"

2. Page 2, line 22.

Following: line 21

Insert: "for driving a motor vehicle under the influence of
alcohol or a narcotic drug"

Strike: ", 61-5-206,"

Following: "or"

Insert: "seized pursuant to"

3. Page 3, line 4.

Strike: "proprietary"

Insert: "special revenue"

4. Page 3, line 16 through line 5 on page 4.

Following: "[section 1]" on line 16 page 3

Strike: the remainder of subsection (4) and subsection (5) in its
entirety

Insert: "the department shall transmit the proceeds of the
license reinstatement fees collected in that county to the
county treasurer at the end of each quarter and the
treasurer shall deposit the license reinstatement fee in an
account earmarked solely for funding education or law
enforcement aimed at reducing driving under the influence of
alcohol.

5. Page 4.

Following: line 5

Insert: "Section 3. Appropriation. All money deposited in the
special revenue account established in [section 2] is
appropriated to the department of justice for the biennium
ending June 30, 1989, for distribution as provided in this
act."

Renumber: subsequent section

xt01

c:\wp\lee\amd277

WITNESS STATEMENT

DATE 1-30-87
HB 350

NAME Marion H Davis BILL NO. 350
ADDRESS NW 5693 C&H Hwy 93 DATE 1-30-87
WHOM DO YOU REPRESENT? Florence, MT 59833
SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I don't think this is right because
a comm. has to live in his
district so he has no choice
but to travel!

January 26, 1987

RE: H.B. 350

Legislative Council Staff:

Lee Heiman

Dear Members of the Local Government Legislative Council Staff:

In regards to H. B. 350, I strongly urge all of you to vote in favor of this bill. As a tax payer, I am opposed to paying mileage to County Commissioners for mileage to and from their ranches to the Court House to work. Most of the rest of our people do not get paid to go to and from work. At such high salaries, they should be able to pay their own expenses, as the rest of us are doing. I resent having to pay high taxes to support them, when they don't work a full eight hour job and mileage plus. I don't consider this quality service for the people of our county. With so many budget cuts on everyones mind, maybe we should consider cutting in these areas.

Please vote in favor of house bill #350.

Thanking you,

Sincerely,

Anita Wetherelt

Anita Wetherelt

Box 149

Broadus, Mont.

January 26, 1987

RE: House Bill # 350

Dear Rep. Wallin: Chairman

I have before me H.B. 350 which I strongly am in favor of! Since time is of essence at this end and with the mail system as it is must hurry and get this in the mail. I urge you to vote in favor of this H. B. 350.

As a taxpayer in Powder River County, I don't like my taxes being raised to help pay the County Commissioners mileage to and from their work. I feel if they are to collect that sizeable sum that they should be able to pay their own expenses. The rest of us are not paid to go to and from work. Our work is usually prorated as to the house spent on the job, which theirs' is not. Some feel that if we do this we won't have qualified people running for the office. I also feel differently on that matter. Most of them are not there for the quality of services, the betterment of the people, but to line their pockets. So I strongly urge you to vote in favor of this House Bill # 350.

Thank you,

Anita Wetherelt

Anita Wetherelt

Box 149

Broadus, Montana

January 27, 1987

House Local Government Committee
Capitol Station
Helena, Montana 59620

re: HB 350 Deleting County Commissioners' mileage

Dear Representative Norm Wallin,

I am in favor of the passage of Rep. Swift's HB 350.


I know of no employee that receives mileage to go to and from their place of employment in addition to full salary. No other local government position, or for that matter, in very few private sector jobs. In Powder River County the commissioners here averaged 7.5 days per month in the courthouse, last March through December, plus received mileage to and from their homes. At election time every two years this elected position looks so appealing that Powder River County gets 6 to 12 candidates for the commissioner's position, few if any of them have ANY idea what they are getting into. They are running for a SECOND job that will provide additional income of over \$19,200.00 and mileage. Therefore, the position that is taken by some, that mileage must be paid, to attract 'quality candidates' is not the fact.

Our economy can't afford this.

I again ask you to pass HB 350.

Thank you.

Sincerely,



ArLynn Borla
Box 264
Broadus, Montana

436-2511 (evenings)

VISITORS' REGISTER

LOCAL GOVERNMENT

COMMITTEE

BILL NO. HB 350DATE Jan. 30, 1987SPONSOR Rep. Swift

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
John Mousley		X	
Carol Bancroft		X	
Naomi Payell		X	
Majorie Krawse		X	
David L. Tot Jr.	MISSOULA FREEHOLDERS	X	
Scott Mangold	Teton County		X
C. Albert Carlson	Teton County		X
Ellen Imboden	Missoula Mt	X	
Verne Imboden		X	
Dorothy Whittenberg	self	X	
McFensen		X	
John R. Whittenberg	Missoula Freeholders	X	
Edward Hall	" "	X	
Larry Ryzdalski	" "	X	
Thera Carlson	" "	X	
Arlyn Allen	Madison County		X
Dorothy Braach	Madison County	X	
Howard Gipe	Flathead Co Comm.		X
Allen A. Jacobson	Flathead Co. Comm.		X

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 350

DATE

January 30, 1987

SPONSOR

REP. SWIFT

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Laura Hildebrand	Missoula	X	
Edward E. Beach	Missoula	X	X
J. S. Gault	Toole Co		
Paul Miller	Richland Co.		X
Lyle Quick	Deer Creek Co		X
A. Roy King	McCone Co		X
Doug K. Schmidt	Jefferson County		X
Lyle E. Smith	Missoula Co. Comm	X	X
Jack E. Tracker	Missoula Co. Comm	X	
Julie Hacker	Meata Co. Truellers	X	
Joyce Johnson	Jefferson Co		X
Henry Long	Fallon Co		X
William Duffell	Fallon Co		X
Keith Vane	Missoula Co.		X
Roger Meggers	Fallon Co.		X
Ronald V. Shepherd	Fallon Co		X
John Dykstra	Wibaux Co		X
Gordon Morris	MTA Co		X
Mike H. H. H.	Missoula	X	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

LOCAL GOVERNMENT COMMITTEE

DATE Jan 30 - 1987

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

LOCAL GOVERNMENT

COMMITTEE

BILL NO. HB 422DATE January 30, 1987SPONSOR Rep. Moore

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
BOTB HELDING	MT. ASSOC. REALTORS		X
Charles Wright	Msha Co. Surveyor	X	
Greg Jackson	MT. CLK & Records Assn		X
Louise Risdahl	MISSOULA		X
Mara Carlson	Mpla Co Freeholder		X
Lucille Braach	Msha Co Freeholder		X
Laura Risdahl			X
Debbie L. Pallett	Fergus Co Clerk & Rec		X
Edward E. Beach	MISSOULA Freeholder		X
David L. Fox Jr.	MISSOULA "		X
Edward Hae	MISSOULA "		X
Keith Vinal	MISSOULA "		X
John Wittenberg	" "		X
Judy Waggitt	Spokane Co Clerk		X
Robert Thompson	Park Co CLK & Recorder		X
Patricia Traylor	myself		X
Sarah Rind	myself		X
Carlo Cieri	Park Co	X	
Donna Shaffer	Msha.		

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.

422

DATE

JANUARY 30, 1987

SPONSOR

REP. MOORE

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Jack E. Tracker	MISSOULA FRENCH HORSES		X
Julie Hacker	Miss Co. French Horses	✓	X
Howard Schwartz	Missoula County Commission	✓	
Ray Willis			✓
A.R. (Tom) Nagens	MACO		✓
Jane Janacaro	Jefferson Co		X
Ray Horline	LAKE Co.		X
Ross Meggers	Fallon Co.		X
Donald J. Shepherd	Fallon Co.		X
John F. Dreher	Wifont Co		X
Laurel M. Risdahl	Missoula		X
Nancy Witterberg	Missoula (Self)		X
Ellen Imboden	Missoula Self		X
Vern Imboden	Missoula		X
David L. Fox	MISSOULA		X
Joe H. [unclear]	Missoula		X

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 452

DATE January 30, 1987

SPONSOR Rep. Wallin

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
<i>Yvonne Ransavage</i>	<i>Mslaw</i>		
<i>Douglas Allen</i>			✓

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.