

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

February 11, 1987

The meeting of the Local Government Committee was called to order by Chairman Norm Wallin on February 13, 1987 at 1:00 p.m. in Room 312-F of the State Capitol.

ROLL CALL: Roll call was taken and all members were present with the exception of Reps. Bulger, Dave Brown and Squires who were absent.

CONSIDERATION OF HOUSE BILL 560: Rep. Hal Harper, House District 44 and sponsor of the bill, stated HB 560 would go with HB 380 which the committee already had heard. He stated HB 560 changed the way the deputy sheriff would be compensated by allowing the sheriff to base the pay for deputies according to the rank structure in his department. Rep. Harper felt this was a better way than under current law.

PROPOSERS: Mike Schafer, Yellowstone County Sheriff and President MT Sheriffs' and Peace Officers' Association, stated HB 560 was the companion bill to HB 380 which was supported by the Association. He stated it gives the sheriff the authority to also establish the salaries of any supervisory personnel on board. He said whatever action was taken on HB 380 that the same action should be taken on HB 560.

Tony Harbaugh, Custer County Sheriff, stood in support of the bill.

OPPOSERS: Gordon Morris, MACo, stated there was no merit to this particular approach. He said it is contradictory to local control and pointed out that on page 2, line 5, the language wherein salaries will be adjusted annually based upon 80 percent factors of the consumer price index (CPI) would totally distort salaries because under existing language, local elected officials, including county sheriffs, salaries are set annually and adjusted on 70 percent of the CPA. He said the committee could strike lines 16 through 18 of the original language and that would be doing MACo a favor. He asked for a do not pass on HB 560 and HB 380.

Rep. Harper, in closing, stated he did not feel the bill had no merit. He said if the committee were to look favorably on HB 380 that HB 560 was a companion measure that should receive consideration.

CONSIDERATION OF HOUSE BILL 561: Rep. Bruce Simon, House District 91 and sponsor of the bill, stated HB 561 attempts to give the local level the authority to set their own salaries instead of the legislature setting them. He said the people in the counties who know what is going on in their counties should be let to establish their own salaries.

Rep. Simon read from page 9, line 13 of the bill which separated out the county assessor. He said part of the county assessor's salary is paid by the state. Under the bill, the county assessor's salary would be set as determined by the state pay matrix. He pointed out on page 10, subsection 3, that the bill ties the salaries together. He said if the county feels salaries need to be lowered, they lower the salaries all together. If they think things are good and the people of the county will stand to have salaries raised, the salaries all raise together. He stated this would allow for no arbitrary picking of certain people within the county for increases or decreases in salaries. He stated this was a very important part of the bill.

Rep. Simon commented they tried to put together a system that was fair and provided for local control.

PROPOSERS: Rep. Tom Hannah, House District 86, stated he had worked on this particular legislation for the past couple sessions and helped Rep. Simon get it to its present position which he felt was very acceptable. He stated the bill recognizes that there are 56 different counties, all different and unique with different tax bases and different needs and priorities. He stated the key provision allowed for the commissioners to take the salaries up or down which protects the employees or other elected officials who are also elected by the citizens of the county. He said there would be some separation of the counties with some counties paying more for salaries and others paying less but the pay would be based on a closer view of the counties own needs and ability to pay. He felt it an excellent bill and recommended it to the committee.

Allen Eck, MT Farm Bureau Federation, stated their members supported HB 561 (Exhibit 1).

OPPOSERS: Mike Schafer, Yellowstone County Sheriff and President MT Sheriffs' and Peace Officers' Association, stated he was opposed because on page 10, section 3, the bill says that commissioners "shall" set salaries. He said that gives no leeway for any discretion to be used with any department based on the kind of work done, the duties performed, etc. He stated it also does not give any leeway for looking at some type of board to establish those salaries. He said also that the arguments they had

consideration of May 30. Concerning the county assessors, Mr. Morris stated there would be no basis for not including them under the bill. He said the state matrix could propose a pay increase at a time when the county could least afford it. If the bill was to pass, he urged consideration of the effective date to be upon passage and approval which would make it effective for the coming fiscal year for the county.

Judy Doggett, Broadwater Clerk and Recorder and representing the MT Association of Clerks and Recorders, stated the Association was opposed to HB 561.

Rick Later, Broadwater County Sheriff and Second Vice President MT Sheriffs' and Peace Officers' Association, stated they were definitely opposed to HB 561.

Tony Harbaugh, Custer County Sheriff and Secretary Treasurer MT Sheriffs' and Peace Officers' Association, stated sheriffs would be placed in a ticklish situation with politics being played on a local scale. He asked if the sheriff was placed in a situation where the county commissioners set his salary, would he dare write the county commissioner or any relative of his a citation? If there was an opening in the sheriff's department, would he deny those same relatives access to a job?

Joe Tropila, Cascade County Clerk and Recorder and President MT Association of Clerks and Recorders, asked to go on record as opposing the legislation but if the committee was inclined to pass the bill, they would recommend amending the assessors back into the elected officials portion. He said in the smaller counties, the assessors would be making more than the elected officials in the county if the commissioners set their salaries and not the assessors.

DISCUSSION (OR QUESTIONS) ON HOUSE BILL 561: Rep. Gould asked if there was a section in the bill for two or more offices being combined, as far as the person with the expanded duties receiving additional pay?

Rep. Simon stated the bill does not mention that.

Rep. Gould asked if the bill should not include this?

Rep. Simon replied that it was a good point and very possibly could be included. He said under current statute, the salaries are put together for each individual office and if those offices were combined he was not sure how that would be handled under current statutes.

Rep. Simon, in closing, asked the committee to keep in mind that there was a salary commission and it did not work and

presented regarding HB 380 still exist for HB 561. Mr. Schafer handed out material from their lobbyist Tom Harrison (Exhibit 2).

Elinor Collins, MT Assoc. of County School Superintendents, stated they feel the elected officials are elected by the people and if the bill were to pass they would be serving at the whim of the county commissioners because their salaries would be based on the commissioners' judgements. She stated they were also opposed to HB 380 which would allow county commissioners to set salaries.

Susie Spurgen, Fergus County Treasurer and President MT County Treasurers Association, stated they question why the county assessors are excluded. She said they are elected officials. She stated the legislature through state statute mandates their duties and should have control over the salaries they receive for those duties. She felt the current system was fair and addressed equality across the state by the county classification. Ms. Spurgen commented if county commissioners were allowed to set salaries, their association supported the local salary commission concept of HB 380.

Gregg Groepper, Administrator Property Assessment Division, Department of Revenue, stated they were not present to support or oppose the concept but in looking through the bill do not see a fiscal note. He stated the way the bill was constructed concerning the assessor salary there would be some fiscal cost to the state if those provisions were left in the bill.

John Poundstone, Dillon Clerk of District Court, and representing MT Association of Clerks of District Court, stated they had worked diligently and hard on alternative legislation as their testimony showed on proponents to HB 380 and opponents to HB 338. He said the Association strongly opposed HB 561 and urged a do not pass.

Court Harrington, MT County Treasurers' Association, stated the treasurers are elected officials elected by the same voters that elect the county commissioners and are in no way subservient to the county commissioners. The Association believed that the status quo should be maintained and the state continue to set the salaries. If there was a decision to return the control to the local level, they felt the salary commission in HB 380 would be more appropriate.

Gordon Morris, MACo, stated he did not appear as a proponent or opponent. He said he wanted to make technical comments on the bill. On page 9, line 19, he stated the date of March 31 by which the resolution would be adopted was very early in the county budgeting process and would recommend

was done away with. He felt it was proved that salary commissions really do not work.

He stated the fact that the legislature has been setting salaries for all these years would mean that the relationship between each of the elected officials are pretty well set up. If they were frozen at the current position and are moved up or down in a percentage would not change the relationship between the sheriff's department and the county treasurer or appraiser or county commissioners. He said the local people know what is going on in their county and if they want to raise salaries or feel the need to cut them because of tough economic times, the bill would give them that authority.

He commented on the issue of the duties being state mandated and therefore the state should set the salaries. He said the duties are substantially different depending on each individual county. Duties for the county treasurer in a small county may be quite different from in a larger county.

In regards to the county assessor, Rep. Simon stated they tried to maintain control because of the fact that they are currently on the state pay scale and the state pays part of their salaries. If the commissioners set the salaries and want to give a raise, they would be obligating the state to pay part of that salary raise.

He stated he did not know what calling for a fiscal note would do because these are county officials and county budgets.

CONSIDERATION OF HOUSE BILL 612: Rep. Andy Roth, House District 96 and sponsor of the bill, stated the bill changes current statute which now says if a water district is dissolved the assets will be turned into the county general fund. HB 612 changes that to provide that the assets or the revenue generated from the sale of those assets goes back to the district itself. The purpose for this was the funds to set up and manage a water district came from that district not from the county and therefore, it would only be fair that if the district dissolves that those funds be returned to the same district that paid for it.

PROPOSERS: Ray Wadsworth, program manager MT Rural Water Systems, presented written testimony to the committee in support of HB 612 (Exhibit 3).

Bruce Restad, Member MT Rural Water Systems Legislative Committee and General Manager Billings Heights County Water

District, provided written testimony for the committee (Exhibit 4).

Arnold Peterson, Secretary Treasurer North Havre County Water District, presented written testimony (Exhibit 5).

Steve Cheman, Member MT Rural Water Systems Legislative Committee and General Manager Flathead County Water District, urged the committee to pass HB 612.

OPPONENTS: None.

DISCUSSION (OR QUESTIONS) ON HOUSE BILL 612: Rep. Sales asked if all of the present water and sewer districts are established on an area basis or assessment basis?

Mr. Wadsworth responded the three different types of water districts that provide water are county water districts, RSID's and RID's. He said the RSID's and RID's are formed differently than the county water districts but all three types of districts are formed by establishing a boundary for the district and the boundaries are described by area.

Rep. Sales asked Rep. Roth if he would object since the assessment is set up in a multitude of different ways to amending the bill so the refund would be made back to the members of the district in the same manner as the assessment was made?

Rep. Roth responded he would not have an initial problem with that. He said there is always possibilities that the districts could change a great deal from inception to dissolution. The amount paid in by the water area could be less than they would receive back afterwards. He stated the payback schedule should be very closely tied to the same method that was used to pay even if the property value may have changed over that time.

Rep. Roth, in closing, stated the bill was important and felt it only fair that the law be altered so the payback follows this procedure. He said he did not think anyone would expect to pay in and then have that money go to the general fund when only one district financed that.

CONSIDERATION OF HOUSE BILL 624: Rep. Mel Williams, House District 85 and sponsor of the bill, stated the bill involved a minimal change in current law. He said he would ask to amend the bill. HB 624 was an act to increase from \$10,000 to \$25,000 the amount in municipal purchasing laws for which advertising for bids are generally required and amending the necessary sections. He stated the municipals

are allowed to use the \$10,000 maximum without advertising for bids. If they go to an auction and want to purchase a piece of equipment, with the \$10,000 limit they have not been able to purchase certain equipment and instead have had to put out bids and spend considerably more money for the equipment. He suggested the committee amend the bill to allow the cities the opportunity to go as high as \$25,000 in cases of purchasing equipment at public auctions. He stated this was the purpose of the bill.

PROPOSERS: Alec Hansen, League of Cities and Towns, stated they support the bill with the amendment. The amendment would simply make the municipal statute consistent with the one the counties use. He stated cities can purchase equipment at auctions at considerable cost savings.

Gene Fenderson, MT Building Construction Trades Council, stated they originally came in to oppose the bill to protect the free enterprise systems bidding on construction but with the amendment proposed, they would not have any problems.

Nathan Tuberg, Finance Representative for the City of Great Falls and MT Municipal Clerks Treasurers and Finance Officers Association, stated they were in support of the bill as amended. He gave an example of the savings the bill would allow the cities.

Alice Kuehn, Ekalaka and Clerks' Treasurers and Finance Officers Association, presented a witness statement to the committee (Exhibit 6).

Shirley Mohr, Glendive and Clerks Association, urged the committee's support and presented a witness statement (Exhibit 7).

OPPOSERS: Lloyd Lockrem, MT Contractors' Association, spoke to HB 624 as drafted. He stated the Association felt that purchases through the competitive bid process accomplished a broader base for participation of the small firms which resulted in the lowest price for local governments. He stated they felt the \$10,000 top was high enough to allow local governments the flexibility they need on small purchases and on that basis would ask for a do not pass on HB 624. He stated as to the amendment proposed by Rep. Williams that they did not have a problem with cities having the same purchasing power as counties at auctions.

DISCUSSION (OR QUESTIONS) ON HOUSE BILL 624: Rep. Gilbert asked if the \$25,000 on line 18 of the bill would be changed

back to the \$10,000?

Rep. Williams replied that was correct it would be put back as it originally was.

Rep. Hoffman asked if the amendment with the \$25,000 would be limited to supplies or could it be used for construction, repair and maintenance?

Rep. Williams stated it would be the same language in current law in 7-5-2303 used by the counties.

Rep. Williams, in closing, stated he did not know this would be a problem as far as the construction people were concerned or would have had the bill redrafted or changed before. He said if putting the amendment in the bill conflicted with the title, he would ask the committee to rewrite the bill as a committee bill to leave the \$10,000 in as far as the bidding and amend the \$25,000 in for the limit on auctions in accordance with the language in 7-5-2303 as allowed by the counties.

EXECUTIVE ACTION

DISPOSITION OF HOUSE BILL 450: Rep. Gilbert asked to wait until Friday to give the subcommittee report on HB 450.

DISPOSITION OF HOUSE BILL 531: Chairman Wallin commented that the bill had come back to committee from the House floor. The amendments passed out to the committee members were adopted and the bill was killed with the amendments.

Rep. Kitselman moved to DO PASS HB 531 AS AMENDED.

Rep. Whalen commented that Rep. Ramirez on the House floor had mentioned more closely defined criteria on when the commissioners would close the offices or curtail the hours. He asked if he had something on those criteria.

Rep. Ramirez responded his ideas were not in final form but something could be required for a unanimous vote of the county commissioners. Instead of stating in the best interest of the county, it could be stated that there was a financial emergency.

Rep. Whalen if it was indicated that the commissioners set forth their findings if a review process could not be required.

Rep. Ramirez stated there could be a review process anyway. He stated the local people would have to determine whether the action was warranted.

Rep. Hansen commented she had received a letter in which the clerk and recorder stated they had kept the offices in her county opened without paying salaries. Rep. Hansen stated this is taking advantage of the workers and felt the workforce would be destabilized in the counties with the bill.

Rep. Hoffman stated he would like to be able to change his feelings but could not. He said it is especially important in counties that have large populations to keep the offices open. He felt the county commissioners had all the power they needed and should not have the power to close the offices. Rep. Hoffman commented the state has never needed this type of legislation in the past even though it has gone through a lot of depressions and changes since 1899.

Rep. Kitselman commented things were different today. He said he did not see where there would be any funding in the block grant program for the counties. He said the impact in the county because of I27 and the severe drop in the valuation of property might mean a reduction in the county offices to being opened 4 days a week or 4 hours a day. He thought the county commissioners needed that discretion.

Rep. Brandewie stated that almost 25 percent of the weeks available now are 4-day weeks with the holidays and if there was concern about the offices being opened all the time, the holidays could be eliminated. He was also concerned with I27.

Rep. Ramirez stated he looked at the bill as something that dealt with emergencies. He said it could be stated in the bill that if the board of county commissioners after consultation with the elected officials unanimously find that a financial emergency exists they may by resolution provide... He said the following could be inserted, "the resolution shall describe the nature of the financial emergency, the amount of the shortfall, alternatives available within the county, the need for reduction of hours or service and a plan of implementation". He said then so everyone would know what was being done there would be a public hearing. An additional restriction could be that the commissioners could not do this unless there were no other sources of revenue available to them and their fund balances had been reduced to a minimal level. Rep. Ramirez stated this would tighten the bill up.

Chairman Wallin stated there was interest on the House floor in the intent of the bill. He stated the amendments could be drawn up and brought back into committee on Friday for action to be taken at that time.

Rep. Gilbert felt the real problem of economics had to be addressed and the local governments had to be helped on that standpoint. He stated the other problems brought before the committee were turf problems and should be solved at home.

Rep. Gould was concerned with the word "unanimous". He said he could see problems in trying to get all commissioners to vote the same when one was close to a new term of office.

Rep. Ramirez stated the amendments could be voted on separately.

Rep. Sales commented that when this type of action needs to be taken, all the elected officials would have to agree that it was very necessary to take that type of action.

Chairman Wallin stated the committee would wait for action until the amendment was drawn up by Rep. Ramirez.

DISPOSITION OF HOUSE BILL 338: Rep. Gould moved to DO NOT PASS HB 338.

Rep. Grinde commented that county attorneys fall under a different statute on the pay scale. He said he had amendments that dealt with county attorneys (Exhibit 8).

Rep. Grinde moved to AMEND HB 338 with the proposed amendments. The question was called and the motion carried unanimously.

Rep. Gould moved to DO NOT PASS HB 338 AS AMENDED.

Rep. Gilbert stated HB 338 was a companion bill to HB 380. He said it was a matter of economics and someone has to pay the bill. He commented if the state sets wages and the county runs out of money before the legislature meets, how do they keep paying the people? He said the people who are best qualified to make those determinations are the county commissioners.

Rep. Gilbert as a substitute motion moved to DO PASS HB 338.

Rep. Hoffman asked if there should not be a time period mentioned for setting the salaries. He said the bill does not address how often they should be set, each fiscal year or for the term of office.

Rep. Gilbert stated there could be a determination of salaries to be reviewed on a yearly or two-year basis.

The question was called on Rep. Gilbert's motion to DO PASS HB 338. The motion failed.

The committee reverted back to Rep. Gould's DO NOT PASS AS AMENDED motion on HB 338. The motion carried with Rep. Gilbert voting no.

DISPOSITION OF HOUSE BILL 560: Rep. Gould moved to DO NOT PASS HB 560. The question was called and the motion carried unanimously.

DISPOSITION OF HOUSE BILL 380: Rep. Brandewie moved DO NOT PASS on HB 380. The question was called and the motion carried unanimously.

DISPOSITION OF HOUSE BILL 561: Rep. Gould moved to DO NOT PASS HB 561. The question was called and the motion carried with Reps. Brandewie, Gilbert, Kitselman and Ramirez voting no.

DISPOSITION OF HOUSE BILL 612: Rep. Brandewie moved to DO PASS HB 612. The question was called and the motion carried unanimously.

DISPOSITION OF HOUSE BILL 624: Rep. Sales moved to DO PASS HB 624. He moved the amendment proposed by Rep. Williams.

Chairman Wallin commented there was not a need for a committee bill because the amendment fit within the scope of the title. He asked Lee Heiman to read the amendment.

Mr. Heiman stated on page 1, line 13, following 7-5-4303, insert [and section 2]. One line 18, strike \$25,000 and insert \$10,000. Page 2, following line 11 insert new section: Section 2. Use of public action money to make purchase. In lieu of soliciting bids, the city council may purchase at public auction any vehicle, machinery, appliances, apparatus, building, or materials and supplies for which must be paid a sum less than \$25,000. The last amendment conformed the title.

Rep. Sales spoke in favor of the bill and said the approach for auction was very reasonable and hoped the committee would adopt it.

The question was called and the motion carried unanimously.

Rep. Brandewie moved to DO PASS HB 624 AS AMENDED. 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 3:40 p.m.

A handwritten signature in cursive script, appearing to read "Norm Wallin", written in dark ink.

Rep. Norm Wallin, Chairman

DAILY ROLL CALL
 LOCAL GOVERNMENT COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 2/11/87

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

February 11, 19 87

Mr. Speaker: We, the committee on **LOCAL GOVERNMENT**
report **HB 338**

☒ 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 6.

Following: "OFFICERS"

Insert: ", EXCEPT COUNTY ATTORNEYS,"

2. Page 1, line 23.

Following: "themselves"

Insert: ", except county attorneys, whose salary shall
be determined as set forth in 7-4-2503 (3)(a) and
(b) "


FIRST

reading copy (**WHITE**)
color

STANDING COMMITTEE REPORT

February 11,

67

19

Mr. Speaker: We, the committee on LOCAL GOVERNMENT

report HB 624

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☒ as amended
☐ statement of intent attached

Rep. NORM Wallin

Chairman

1. Title, lines 4.

Strike: "INCREASE FROM

2. Title, line 5.

Strike: "\$10,000 TO"

Insert: "AUTHORIZE THE USE OF PUBLIC AUCTIONS FOR A PURCHASE NOT
TO EXCEED"

Strike: "THE AMOUNT IS"

Insert: "UNDER"

3. Title, line 6.

Strike: "FOR WHICH ADVERTISEMENTS FOR BIDS ARE GENERALLY
REQUIRED"

4. Page 1, line 13.

Following: "7-5-4303"

Insert: "or [section 2]"

5. Page 1, line 18.

Strike: "\$25,000"

Insert: "\$10,000"

6. Page 2.

Following: line 11

Insert: "NEW SECTION. Section 2. Use of public auction to make
purchase. In lieu of soliciting bids, the council may
purchase at public auction any vehicle, machinery,
appliances, apparatus, building, or materials and supplies
for which must be paid a sum less than \$25,000."


FIRST

reading copy (WHITE)
color

STANDING COMMITTEE REPORT

February 11, 19 87

Mr. Speaker: We, the committee on LOCAL GOVERNMENT

report SB 380

☐ do pass
☒ do not pass

☐ be concurred in
☐ be not concurred in

☐ as amended
☐ statement of intent attached

Rep. NORM WALLIN

Chairman

FIRST

22
reading copy (WHITE)
color

STANDING COMMITTEE REPORT

February 11.

19 87

LOCAL GOVERNMENT

Mr. Speaker: We, the committee on

report **MR 560**

☐ do pass
☒ do not pass

☐ be concurred in
☐ be not concurred in

☐ as amended
☐ statement of intent attached

Rep. Norm Wallin

Chairman

FIRST

72

WHITE

reading copy ()
color

STANDING COMMITTEE REPORT

February 11, 19 87

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

report **HB 561**

☐ 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

February 11, 19 87

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

report **HB 612**

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☐ as amended
☐ statement of intent attached

Rep. Norm Wallin

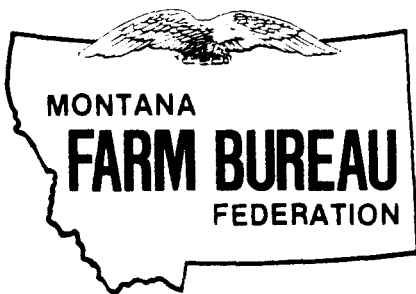
Chairman

FIRST

B
reading copy (

WHITE

)
color



P.O. Box 6400
~~502 South 19th~~

Bozeman, Montana 59715

Phone (406) 587-3153

2-11-87

561

TESTIMONY BY: Alan Eck
BILL # HB-561 DATE 2/11/87
SUPPORT XXXX OPPOSE _____

Mr. Chairman, members of the committee, for the record my name is Alan Eck representing Montana Farm Bureau.

We support HB-561, our members feel that county officials wages should be determined by the commissioners of each county and be responsible to the commissioners and the taxpayers they are serving.

SIGNED: Alan Eck

DATE 2-11-87
HB 561

Harrison, Loendorf & Poston, P. C.
Attorneys at Law

SUITE 21 PROFESSIONAL CENTER
2225 ELEVENTH AVENUE

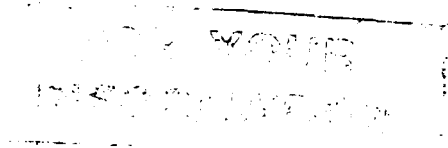
Helena, Montana 59601

JAMES T. HARRISON, JR.
JEROME T. LOENDORF
JOHN P. POSTON
STEPHEN R. McCUE
ANNIE M. BARTOS

AREA CODE 406
TELEPHONE: 442-6350

February 10, 1987

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



RE: Committee Hearings on 2/11/87
HB 560 and HB 561

Dear Chairman Wallin:

As you may know, I am representing the Montana Sheriffs and Peace Officers Association and the Montana Clerks of Court Association. The Sheriffs are interested in HB 560 and both associations are interested in HB 561. Both bills are scheduled for hearing on Wednesday, February 11. Regretably, I have a deposition scheduled in Missoula that day which will preclude my presence, but others from our associations will be present, and I want to take this opportunity to express our position on these two bills.

First, as to HB 560, this is a salary bill to establish deputy sheriffs' salaries, and is actually a companion bill to HB 380, which you may recall is a county salary commission proposal. Accordingly, its fate should be directly tied to HB 380. If HB 380 is put into a subcommittee or other executive action is contemplated, I hope that HB 560 would be similarly considered and treated.

HB 561 is a second proposal to have county commissioners establish salaries, quite similar to HB 338 which was heard by your committee on January 28. Both the Sheriffs and Clerks Associations are totally opposed to HB 561, in that it would effectively subjugate elected officials to the dominance of the county commission. I think we adequately discussed the concerns that such a proposal would have, particularly resulting from political and/or personal disputes between the majority of a particular county commission and other officials. We feel such a proposal would have the net effect of all county officials serving at the whim of the majority of a county commission, a diminished professional position, very limited ability to perform the duties of elected office without being fettered by county commissioners, and in general create an intolerable working environment.

February 10, 1987
Page Two
RE: HB 560 and HB 561

We will have a number of people present to testify, and hopefully answer any questions the committee may have. I will certainly be available on Thursday, the 12th, and thereafter, if there should be any need for questions or information. I'll try to visit with you on Thursday to see if any follow up is needed.

Once again, I apologize for not being able to be present at the time of the hearing.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Tom Harrison".

JAMES T. HARRISON, JR.

cl

cc: All committee members

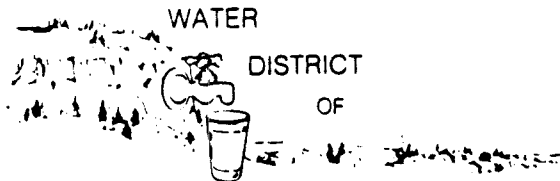
#3 DATE 2-11-87
NB 612
Testimony by Ray Wadsworth, Program Manager of
Montana Rural Water Systems -

There are in excess of seventy five Water and/or Sewer Districts in Montana. These Districts have been built and paid for by the tax-payers within the boundries of the Water and/or Sewer Districts. There are no provisions in the law to provide for dissolution of a district.

This bill would provide for the retention of funds by the tax-payers of the district if for any reason the district is dissolved.

Montana Rural Water Systems supports this bill and feel it would provide a fair and equitable solution for dissolution of Water and/or Sewer Districts.

DIRECTORS
JIM HURRY, Pres
DEL JONES, V. Pres
ROBERT LINDSEY
REX MARQUARDT
VIC REICHENBACH
GORDON SLOVAP
DOROTHY TIMMERMAN



618 RADFORD SQUARE, BILLINGS, MONTANA 59105

#4 2-11-87
612

BRUCE RESTAD
GENERAL MANAGER
JUDY WEIS
SECRETARY
TELEPHONE 252-0539

My name is Bruce Restad. I am a member of the Montana Rural Water Systems Legislative Committee and General Manager of the County Water District of Billings Heights.

Two years ago HB483 was introduced and passed. This bill addressed the problem of desolving a County Water or Sewer District. Until that time no provisions to deal with this problem existed.

It has come to our attention that in Section 7-13-2351 Number 5 MCA, any assests of the District after dissolution would be distributed to the General Funds of the Counties in which the District was located.

The County Water District of Billings Heights, as other Districts in the state, was formed by selling bonds with the understanding that revenue from the sale of water would be used to retire the bonds and fund capital improvements within the District. The land owners within a water or sewer district have built the system and therefore if they choose to sell the system the proceeds should go to the people that have been responsible for the creation and continued operation of the system.

Therefore we respectfully request that House Bill 612 receive a Do Pass reccommendation from this committee.

COMMITTEE ON LOCAL GOVERNMENT

I am Arnold Peterson, I am the Secretary of the North
Lawre County Water District.

I urge passage of H B 612. While I do not know of
any Water Districts planning to dissolve at the present
time, it is entirely possible given present economic
conditions in rural areas, that there might be some in the
future.

If it should happen, it is only proper that if there
are any funds left in the District Treasury, they should
be paid back to the people who contributed them in the first
place.

EXHIBIT 5
DATE 2-11-87
PAGE 612

EXHIBIT 5 - 11-87

I am Ronald Johnson, I am the secretary of the North
Havre County Water District.

I urge passage of H. 1612. While I do not know of
any water districts planning to dissolve at the present
time, it is entirely possible given present economic
conditions in rural areas, that there might be some in the
future.

If it should happen, it is only proper that if there
are any funds left in the district Treasury, they should
be paid back to the people who contributed them in the first
place.

WITNESS STATEMENT

2-11-87
624

NAME _____ BILL NO. _____

ADDRESS _____ DATE _____

WHOM DO YOU REPRESENT? _____

SUPPORT ☒ _____ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME James White BILL NO. 4411
 ADDRESS 300 S. Main St. Phoenix DATE _____
 WHOM DO YOU REPRESENT? The Phoenix Area Council
 SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I am for the bid to the population of the area supporting the program and bid limit to \$250,000.

1) The bid is to be limited to the local bid process, and would enable the municipality to negotiate, submit and allow more competitive bidding to meet our services and needs.

2) The cost of heavy equipment including suspension and motor overhaul will exceed the \$15,000 limit. This may force the municipality to do by other than factory trained personnel and use of inferior quality parts.

3) For smaller businesses the opportunity for getting contract work done such as paving and seal water pits are governed by work being done in community by the Highway Embankment or Interstate systems or roads under state control. Many times contractors are gone by the time bids can be advertised and awarded. By passing the bidding or bid requirements through others could be neglected something like having a bid for paving or moving costs to be given to do work for the city.

PROPOSED AMENDMENT TO HB 338 - Representative Poff

Line 6 of title to read as follows:

"OFFICERS, EXCEPT COUNTY ATTORNEYS, IN LIEU OF COMPENSATION SET FORTH IN LAW;"

and on lines 22 and 23, as follows:

"by resolution fix the compensation of all elected county officers, including themselves, EXCEPT COUNTY ATTORNEYS, WHOSE SALARY SHALL BE DETERMINED AS SET FORTH IN 7-4-2503(3)(A)(B), MCA."

VISITORS' REGISTER

LOCAL GOVERNMENT

COMMITTEE

BILL NO. HB 560

DATE February 11, 1987

SPONSOR Rep. Harper

[illegible]

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 561

DATE February 11, 1987

SPONSOR Rep. Simon

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Mike S. Hater	Mont. Sheriff's & Peace Off.		X
TONY HARBAUGH	" " " "		X
Elmer Callino	Mont. Assoc. Co. Supts		X
Susan Spurgeon	MT Co Treasurers Assoc		✓
AL E.	MT F. & P. Assoc	X	
Wm. J. ...	MT F. & P. Assoc		X
Debbie L. Pallett	Fergus Co. Clerk & Recorder		X
JOE TROPILA	PRIS. MT. Assoc Clerks & Rec.		X
Gordon Morris	MAA		
Rick LATER	MT. Sheriff's & Peace Officers Assn		X
JOHN BRUNSTONE	MT ASSOC CLERKS & REC		X
Andy Rogge	MT Clerk - Assn		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 612

DATE February 11, 1987

SPONSOR Rep. Roth

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

LOCAL GOVERNMENT

BILL NO. HB 624

DATE February 11, 1987

[illegible]

CS-33



JEFFERSON COUNTY

Box H
BOULDER, MT. 59632

February , 1987

COMMISSIONERS

JAMES B. MCCAULEY —
BOULDER

DOUGLAS E. SCHMITZ, CHAIRMAN —
JEFFERSON CITY

JOYCE JANACARO —
WHITEHALL

To: House Local Government Committee members
Senate Local Government Committee members

From: Helen Williams
County Superintendent of Schools
Jefferson County, Box H, Courthouse
Boulder, MT 59632

Re: Montana Association of Counties sponsored bills (MACO)

There are a large number of House Bills and Senate bills greatly affecting elected officials in our state if they are passed. I will briefly go over each one and state my position to each and reasons why I am opposed.

HB 338 & HB 561: Authorize the County Commissioners to set salaries for elected county officials. There would be no uniformity across the state if this is enacted. There is some disparity among the counties with our present system, but changing it would only make the matter worse. Commissioners would have too much power to freeze or increase wages. Holding public hearings to set wages is unnecessary and borders on harrassment.

HB 531 allows the County Commissioners to reduce number of hours and days an office may be open by resolution only. The affects of this would be devastating to the public. People would not get service. Low morale would result in the work force. It would be increasingly more difficult to obtain qualified personnel to work in the various offices because people want full-time work with some degree of job security.

HB 477 & HB 498 would limit officials to 12 years in office. Why persecute good employees if they are doing a good job? The public placed them in their offices because they felt they were best qualified for their jobs.

Are county officials employees of County Commissioners? I thought

— BONNIE RAMEY —
CLERK & RECORDER

— HELEN WILLIAMS —
COUNTY SUPERINTENDENT OF SCHOOLS

— SUSAN M. MILLER —
COUNTY TREASURER

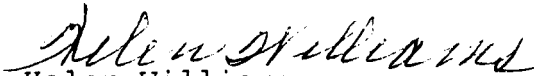
they were accountable to the people? Why elect county officials at all if the Commissioners are the one wielding all of the power?

HB 380 would establish county salary commissions. Those serving on the committee would, more than likely, be the Commissioners having the majority of the vote on the board. Here again we are getting back to HB 338 & HB 561.

I say if something works why change it? If it isn't broken why fix it?

These are some of my concerns. I thank you for the opportunity to be able to express myself in this manner. I urge the defeat of the afore-mentioned bills.

Sincerely,

A handwritten signature in cursive script, appearing to read "Helen Williams".

Helen Williams,
County Superintendent of Jefferson County
Box H, Courthouse
Boulder, MT 59632



Collegium Scribarum Judicialium

February 9, 1987

House Local Government Committee
Capitol Station
Helena, Montana 59620

re: Opposition to HB 561, Co. Commissioners setting
salaries of other county officials

Dear Representative *New Walker*

I am in stongly opposed to the passage of HB 561, and ask
that you do not pass this bill.

The Clerk of District Court are presently mandated to follow
in excess of 1050 Montana Statutes. This does not take into
consideration a number of other Federal Statutes, Rules etc. It
is NOT possible for County Commissioners to understand the
enormity of other official's positions and responsibilities
or fairly evaluate. Therefore, they can not be put in a
position of having control of salary setting.

Please, take just a minute to consider the possibilities if
HB 561 passes. Will politics be played? Will cronieism
become an issue? How will an elected County Official negoti-
ate a raise from a Co. Commissioner if he or a member of his
family, has been detained, arrested or formally charged with
a crime, such as a Sheriff would be mandated to do? Would
an elected 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?

Again, I ask that you not pass HB 561.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read 'ArLynn Borla'.

ArLynn Borla
Clerk of Court
Powder River County
and Legislative Committee
Co-Chair

JEAN CAMERON

Clerk of the District Court

FALLON COUNTY

DRAWER M
BAKER, MONTANA 59313

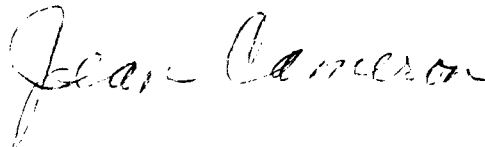
February 3, 1987

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

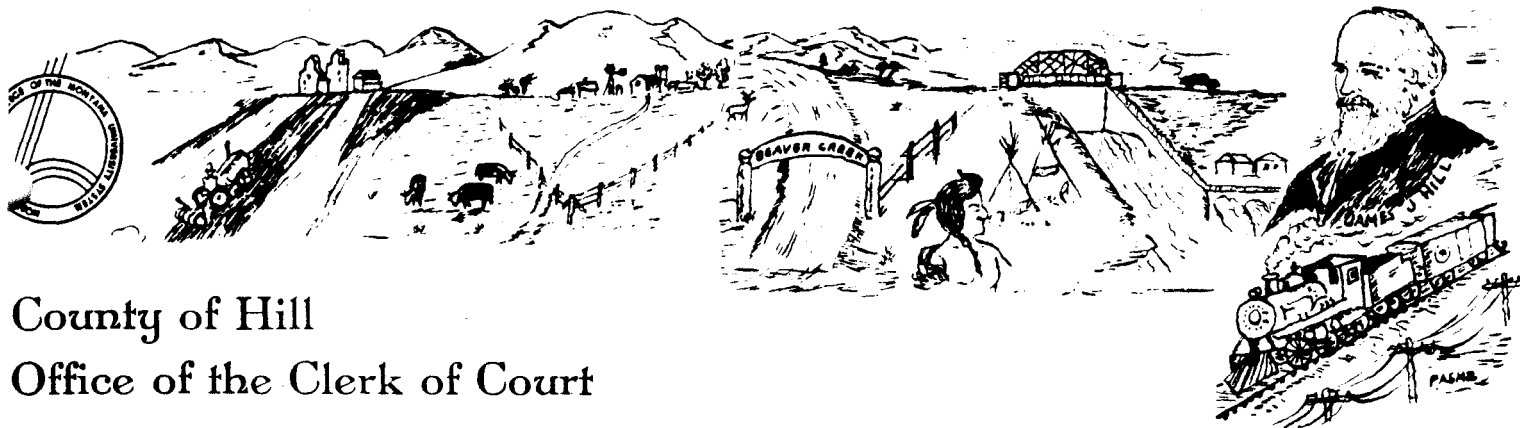
Dear Mr. Wallin:

Please vote against HB 561.
Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Jean Cameron".

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



County of Hill
Office of the Clerk of Court

February 5, 1987

Courthouse
HAVRE, MONTANA 59501

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

Dear Mr. Wallin;

I am writing to you to urge you to VOTE NO on HOUSE BILL 531. This bill would authorize county commissioners to curtail county services and to pro-rate salaries accordingly.

My office runs at full capacity now on a five day work week and I can see no way feasible that this same amount of work can be completed in just four days. If the courthouse does not close for one day a week but the office help is cut through lack of funds the reduced staff could not handle the work efficiently. There is also the great probability that alot of the offices will lose the trained help that they have now due to the reduction of wages as they will move out of state for better wages. This will be an added expense on counties to train more help.

Please give alot of consideration to both the short term and long term effects that this bill will have on local government before you vote on it.

Very truly yours,

Maryhelen Habeger
Maryhelen Habeger
Clerk of Court

Office of
Carol L. Schott
County Superintendent of Schools

P. O. BOX 220
Big Timber, Montana 59011

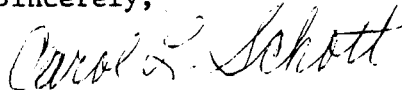
February 9, 1987

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

Dear Mr. Wallin:

HB 531 is not good government policy. If it would be passed, it would cause the loss of trained competent people who don't want to be part-time Elected Officials, and will look for full-time employment. Decisions on closing an office could be politically motivated. The loss of service, consolidation, and closure of offices were rejected by the public through recent Local Review. This bill would do away with notice and hearing procedures for closing offices. Most importantly, Elected Officials aren't employees of the County Commissioners.

Sincerely,



Carol L. Schott