

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

March 17, 1987

The nineteenth meeting of the Local Government Committee was called to order by Chairman Bruce Crippen on March 17, 1987 at 12:30 p.m. in Room 405 of the Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL 532: Representative Harold Poulsen, Great Falls, District #39, said he sponsored the bill to generate savings for all the counties in the state. At present, county treasurers "must" mail out a receipt for all taxes paid. HB 532 changes the language to "may". This bill would have saved \$11,127 in 1985, \$12,375 in 1986 in Cascade County and could effect a large statewide savings. Lewis and Clark County paid out \$7,345 in 1985 and \$8,300 in 1986. Property owners have their checks for receipts and Rep. Poulsen felt it was unnecessary for them to have a receipt from the county, too. In the interest of saving money for counties, he urged support of the bill.

PROPOSERS: There were none.

OPPOSERS: There were none.

QUESTIONS FROM THE COMMITTEE: There were none.

CLOSING: Rep. Poulsen closed the hearing.

ACTION ON HOUSE BILL 532: Senator Mike Walker MOVED that HOUSE BILL 532 BE CONCURRED IN. The MOTION PASSED UNANIMOUSLY. Sen. Walker was assigned to CARRY THE BILL on the Floor of the Senate.

CONSIDERATION OF HOUSE BILL 561: Representative Bruce Simon, Billings, District #91, sponsored the bill to change the method of establishing salaries for elected county officials. The problem, he said, was that one individual might control the board of county commissioners and punitive action in the form of a salary decrease could occur on an individual basis. This bill provides for uniform raising or lowering of salaries e.g. a 5% raise for all county officials. The salaries presently provided by state law would remain in force as a basis for the changes. It was felt there should be a provision written in to allow certain positions to be raised should the workload of that position increase and, therefore, he had amendments to propose. See Exhibit 1. If the county felt there was a need to look at a workload-salary raise, they could call for a salary commission for

study. This bill and amendment will allow the counties the latitude of raising or lowering salaries as they see fit and can afford. He urged consideration by the committee.

PROPONENTS: Gordon Morris, Montana Association of Counties said MACo had a salary committee for 18 months to look at the various options dealing with this subject. The original approach MACo wanted was to ask for an option to locally set and determine salaries. That bill failed, but Mr. Morris felt HB 561 gave the same option. He distributed amendments proposed by MACo, attached as Exhibit 2. The amendments were mostly housekeeping in nature, but one dealt with removal of reference to a Public Safety Commissioner. There is only one such person in the state, in Toole County, and he felt reference should be removed.

Due to the related nature of House Bill 531, Chairman Crippen chose to combine the hearings of the two bills, so at this point of the meeting, he asked for the sponsor of House Bill 531 to present his bill.

CONSIDERATION OF HOUSE BILL 531: Rep. Orval Ellison, McLeod, District 81, presented the bill to allow county commissioners to close county offices or curtail county services for certain periods if they determine the county has insufficient funds for their adequate operation. This would exempt emergency services employees and provide pro rata salary reductions for elected county officers. In the past, the legislature has not always been able to fund the county governments sufficiently. This bill would allow them to cut costs and live within their means.

PROPONENTS: Carlo Cieri, Park County Commissioner, said counties are having a shortage of money due to cutbacks at the state and federal levels. He said employees could come in at 10 o'clock and work until 5 p.m., working six hours instead of 8, and the public would still be served. He said the state has done the same thing at the universities, and he thought it would work at the county level.

Gordon Morris, Montana Association of Counties, felt the bill was very simple, giving county commissions the managerial responsibility in terms of a determination of financial exigency to alter or vary the hours the county offices are open. Present state law requires the county courthouses to be open 8 hours per day, 5 days a week. This bill is not coercive or threatening, it simply allows an option.

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Rep. Tom Hannah spoke as a proponent, saying the bill as amended is a very workable bill and disagreed with those who opposed it. He said if the bill is read carefully they will understand that it will give the commission a tool with which to work.

OPPONENTS TO HOUSE BILLS 531 and 561: Marvin Barber, Montana Assessors Association, said he was opposed to both bills. He feels statute should remain as it presently exists. He distributed packets of letters from various county officials throughout the state who also opposed the bill, and which are attached as Exhibit 3. He said the County commissioners office can be closed, but it was necessary for all other offices to remain open for the 40 hour week.

John Harrison, lobbyist for the Montana Clerks of Court Association and the Montana Peace Officers Association, said his objection to HB 531 was the filing of liens with different hours at different courthouses would be a problem difficult to accomodate. He also felt it was important for the courts to be open for the filing of documents and, in particular, the Clerk and Recorder. The employees are career people and there are benefits and salary at risk. It would not be fair to dictate to them in this manner. In relation to House Bill 561, he said he was in favor of the amendments brought in. However, if left as brought in with the bill, a circuitous problem would exist which needs to be addressed. He said 7-25-03 should be reinstated if the amendments are adopted. Both groups he represents oppose both bills on the grounds there are many possibilities of political abuse.

Chuck O'Reilly, Lewis and Clark County Sheriff and member of the Board of Directors of the Montana Sheriffs and Peace Officers Association, spoke in opposition to both bills. In regard to HB 531, he felt there would be an increase in unionization as county employees would gravitate toward anything that would protect their jobs, and he said it would be illegal to close the county jail if there were any prisoners. As to HB 561, he feels there are still problems and suggests further study and proposal of a different bill in 2 years. See Exhibit 4.

Greg Jackson, representing the Montana Clerk and Records Association, said they oppose HB 561 and agreed with Mr. Morris' amendment. He also felt the uniformity issue had to be studied further and feels voters will take a look at

performance rather than a salary commission. He said if the committee does pass HB 531 out of committee, it should be amended to protect the liability of elected officials in the performance of their statutory duties.

Ed Laws, Stillwater County Attorney and president of the Montana County Attorneys' Association, said in first, second and third class counties, there are 20 part-time county attorneys partially paid for by the state, and you will be shifting to those counties approximately \$30,000 in salaries. The bill also eliminated the requirement for a full time county attorney in cities over 30,000 in population, which could give Billings, Great Falls and Missoula part time County Attorneys. He also opposes the loss of longevity pay (p. 8, line 9), which tends to keep the county attorney in county service rather than making it a training ground for other positions. The decision to charge is a responsibility of the County Attorney, and if a county attorney is an employee of the county, he might be reluctant to charge a county commissioner if he sees abuse, because that commissioner might have the authority to cut his salary.

Robert Deschamps, Missoula County Attorney and lobbying for Montana County Attorneys' Association, opposes HB 561. The County Attorney is a watchdog on behalf of the state over local officials. During his term in the county attorney's office, he had occasion to prosecute 3 county commissioners, and assured the committee it creates unbelievable tension. This bill would destroy what it has taken 20 years to develop - uniformity in part time and full time county attorneys and longevity pay.

Terry Minow, representing the Montana Federation of Teachers and State Employees, County Employees in Jefferson and Silver Bow Counties, said the bill will primarily affect nonunion employees and elected officials and agreed it could create unionization. She said her organizations prefer positive steps in funding rather than cuts in pay and services.

Harlan Lund, county surveyor for Yellowstone County, opposed HB 531 and presented written testimony as Exhibit 5.

Eleanor Collins, representing Montana Association of County School Superintendents Association, opposes HB 531 and HB 561, and presented written testimony which is attached as Exhibits 6 and 7.

John Mather, Great Falls, rose in opposition of HB 531 and HB 561 for the same reasons mentioned by previous opponents.

John Poundstone, Clerk of Court of Beaverhead County, appeared as a representative of the Legislative Commission of the Montana Association of Clerks of Court in opposition to the bills. He believes there should be local control and has worked with MACo and other groups on legislation, but felt this bill still needs work. As to HB 531, he did not oppose it in the House hearing because he felt it was such a bad piece of legislation he thought it "wouldn't last 5 minutes".

Cort Harrington, lobbyist for the Montana County Treasurers' Association, said the county commissioners should not have control over hours as they don't know all the details about how a county treasurer's office is run. He presented written testimony from May Jenkins, Yellowstone County Treasurer, which is attached as Exhibit 8. He also presented Exhibit 9, which is testimony of Jim Haynes of the Montana Magistrate's Association, who was unable to be present for the hearing.

Mike Keating, business agent for the Operating Engineers Local #400, presented written testimony, which is attached as Exhibit 10.

Jake Printz, Sheriff of Ravalli County, spoke in opposition of both bills.

Larry Stollfuse, Fort Benton, Chouteau County Superintendent of Schools, and also representing other elected officials in his county, said the duties are set by statute and felt the salaries should be as well. He said the bill would be a salary freeze bill and urged it not be supported. It would infringe on voters' rights.

Charmaine Fisher, Clerk of District Court in Yellowstone County, said county employees are not immune to political aspects that might occur if this statute is changed. She opposed the bill.

Wilma Jensen, superintendent of schools in Teton County, spoke in opposition of both bills and said it would create a condition making it difficult to secure qualified persons

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as county officials, including superintendents of school. She felt the stipulation for a salary commission would destroy stability and continuity in the county offices.

Shirley Isbell, Hill County School Superintendent, said she works 10 hours a day, but will not work 10 hours for 5 hours pay. She said she has cut expenses by \$12,000 and can't cut further.

Tim Solomon, sheriff at Havre, and speaking for the Peace Officers Association, said he opposed both bills.

Greg Groepper, Administrator of the Property Assessment Division, asked to give a technical comment on HB 561. As originally written, the bill had a separate clause for elected assessors and deputies because the state funds 100% of the assessors' salaries and 70% of the deputies' salaries. According to the way the bill reads as amended, whatever salary is set by the county commissioners for the assessors and deputies would be the state's responsibility.

QUESTIONS FROM THE COMMITTEE: Senator Harding asked why there was dissatisfaction with the present statute as it is set up with the salary commission. Gordon Morris said MACo supported HB 338 and are now supporting HB 561. In 1985, this bill appeared in the House but didn't make it to the Senate. He said they didn't participate at that time, but there were many complaints about the system which continued. This bill evolved out of the complaints.

Spokesman for the Treasurers' Association, Mr. Harrington, said they are happy with the present system, but if it is to be returned to the local level, they hope it is assigned to a salary commission rather than the county commissioners.

Mr. Barber said the County Assessors are happy with the current law.

Due to a time constraint for the sponsor of House Bill 492, the chairman interrupted the hearing on HB 531 and HB 561 to hold the hearing for House Bill 492.

CONSIDERATION ON HOUSE BILL 492: Rep. Joan Miles, Helena, House District 45, presented the bill saying it had nothing to do with local government, but proposed to raise fees regarding automobile titles. The state is looking for new ways to raise money to take the burden off the General Fund. This bill would increase the fee for issuance of an original certificate of ownership and transfer of title,

the fees for replacement of a lost certificate, fees for filing of security interests, and the fees for registration of vehicles. She submitted a sheet showing the fiscal information on her bill, attached as Exhibit 11.

PROPONENTS: Larry Majerus, Administrator of the Motor Vehicle Division, said one of the reasons for this bill was the state would receive federal matching funds for anti-drug enforcement. He said \$1 of the title fee will stay in the county for the processing of titles. He urged support saying the title fee had not been raised since 1965 and is not generating enough money to fund programs it is supposed to fund.

OPPONENTS: There were no opponents.

QUESTIONS FROM THE COMMITTEE: There were no questions.

Rep. Miles closed the hearing on House Bill 492.

CONTINUATION OF THE QUESTION PERIOD ON HOUSE BILL 561:
Senator Beck asked if the reason for the bill was to solve the financial problem caused by I-105. Mr. Morris said the bill wouldn't resolve the \$1 million loss in revenue sharing, but it is a tool counties can use in addition to the salary freeze provided in last year's special session.

In closing, Rep. Simon said the bill was an attempt to provide the county commissioners options they can use if they see the need. He suggested all opponents carefully study the bill and said they will find it answers most of their objections. Some counties have lower populations and thus, certain county officials will have somewhat different duties. Problems are indigenous to the 56 different counties. County commissioners are in the same courthouse with the county officials and know the problems and how to solve them. Complaints about the present system led to the drafting of the bill and he urged the committee to seriously study it.

CONTINUATION OF THE QUESTION PERIOD OF HOUSE BILL 531:
Senator Eck asked if the cities have the authority to adjust hours county offices keep at present. Allen Tandy, City Manager of Billings, said a charter city with self-governing powers such as Billings has that power.

Senator Vaughn said she had a considerable amount of mail from title companies complaining about the possibility of shorter hours in the court houses. Mr. Morris said commissioners will have to take the needs of citizens into account when they shorten hours.

Senator Harding asked if savings on heat and lights was a consideration in the forming of the bill. Rep. Ellison thought utility savings would be minimal. He envisioned consultations between the commissioners and each department and a determination made on how savings could be effected.

Senator Beck said it would be very difficult for Class 1 county offices even to close for one day a week. Mr. Morris disagreed with the assumption that you can distinguish the needs of large counties from the need to close the courthouse to save funds. Large counties may need to effect savings as well as small ones.

Senator Beck asked how the bill would affect protective services, such as police and fire. Mr. Morris said you cannot close the jail or sheriff's department, as they need to provide services 24 hours a day; but you could change hours from 9 to 3 or 7 to 2.

Senator Eck said the bill refers to collective bargaining being allowed. Mr. Morris thinks the likelihood is virtually nil, but said if they did go into collective bargaining, they would hope to have a RIF (reduction in force) provision written into the contract.

In closing, Rep. Ellison said the curtailment of salaries was an option to the county commissioners that probably wouldn't be used very often. Even the Governor has given state departments orders to cut budgets. This would give county commissioners that option and flexibility.

EXECUTIVE SESSION

ACTION OF HOUSE BILL 762: Karen Renne distributed amendments suggested by Alec Hansen of the League of Cities and Towns, which is attached as Exhibit 12. She said the amendments refer to "persons or businesses or their successors in interest", so a new purchaser of property in the annexed area would be treated the same as the previous customer. Amendment #5 came from Allen Tandy, who said the city felt if new construction was built, the city should be able to serve the new resident, and thus the reason for the amendment. He feels it is totally inequitable for the legislature to mandate what should go on in Billings.

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Rose Skoog, appearing for the Montana Solid Waste Contractors Association, sponsoring organization of the bill, said the bill in its current form was intended to clarify the original legislation. Current law says the private hauler may continue to serve the "entire annexed area", but the court opinion added "individual customers" in place of "entire annexed area". If the private garbage hauler is able to collect from the entire annexed area, they are able to do so at competitive prices with the city; but, if resident's garbage within the area is collected by the city, the hauling becomes more expensive.

Senator Walker said a subdivision could develop in an area and surround a single farm home. This would allow the annexed area to be collected by the private hauler for five years - perhaps 200 homes. He disagreed with this being done.

Senator Hammond felt the amendment might cause friction and Mr. Tandy said there already was tension because of the problem. He hoped there might be some long term relief for the situation. There is constantly a situation where we have requests for city trucks to haul in areas that are serviced by the private haulers.

Senator Pinsoneault said he had received letters from residents of the annexed areas asking why they had to stay with the private haulers and expressing a desire to use the city garbage service. They complained because the private service costs more.

Sue Weingartner, lobbyist for the garbage haulers, admitted in some cases the private service did cost more, but said it also cost less in some cases.

Dennis Johnson, private hauler, said if a resident was out of town and cancelled the service for a month or for the winter, he wasn't charged for the service. But, whether or not a user of the city service was out of town for any period of time, they still paid each and every month.

Senator Hammond asked if the private haulers were allowed to compete for customers within the city limit. Mr. Johnson said there was a city ordinance preventing that. According to Public Service regulations, you have to prove a need or you can't get a permit to operate. Senator Walker said there is competition between city hauling and private hauling in Great Falls.

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Senator Eck asked to what extent the Public Service Commission establishes rates. Mr. Johnson said the rates were not set by the Commission. Competition tends to set the rates.

Senator Vaughn asked if any suggestions had been offered that you bid to haul the entire city of Billings. Mr. Johnson said no, but it was a national trend and he felt they could be competitive.

Mrs. Skoog said in Billings the City has actively attempted to compete with the private haulers, and that was the reason for this bill.

Senator Eck said one letter indicated the city had aggressively circulated petitions. Mrs. Skoog said it was her understanding that whenever someone in an annexed area would move, the city would approach the new resident, even though the 5 year period was not over. The new resident was not completely informed of the fact the city was not supposed to collect in that area until the 5 years was over.

Mr. Tandy said the Supreme Court had ruled "or new construction" was the law and that it was legal for the city to approach a new house owner and arrange for city collection.

Sue Weingartner said there is a companion statute stipulating if the city intends to take over the entire city, they must give the private haulers 5 years notice to that effect.

Senator Pinsoneault asked if a private hauler could haul competitively, why wouldn't the city let him do it. Kay Foster, Billings city councilwoman, said the city had requests for the city service, and that the city makes little money and uses it for other city costs.

Chairman Crippen said the "area" seemed to be the problem and hoped some common ground could be found between the two opposing sides.

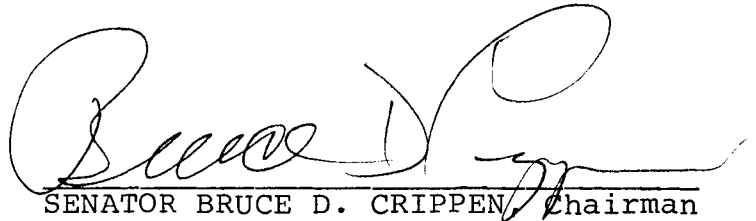
Because the Senate was ready to go into session, further discussion on the bill was postponed.

The meeting adjourned at 2:55 p.m.

Following the meeting, Mr. Donald L. Bidwell, President of

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Montana Association of County School Superintendents
presented testimony on House Bill 531 and House Bill 561
and asked that it be included in the minutes. His
testimony is attached as Exhibits 13 and 14.



SENATOR BRUCE D. CRIPPEN Chairman

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ROLL CALL

SENATE LOCAL GOVERNMENT

COMMITTEE

48th LEGISLATIVE SESSION -- 1987

Date 3-17-87

SENATE
SEAT

#

NAME	PRESENT	ABSENT	EXCUSED
<u>Chairman Bruce Crippen</u>	X		
<u>R. J. Pinsoneault</u>	X		
<u>Tom Beck</u>	X		
<u>Dorothy Eck</u>	X		
<u>H. Swede Hammond</u>	X		
<u>Ethel Harding</u>	X		
<u>Les Hirsch 1</u>	X		
<u>Peter Story</u>	X		
<u>Eleanor Vaughn</u>	X		
<u>Mike Walker</u>	X		

Each day attach to minutes.

DATE March 17, 1987

COMMITTEE ON

Local Government

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Mike Schafie	MSPTZ	HB 561		X
R.L. Deekampott	Mont. Co. Atty Assn	HB 531		X
C. Ed Laws	MT. Co. Atty Assn	HB 561		X
Cort Hamilton	Mont. County Treasurers Assn	HB 531		X
Lerna Frank	MT. Farm Bureau	HB 561	X	
John & Mary	Teamsters Local #45	531		X
Cynthia Clifford	UFCW	531		X
Mildy Haggate	Clark Co. Treasurers	531		X
Bessie Spurgeon	MT Co Treasurers Association	561		X
Mike Keating	Fool #400	HB 531		X
Al Kay McKinn	MAOSS	HB 561		X
Valley School	Valley Co. Sup.	HB 531		X
Terry J. Mow	MT Fed State Employees	HB 531		X
Marilyn Baker	Clerk of Courts	HB 561		X
Barbara Brown	Justice of the Peace	HB 531		X
Julia E. Egan	MAOSS	HB 531		X
Sharon Estada		HB 561		
Russ M. Lean				

COMMITTEE ON

DATE

March 17, 1987

Local Government

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Greg Jackson	MT Clerk & Recs Assoc	HB 561 HB 531		✓
Marvin Barber	mt assessors assoc	HB 561 HB 531		✓
Dona A. Robinson	Clerks of Court Assoc	HB 561 HB 531		✓
John Browner	Clerks of Court Assoc	HB 561 HB 531		✓
Vally Jo Henehorn	Clerk of Court Assoc	HB 561 HB 531		✓
Carol L. Schott	Co. Supt. of Schools	HB 561 HB 531		✓
Uta L. Schalter	Clerk & Recorder	HB 561 HB 531		✓
John Becken	Assessor	HB 561 HB 531		✓
Clara Heluath	Clerks of District Court	561 531		✓
Shirley Ann Tupper	Clerk of District Court	561 531		✓
Beverly Bennett	Clerk of Courts Assoc	561 531		✓
Helen French	Yellowstone County	561 531		✓
John D. POUNDSTONE	CLERK OF COURT, BEAVERHEAD COUNTY LEG COMM - MT ASSOC CLERKS OF COURT	561 531		✓
Jordan Morris	MTA Co	561 531	✓	
CARLO CIGZI	PARK CO COMM	531	✓	
JUNE LITTLE	PARK COUNTY - CLERK OF COURT	561 531		✓
Eleanor Callen	Co. Supt. Schools Assoc	561 531		✓
Tyler Sologon	Sheriff	561 531		✓
David Burns	Comm - Yellowstone County			✓
WE Stevenson	Jefferson Co officials	561 531		✓
Larry Stoll	Montana Co.	561 531		✓
Philomena Hansen	Teton Co. Supt. Sch	531 561		✓
Jeanne Wilson	Cascade Co Supt. Sch	531 561		✓
Theresa	Lobbyist mt Mag. Court	531 561		✓
John Smith	Rawlins Co. Sheriff	531 561		✓
Chuck O'Reilly	L & C Co. Sheriff	531 561		✓

(Please leave prepared statement with Secretary)

Amend House Bill 561, Third Reading (blue) Copy
Rep. Simon

1. Title, line 7.

Following: "BE"

Insert: "UNIFORMLY"

2. Title, line 8.

Following: "BODY;"

Insert: "PROVIDING FOR A COUNTY SALARY COMMISSION TO PROPOSE NON-
UNIFORM SALARY CHANGES WHEN REQUESTED BY THE BOARD OF COUNTY
COMMISSIONERS;"

3. Page 10, line 16.

Following: "compensation"

Insert: ": (a)"

Following: "1987"

Insert: "; or

(b) set pursuant to the recommendations of a county
salary commission in [section 5].

NEW SECTION. Section 5. County salary commission --
formation -- adoption or rejection of proposals. (1) The
board of county commissioners may change salaries of elected
county officials in a nonuniform manner by adopting a salary
schedule proposed by a county salary commission. The board
may provide for the establishment of a salary commission not
later than February 1 to propose salaries for the fiscal
year beginning July 1.

(2) The county salary commission consists of the
following five members selected in the following manner:

(a) One county commissioner who is selected by the
board of county commissioners.

(b) Two elected county officials other than county
commissioners who are selected by all elected county
officials other than county commissioners.

(c) Two county residents who are not elected county
officials and who are appointed by the district judge, or
the chief judge in a multijudge district, from a list of six
or more county residents submitted by a majority vote of the
three commission members selected pursuant to subsections
(2)(a) and (2)(b). The list of six must be compiled after
advertising the vacancies and considering all applicants.

(3) The commission shall determine the appropriate
compensation for each of the elected county officials.

(a) The commission shall designate one of its members
as chairman at its initial meeting.

(b) Meetings of the commission may be held upon the
call of the chairman, but at least two meetings attended by
a majority of the members must be held before the commission
may issue the report prescribed in subsection (4). All
members must be present for the final vote proposing
compensation. All meetings of the commission are open to the
public as provided in Title 2, chapter 3, part 2.

(c) Members of the commission may receive no compensa-

tion other than for actual and necessary expenses incurred in their official capacity.

(4) The level of compensation proposed by the commission must be submitted to the board of county commissioners in the form of a report on or before May 1. The board of county commissioners may adopt the proposal of the commission or may reject the proposal.

(a) If the board of county commissioners adopts the compensation proposal the board has set the compensation exactly as proposed for all elected county officials. The board may not adopt or reject a part of the proposal. The compensation set by the adopted proposal becomes the level of compensation that may be changed in a uniform manner by the board of county commissioners under 7-4-2503(2) and supersedes the 1987 level or any level from a compensation proposal that had been previously adopted.

(b) If the compensation proposal is rejected, the board of county commissioners must set the compensation for elected county officials under the provisions of 7-4-2503 for the following fiscal year."

Renumber: subsequent sections

MONTANA
ASSOCIATION OF
COUNTIES

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

SENATE LOCAL GOVERNMENT
FILE NO. 2
DATE 3-17-87
BILL NO. HB 561

PROPOSED AMENDMENTS TO HB 561 THIRD READING COPY - Representative
Simon

Line 9 of title to be changed to read as follows:

7-32-2503, 7-4-2505, 7-4-2706, 7-14-2126 AND 7-14-2610, ~~and~~

Line 10 of title deleting as follows:

7-32-~~104~~ MCA: REPEALING SECTIONS 7-4-2107, 7-4-2504,

Page 11, line 19 should read:

~~paid-the-deputy-clerk-and-recorder~~ as provided in 7-4-2503 2505."

Page 13 - delete lines 1 through line 10.

SERVICE TO THE GOVERNMENT
EXHIBIT 3
DATE 3-17-87
BILL NO. HB 5314
561

(a packet of 51
letters)

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 4, p. 1
DATE 3-17-87
BILL NO. HB 531

March 9, 1987

Senator Bruce Crippen, Chairman
Senate Local Government Committee

Dear Senator Crippen and committee members:

Please accept this letter as my opposition to HB 531. This bill would provide for head-to-head confrontations among all elected county officials and could divide county government when unity is most needed . . i. e. during times of financial crisis! In a worst case scenario this bill provides for all types of unprofessional conduct including pitting friendships against each other, favor collecting, blame placing, public squabbling and the like.

I am confident it will also cause an increase in unionization throughout the counties that currently have no union contract. The county employees will gravitate to what they perceive to be a strong power base to protect their jobs and the services they provide.

This bill will also place individuals in untenable and/or illegal situations. For example, Sheriffs are required by law to provide for keeping a jail. When you have prisoners in it then you can't close down for one or two shifts per day because your personnel's hours were cut! If county commissioners decide to cut law enforcement hours in any amount, what liability ensues when a homicide call, an injury incident call, or thousands of others that do occur comes in and we can't respond due to no personnel on duty and no salary monies are available to call them out?

It would appear to me that county commissioners currently have all the authority they need to establish budget levels for county officers and with proper planning being conducted it

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 4, P. 2
DATE 3-17-87
BILL NO. HB 531

Senator Bruce Crippen
3/9/87
Pg. 2

would prove HB 531 to be unnecessary. Additionally current law provides for a public hearing to be held on the county budget and HB 531 does not. This effectively destroys citizens rights regarding input into the operation of their county's government.

I am sure if I had the time I could write several pages regarding the evils of HB 531, but hopefully this will suffice.

Please vote against passage of this bill.

Thank you,

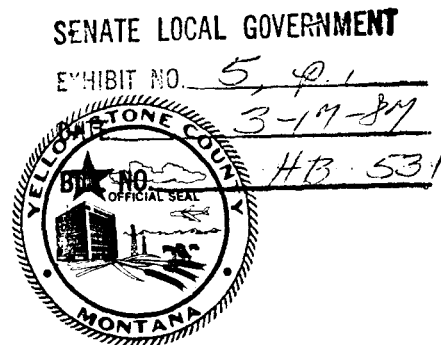


CHARLES M. O'REILLY, Sheriff

cmo:ss

County of Yellowstone

OFFICE OF THE SURVEYOR
HARLAN M. LUND, SURVEYOR



P.O. Box 35023
Billings, Montana 59107

March 16, 1987

Good afternoon, Mr. Chairman and members of the Committee. My name is Harlan Lund, I am the County Surveyor for Yellowstone County, and I am here to speak in opposition to House Bill 531. My comments represent the views of myself and the following elected officials of Yellowstone County:

Mert Klundt - Clerk and Recorder

H. C. Buzz Christensen - Superintendent of Schools

Charmaine Fisher - Clerk of District Court.

James Ziegler - Auditor

May Jenkins - Treasurer

This bill would allow the Board of County Commissioners to use the authority to close a County office or reduce its hours of operation or staffing, using the guise of shortage of funds or lack of work. In reality, the members of the Board usually know very little about the functions of the various County offices, the level of service provided, or the work load imposed upon those offices.

Speaking now only for the office of the Yellowstone County Surveyor, our department has been given responsibility for, in addition to the statutory requirements of certain surveys and management of the County Road and Bridge Department, Examining Land Surveyor, Technical Advisory Committee, Flood Plain Administrator, Rural Address Program, review County subdivision plats, Rural Special Improvement District review, administer repair for rural water and sewer mains and issue house-moving permits.

March 16, 1987
Page 2

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 5, p. 2
DATE 3-17-87
BILL NO. HB 53

There is a very real concern that the Board could use this power as a punitive weapon, or as a threat to use this power, against any other elected official because of personality and/or political differences. Any elected official would be subject to retribution by the Board if he did not submit to their wishes or if he opposed them in any way.

We believe that the Board's control of each department's annual budget gives it all the authority it requires to efficiently administer the County. This bill would open the door to the very real possibility of an abuse of power and an erosion of the quality of essential services to the public which we serve. I therefore very respectfully request that you vote against House Bill 531.

SENATE LOCAL GOVERNMENT
EXHIBIT 6
DATE 3-17-84
HB 561

MONTANA ASSOCIATION OF COUNTY SCHOOL SUPERINTENDENTS

HB 561

Position: OPPOSE

We are opposed to HB 561. The duties of elected officials are mandated by statute and the officials are elected by the local people to perform these duties. Allowing County Commissioners to set salaries would place elected officials in the same position that members of this committee would be in if the Governor were to set their salaries. Preposterous! Think about it. Under the present system elected officials serve the people who elected them. If this bill were to pass elected officials would be placed in a position of serving County Commissioners. Many of us are placed in adversarial positions with County Commissioners because of the mandated duties of our office. For example, the County Superintendent, as hearing officer of the county schools, are sometimes in positions opposite those of County Commissioners. The political implications of County Commissioners setting salaries cannot be ignored.

Secondly, County Commissioners are unfamiliar with the duties of other elected officials. These duties have changed drastically over the years. The duties have never decreased but have been greatly expanded and increased as have the duties of legislators. The perception of County officials duties in the past has been that County Commissioners paved and plowed roads, Treasurers sold liscence plates, Clerk and Records registered voters, Clerk of Courts sold marriage liscences and County Superintendents supervised small rural schools. Unfortunately, County Commissioners perceive other elected officials as having the same duties as they had thirty years ago. I have heard the same coment about County Superintendents made in the hearing before the House Local Government Committee a few weeks ago. I would like to spend several hours with that Commissioner telling him that times have changed. This lack of knowledge of what elected officials do is not a small isolated problem, it is a big problem in the majority of the counties.

This lack of communication between County Commissioners and elected officials is a major problem. For years we asked to meet with County Commissioners once a month to discuss our duties and major problems we were having in a relaxed informal atmosphere as equals. Some of the larger counties have meetings with the elected officials but they have a set agenda set by County Commissioners. In 90% of the counties there are no meetings and no discussion. During the ten years I was an elected official I was never called upon to discuss my budget with the Commissioners. The larger Counties are supporting this bill and will state that they have meetings, etc. I urge you to listen to the other 50 counties elected officials concerning the problems this bill will create.

Finally, there are County Superintendents and other officials in the majority of the counties who have no secretarial help and are doing the same duties as those is larger counties. There is already some resentment in the discrepencies in the salaries. There will be 56 different salary schedules if this bill passes and the dissention between elected officials will be tremendous. Please do not pass this bill.

MONTANA ASSOCIATION OF COUNTY SCHOOL SUPERINTENDENTS

SENATE LOCAL GOVERNMENT

HB 531

EXHIBIT

1

Position: Oppose

DATE 3-17-87

Bill across HB 531

We oppose HB 531. Many of the elected officials across the state do not have any secretarial help in their offices, or their staffs have already been cut entirely or are on a part-time basis. There are simply not enough hours in the week at the present time to perform all the duties of the office.

We are beginning the budgeting process in the County Superintendents office now. I am not talking about a budget but a budget that includes a General Fund Budget, a Transportation Budget, Retirement, Tuition, Building Fund, School Food, Adult Education, and so on budgets. If there are ten schools in the county, the County Superintendent is looking at approximately 100 budgets to complete. This does not include just the levy portion of the budget. In the meantime the Trustees Report must be prepared which is a line by line item accounting of those 100 budgets. If they are not prepared by Sept. 1, the Office of Public Instruction writes the County Commissioners and asks that the salary of the County Superintendent be withheld until the budgets and trustees report are in their office. In the combined office this sanction is not placed against the Treasurer or Clerk of Court. While the budgeting process is going on we are checking out teachers and checking all registers. Before they are finalized we are ordering materials for school, hiring teachers, holding teacher meetings before school starts, etc., etc., etc., I am sure that each office represented here can verify that it would be impossible to perform the duties of the office in four days time. We have the threat of not being paid if we don't perform our duties, what about the other offices? If we don't perform our mandated duties what about the liability question?

Temporary closure of the offices will also result in the loss of any highly trained deputies and clerks that are left in the offices. The deputy in my office was responsible for all the trustees reports and financial reports from the schools. She is presently computerizing all the data for many of the reports. If her hours are cut and her salary prorated she will find another job. These technically trained people are not seeking part-time employment and elected officials will be constantly seeking and training people.

Decisions for closing particular offices can be politically motivated. In my testimony on HB 561 I mentioned the adversarial position some elected officials are placed in with County Commissioners and also the lack of information that County Commissioners have concerning the duties of the offices.

Okay, so we take our work home because the present bill says our salary won't be prorated. We're already taking some of it home or coming back on week-ends to do it. What about the access of the public official to the people in the county? There are things that must be taken care of immediately, and not tomorrow or next week when the office is open. Again I ask you to consider the liability of the elected official for not performing their duties.

Eleanor Collins

County of Yellowstone

TREASURER

P.O. Box 35010
Billings, Mt. 59107

March 13, 1987

Senator Mike Walker
Capitol Station
Helena, MT 59620

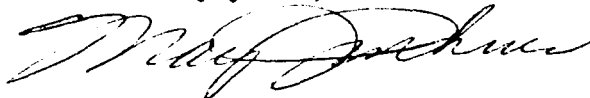
Senator Walker,

I'm writing in opposition to HB 531 and HB 561. Reasons are many but here are a few:

1. Experience has shown County Commissioners know little of the elected officials duties and performances.
2. Decisions could be based on personality and or political views.
3. Brown nosing or pressure could become a way of life among co-workers.
4. The elected officials are elected by the people and should be answerable to the public not County Commissioners.

Thank you and please vote in opposition.

Sincerely yours,



MAY JENKINS
Yellowstone County Treasurer

MJ/jh



SENATE LOCAL GOVERNMENT
EXHIBIT NO 8
DATE 3-17-87
HB 531 & 56

County of Yellowstone



SENATE LOCAL GOVERNMENT

EXHIBIT NO.

8

3-17-87

BILL NO. HB 531 & 5

TREASURER

P.O. Box 35010
Billings, Mt. 59107

March 13, 1987

Senator Dick Prinsoneault
Capitol Building
Helena, Mt. 59601

Senator Pinsoneault,

I'm writing in opposition to HB 531 and HB 561.
Reasons are many but here are a few:

1. Experience has shown County Commissioners know little of the elected officials duties and performances.
2. Decisions could be based on personality and or political views.
3. Brown nosing or pressure could become a way of life among co-workers.
4. The elected officials are elected by the people and should be answerable to the public not County Commissioners.

Thank you and please vote in opposition.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "May Jenkins".

MAY JENKINS
Yellowstone County Treasurer

MJ/jh

RE: Testimony opposing H.B. 561 (Rep. Simon) & H.B. 531 (Elison)
FROM: Jim Haynes, Montana Magistrate's Association Lobbyist
DATE: March 17, 1987

H.B. 561 currently attempts to accomplish at least two goals opposed by the Magistrate's Association:

1). Reduction in the salary of Justice of the Peace, Page 2, Section (4), Lines 10-14. J.P.'s salaries are tied to the salary level for Clerks of District Court. If the Clerks of Courts salary is reduced by the County Commissioners, the J.P.'s salary will automatically be reduced.

Proposed Amendment, Page 2, Line 11

~~"diminished during his term of office" or by operation of [Section 4] 7-4-2503~~ and may not be less *on below 1986-1987 salary levels*

2). Circumvent H.B. 380 (establish County Salary Commission) and resurrect H.B. 338 (County Commissioners to set salaries), both previously tabled in committee. The Magistrates Association only supports H.B. 561 with the above proposed amendment and amendments allowing a county salary commission to uniformly set salaries.

or non-uniformly

3) *See current freeze on salaries § 7-4-2504 M.C.A.*

H.B. 531

Need To ADD AMENDMENT PROTECTING ELECTED
OFFICIALS PERSONALLY FROM LIABILITY FOR FAILING TO CARRY OUT
THE STATUTORY REQUIREMENT OF DAILY OPERATION OF THEIR OFFICES,
OR OTHERWISE FULLY PERFORMING THEIR DUTIES DUE TO OPERATION
OF H.B. 531.

3-17-87

HB 531

MR. Chairman, members of the committee, for the record my name is Mike Keating, I am a Business Agent for the Operating Engineers Local 400, A State wide Local.

We feel HB 531 is a very sad piece of legislation, not just for the unionized County worker but also for the non union County worker.

This Bill is a step to tear down the rights received through Collective Bargaining, which currently in the State of Montana Code 39-31-101 states, it is the policy of Montana to encourage the practice and procedure of Collective Bargaining to arrive at friendly adjustment of all disputes between public employers and their employees, HB-531 would create a very unfriendly relationship between County Commissioners and their employees.

We all know the monetary problems of the County and other public agencies. This Bill would give our Commissioners the option's to set a 4 hr work day or a 4 day work week, which ever they wish. As far as the worker goes, he and she again are going to bear the brunt of the Budget deficits.

It will force the employee to seek other work either part time to fill what they loose from the County, or a full time 40 hr job else where. The County would force qualified workers through reduction of hours worked to possibly entail in County welfare, which is a step backwards. This would be a loss to the tax payer as well as the employer.

EX. 10, p. 2
3-17-8
HB 531

Our TAX Payers expect to have what's coming to them in the services of their County. HB 531 would limit that service just by not being open. Public offices and services have always worked the standard 40 hr work week for that very reason — to serve the public.

The MONTANA Code addresses this now under 39-31-303 #3 "Management rights", "the employer MAY relieve employees from duties because of lack of work or funds or under conditions where continuation of such work be inefficient and non productive," this feel already gives the County the option to relieve the employee due to lack of funds or work, which has been done in the past. If the employer feels they can justify the use of the clause it is their right, we would rather see this than the splitting of hours and days of the employees, this is one reason seniority is so important to the public employee.

We urge you to vote NO on HB 531, it's a bad Bill for the employee as well as the TAX PAYER.

Joan Nyles

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 11

DATE 3-17-87

BILL NO. HB 492

INFORMATION SHEET

HB 492

Under House Bill 492, revenue projection is as follows:

	Current Fee	Per \$1 Increase
Title	\$3 *	225,000
Duplicate	\$2	19,000
Lien	\$3	125,000
Registration	\$2	<u>865,000</u>
		\$1,234,000

*County keeps \$1

The Committee raised the title, duplicate title, and lien fees by \$1 and the registration fee to \$3 effective January 1, 1988. The title, duplicate title, and lien fees have not been raised since 1965 and the registration fee was last raised in 1979. Increased revenue from enacting this proposal would be:

	FY 88	FY 89
Title, Duplicate & Lien	\$184,500	\$369,000
Registration Fee	<u>519,000</u>	<u>865,000</u>
	\$703,500	\$1,234,000

Increasing the fees at this rate would provide funds to meet existing demands on the Motor Vehicle Recording Account and would provide matching funds for the federal anti-drug enforcement grant money. Designating January 1, 1988 as the effective date does not increase the burden on the counties for changing the fees on their computers since other adjustments must also be made January 1, 1988.

Senate Committee on Local Government

March 17, 1987

AMENDMENTS TO HOUSE BILL 762
(suggested by Alec Hansen)

1. Title, lines 7 through 9.
Following: "MUNICIPALITY;"
Strike: remainder of line 7 through "ANNEXATION;" on line 9
2. Page 1, line 25.
Following: "incorporates"
Strike: "additional area"
Insert: "an area where persons or businesses are currently"
3. Page 2, lines 4 and 5.
Following: "service to"
Strike: remainder of line 4 through "the area" on line 5
Insert: "those persons or businesses or their successors
in interest"
4. Page 2, line 8.
Following: "service to"
Insert: "the customers within"
5. Page 2, line 9.
Following: "and"
Insert: "who were receiving service at the time of
annexation or their successors in interest"
6. Page 2, lines 11 and 12.
Following: "if"
Insert: "the municipality may provide such service to
the persons and businesses receiving service from a
private carrier prior to annexation or to their
successors in interest only"
Following: "majority of"
Strike: "the residents"
Insert: "such customers or their successors in interest"
7. Page 2, line 17.
Following: line 16
Insert: "its existing customers in"
8. Page 2, line 18.
Following: "majority of"
Strike: "the residents"
Insert: "those customers or their successors in interest"

**Montana Association of
County School Superintendents**

March 13, 1987

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 13
DATE 3-17-87
BILL NO. HB 531

TO: Senate Local Government Committee Members
FROM: Don Bidwell, Powder River County Superintendent
RE: HB531

Any action of the legislature to allow control of one county elected office over all other county elected offices results in a serious question of constitutionality in my mind. I feel that allowing commissioners the ability to close offices under any circumstances would be tantamount to placing other officials in serious liability situations regarding required duties and responsibilities by Constitution and law.

A recent situation (March 9, 1987) in Powder River County where commissioners are attempting to consolidate or curtail office hours at an opportunity where an official (myself) will be resigning effective July 1, 1987, should serve as an example of how HB531 will be administered at the local level. I realize that financial concerns are real throughout the state, but elected officials swear to an oath to perform duties prescribed by law and curtailing hours will severely hamper any ability to perform such duties.

For these reasons, I urge you to kill HB531.

Sincerely,



Donald L. Bidwell
President, Montana Association
of County School Superintendents

DB:pdj

**Montana Association of
County School Superintendents**

March 13, 1987

SENATE LOCAL GOVERNMENT
EXHIBIT 14
DATE 3-17-87
BILL NO. HB 561

TO: Senate Local Government Committee Members
FROM: Don Bidwell, Powder River County Superintendent
RE: HB561

While I in principle endorse the concept of local control of salaries, I must object to this legislation as regressive and even oppressive. To return the power of salaries arbitrarily without safeguards of present levels or uniformity or regard to mandated duties would be irresponsible. As elected officials, county superintendents are required by laws too numerous to mention to provide services for schools and other agencies. I feel that having duties and responsibilities set by legislators, Office of Public Instruction, State Board of Public Education, and local school boards while allowing compensation to be set by county commissioners is inviting serious problems.

Any argument that salaries would probably increase rather than be drastically decreased is not valid if you consider past actions of commissioners in many counties including Powder River in regard to optional raises for certain qualifications or pay freezes as results of legislation passed in the June, 1986, special session. As long as your legislative branch controls duties, you have the responsibility to maintain control over compensation for the performance of those duties.

Sincerely,



Donald L. Bidwell, President
Montana Association of County
School Superintendents

DB:pdj

STANDING COMMITTEE REPORT

March 17

19 37

MR. PRESIDENT

We, your committee on Local Government

having had under consideration House Bill No. 532

Third reading copy (blue)
color

Poulsen (Walker)

ELIMINATE RECEIPTS BY COUNTY TREASURER FOR MAIL AND ELECTRONIC PAYMENTS

Respectfully report as follows: That House Bill No. 532

BE CONCURRED IN

~~XXXXXX~~

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

Senator Crippen

Chairman.