

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - 1st SPECIAL SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Chairman Darko, on June 27, 1989, at 7:35 a.m.

ROLL CALL

Members Present: All with the exception of:

Members Excused: Representative Jan Brown, Representative Good

Members Absent: None

Staff Present: Lee Heiman, Legislative Council

Announcements/Discussion: None

HEARING ON SENATE BILL 17

Presentation and Opening Statement by Sponsor:

Senator J.D. Lynch, District 34, stated that this bill is a result of a recent Attorney General's opinion requiring local governments to remain open forty-five hours a week. This bill would change the requirement for Class III cities and towns to remain open for as long as required to conduct the necessary business. Historically, these cities and towns have not remained open but the ruling now requires them to do so.

Testifying Proponents and Who They Represent:

Alec Hansen, Montana League of Cities and Towns
Rep. Norm Wallin, District 78
Rep. Gary Spaeth, District 84

Proponent Testimony:

Alec Hansen testified that there are many cities and towns across the state that do not have enough business to conduct to justify a 45 hour work week. The cost would also be quite exorbitant. The law was enacted in 1895. Cities and towns assumed that hours could be set by ordinances but the

Attorney General's opinion is contrary. This bill simply allows third class cities and towns to set their own operating hours by ordinance or resolution. A survey has shown that 98 small cities and towns would be affected seriously if this law were enforced.
Exhibit 1.

Rep. Wallin, District 78, stood in support of SB 17. The Mayor of Bozeman has written to him asking that the bill be passed.

Rep. Spaeth, District 84, stated that he represents 4 of the 98 towns that will be affected by this bill and is also the city attorney for those towns. Three of those towns would have to increase their budgets dramatically. The town of Bear Creek with a population of 38 has a total budget of less than \$10,000, mainly for the sewer and water system with \$1200 allocated for the operation of the town. Without this bill the cost of operating would be phenomenal.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Brooke asked Mr. Hansen what precipitated the Attorney General's opinion. Mr. Hansen responded that the City of Belgrade, a third class city, was considering staying open during the lunch hour and the possibility of flex-time (10 hours, 4 days a week). The City Attorney decided to check with the Attorney General's office to see if such an arrangement would be legal. That request resulted in the Attorney General's opinion.

Rep. Brooke asked if it had anything to do with the recent problem in Missoula of the municipal court meeting on Sunday. Mr. Hansen responded that Sunday is a legal holiday so there should be no court on Sundays.

Rep. Dave Brown asked Mr. Hansen what would prevent large cities from closing their offices in the name of cost savings and thus, preventing public access to those offices. Mr. Hansen responded that the bill, as written, only applies to third class cities and not to larger cities and towns.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

June 27, 1989

Page 3 of 3

Closing by Sponsor: Sen. Lynch closed. Rep. Harrington will carry the bill on the House Floor.

DISPOSITION OF SENATE BILL 17

Motion: Rep. Dave Brown moved that Senate Bill 17 BE CONCURRED IN. Rep. Wyatt seconded.

Discussion: None

Amendments, Discussion, and Votes: None

Recommendation and Vote: Senate Bill 17 will be recommended BE CONCURRED IN by a unanimous vote.

ADJOURNMENT

Adjournment At: 7:55 a.m.



REP. PAULA DARKO, Chairman

PD/td

110627A.min

DAILY ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

DATE 6-27-89

NAME	PRESENT	ABSENT	EXCUSED
BROOKE, VIVIAN	X		
BROWN, DAVE	X		
BROWN, JAN			X
DARKO, PAULA	X		
GOOD, SUSAN			X
GOULD, BUDD	X		
GUTHRIE, BERT	X		
HANSEN, STELLA JEAN	X		
HOFFMAN, ROBERT	X		
JOHNSON, JOHN	X		
MCDONOUGH, MARY	X		
NELSON, THOMAS	X		
REHBERG, DENNIS	X		
STICKNEY, JESSICA	X		
WALLIN, NORM	X		
WYATT, DIANA	X		



Zerri

STANDING COMMITTEE REPORT

"An Act to Allow the Governing Body
of a Third-Class City or Town
to Establish Hours for Municipal Offices"

June 27, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that
SENATE BILL 17 (third reading copy -- blue) be concurred in .

Signed: _____
Paula Darko, Chairman

[Rep. HARRINGTON will carry this bill on the floor]

SURVEY RE HOURS OPEN
June 16, 1989

EXHIBIT 1
DATE 6/27/89
SB 17

First Class Cities

City/Town	Hours and days open	Impacts of AG Opinion
Anaconda/Deer Lodge	8-5, Monday-Friday, except City-County Treasurer, 9-5	No immediate impact on most offices; would require rescheduling of employees to open Treasurer's window at 8 a.m.
Billings	8-5, Monday-Friday	No immediate impacts
Bozeman	8-5, Monday-Friday, except for certain offices closed 12-1	No immediate impact for most offices; some would require rescheduling of employees to remain open during lunch hour
Butte/Silver Bow	8-5, Monday-Friday	No immediate impacts
Great Falls	8-5, Monday-Friday	No immediate impacts
Havre	8-5, Monday-Friday	No immediate impacts
Helena	8-5, Monday-Friday, except for some offices closed 12-1	No immediate impact on some offices; some would require rescheduling of employees to remain open during lunch hour
Kalispell	8-5, Monday-Friday	No immediate impacts
Missoula	8-5, Monday-Friday	No immediate impacts

SURVEY RE HOURS OPEN
June 16, 1989

Second Class Cities

City/Town	Hours and days open	Impacts of AG Opinion
Glendive	8-12, 1-5 Monday-Friday	Stagger employees' lunch hours to remain open from 12 to 1
Lewistown	8-5, Monday-Friday	No immediate impacts
Livingston	8-5, Monday-Friday	No immediate impacts
Miles City	8-5, Monday-Friday	No immediate impacts

SURVEY RE HOURS OPEN
June 16, 1989

Third Class Cities

City/Town	Hours and days open	Impacts of AG Opinion
Baker	8-5, Monday-Friday	No immediate impacts
Belgrade	8-5, Monday-Friday	No immediate impacts
Big Timber	8-5, Monday-Friday	No immediate impacts
Chinook	8-12, 1-5 Monday-Friday	Stagger employees' lunch hours to keep office open during lunch hour
Choteau	8-12, 1-5 Monday-Friday	Stagger employees' lunch hours to keep office open during lunch hour
Columbia Falls	8-5, Monday-Friday	No immediate impacts
Conrad	8-5, Monday-Friday	No immediate impacts
Cut Bank	8-5, Monday-Friday	No immediate impacts
Deer Lodge	8-5, Monday-Friday	No immediate impacts
Dillon	8-5, Monday-Friday	No immediate impacts
East Helena	9-5, Monday-Friday	Change employees' hours to open office an hour earlier
Fairview	8-12, 1-5 Monday-Friday	Would require hiring part-time help to cover lunch hour, which would involve more than one hour per day. Don't know where funding would come from; things now that cannot be funded because of I-105.
Forsyth	8-12, 1-5 Monday-Friday	Will require hiring part-time person. With general fund and utilities, reserves are low; hard to say if possible to fund position
Fort Benton	8-12, 1-5 Monday-Friday	Reschedule employees' hours to remain open or hire part-time help; rebudget to cover costs.
Glasgow	8-12, 1-5 Monday-Friday	Reschedule employees' hours to remain open during lunch hour
Hamilton	8-5, Monday-Friday	No immediate impacts
Hardin	8-12, 1-5, Monday-Friday	Stagger employees' hours to cover lunch hour
Harlem	8-4, Monday-Friday	Only one employee; would have to pay overtime to keep office open one additional hour each day

SURVEY RE HOURS OPEN
June 16, 1989

Third Class Cities

City/Town	Hours and days open	Impacts of AG Opinion
Harlowton	8-12, 1-5 Monday-Friday	Would require part-time help to cover lunch hours and when out of town; average \$100/month. Don't know how would cover those additional costs.
Laurel	8-5, Monday-Friday	No immediate impacts
Libby	8-5, Monday-Friday	No immediate impacts
Malta	8-5, Monday-Friday	No immediate impacts
Plentywood	8-12, 1-5 Monday-Friday	Would require hiring extra help at a cost of \$4.50/hour for 10 hours per week; pay from General Fund
Polson	8-5, Monday-Friday	No immediate impacts
Poplar	9-5, Monday-Friday	Change scheduling to cover hours
Red Lodge	8-12, 1-5 Monday-Friday	Stagger lunch hours to keep office open during noon hour
Ronan	8:30-4:30, Monday-Friday, sometimes closed during lunch	Part-time help works 92 hours per month. Would require rescheduling of help; and would probably result in cutting other expenses
Roundup	8-12, 1-5 Monday-Friday	Stagger lunch hours, or hire part-time employee. Could not fund any additional personnel.
Scobey	8-11, 12:30-5 Monday-Friday	Change employees' hours to cover the additional time open
Shelby	8-5, Monday-Friday	No immediate impacts
Sidney	8-5, Monday-Friday	No immediate impacts
Three Forks	8-12, 1-5 Monday-Friday	Change in scheduling so that part-time employee covers lunch hour
Townsend	8-5, Monday-Friday	No immediate impacts
Troy	8-5, Monday-Friday	No immediate impacts
Whitefish	8-5, Monday-Friday except on occasion	No immediate impacts
White Sulphur Springs	8-5, Monday-Friday	No immediate impacts
Wolf Point	8-5, Monday-Friday	No immediate impacts

SURVEY RE HOURS OPEN

June 16, 1989

Towns

City/Town	Hours and days open	Impacts of AG Opinion
Alberton	TRIED TO CALL NUMEROUS TIMES. NO ANSWER.	
Bainville	PHONE DISCONNECTED.	
Bearcreek	Not open at all-- office in home	Open first Saturday of month to collect water and sewer revenue. To meet this would require hiring of full-time employee at \$10,000. Would probably have to disincorporate.
Belt	9-12, 1-5 Monday-Friday	Have two part-time clerks. Would require additional two hours pay each day. Would completely deplete the reserves to cover expenditures from July to November.
Big Sandy	No office hours	Works out of home part-time--80 hours/month. Would cost more than twice current costs to keep office open.
Boulder	8-12, 12:30-4:30 Monday-Friday	Hire half-time person or pay overtime to single employee. Could probably cover costs through rebudgeting.
Bridger	9-3:30 Monday-Friday 1st thru 10th; 3 afternoons/week for remainder of month	Extend hours at \$250/month. Could not pay for additional costs.
Broadus	8-12; 1-5 Monday-Friday	Additional hours = \$80/week at least. Probably fund with utility systems and raise rates--making public not happy.
Broadview	Office in home.	Goes to town hall when called. Cost \$8,000 to \$10,000. Don't have money--maxed at mills.
Brockton	10-5, Monday-Thursday	Not enough work for full-time; not necessary. Do not have money to keep the office open 5 days a week.
Browning	8-12, 1-5 Monday-Friday	Stagger hours to comply. Cannot afford to budget for overtime.
Cascade	9-5, Tuesday & Thursday	Would require full-time employee @ \$7,000 additional cost. Would cause rebudgeting.

SURVEY RE HOURS OPEN
June 16, 1989

Towns

City/Town	Hours and days open	Impacts of AG Opinion
Chester	8-12, 1-5 Monday-Friday	Hire part-time employee to cover vacations/sick leave. Times when office is currently closed and answering machine is on. Cannot afford to pay more wages.
Circle	8-12, 1-5 Monday-Friday	Hire part-time help. Not sure how to cover costs. Reserves not adequate for present responsibilities.
Clyde Park	8:30-12, 1-3:30 Monday & Tuesday	Would be boring with nothing to do. Don't know how would pay additional costs.
Columbus	8-12, 1-5 Monday-Friday	Add part-time person @ \$2,000/year. Don't know how would fund--would require cutting something else.
Culbertson	8-12, 1-5 Monday-Friday except when Clerk is gone	Would require hiring additional help @ \$4.50/hour. Monies would be taken from General Fund to cover additional costs.
Darby	10-2, Monday-Friday	Require full-time plus part-time employee at cost of at least \$7,000. With present tax freeze, budget is stretched to limit; utilities are unable pay any additional costs. Workload does not deem the added hours.
Denton	9-12, 1-5 Monday-Friday	Cost \$125/month. Don't know how to fund at this time.
Dodson	No set hours	No office. Works part-time, often on weekends.
Drummond	TRIED TO CALL NUMEROUS TIMES. NO ANSWER.	
Dutton	8-1, Monday-Thursday	Works 115 hours/month presently. Would cost additional \$10,000. Maxed out on I-105, and utilities are at limit for debt retirement. Must pay fixed costs, i.e., MPC. Have been cutting services regularly to meet existing costs. Would require State funding to support additional hours.
Ekalaka	8-12, 1-5 Monday-Friday	Extend utility clerk and secretary hours at cost of \$100/month. General Fund cannot stand any additional expenditures, therefore utility fund must absorb.

SURVEY RE HOURS OPEN

June 16, 1989

Towns

City/Town	Hours and days open	Impacts of AG Opinion
Ennis	8-12, 1-5 Monday-Friday, except during banking, trips to Post Office, or other items that take clerk from office	This is a one-man office, with no one to cover during those times when she is gone for various reasons. When she is on vacation or at school, the office is closed until her return. A half-time person would be required to address the AG opinion, at an approximate annual cost of \$10,000. The Town has no way to fund the additional costs, since the mill levy is maxed under I-105; and the utilities are bearing all of the costs they can absorb. The only way to cover the costs would be through cuts in services.
Eureka	8-5, Monday-Friday	No immediate impact
Fairfield	1-5, Monday-Friday	Actual works 8-5, but this would require hiring half-time person to answer phone and counter at \$6,000/year. Also, office is one large area, so partitions would be necessary for privacy. Cannot exceed 65 mills in General Fund. Hiring additional personnel would cause decrease in services in other areas. Opinion didn't go over well in community. Suggests should be regulations for being open at specific times; however, local governments should be allowed to set own hours.
Flaxville	No set hours	No response.
Fort Peck	8-12, 1-5 Monday-Friday	Change scheduling; pay overtime or hire additional part-time help. Funding source is unknown.
Froid	No set hours	No town hall. Bank collects utility bills. Has office in her home. Works full-time as teacher. Would not have work to do most of the time if open 8-5. Valuation has dropped, as well as population. To meet this would put the town out of business.
Fromberg	9-4, Monday-Thursday	Increase hours or add part-time person. Don't know how would fund.
Geraldine	TRIED TO CALL NUMEROUS TIMES. NO ANSWER.	
Grass Range	No set hours	Works as needed. Would require hiring full-time person at \$12,000/year. Couldn't pay for it.
Hingham	No specific hours	Office open about 10 hours/month; remainder of work done at clerk's home. She works approximately total of 30 hours/month. Town office is in another business establishment (individual is on Council).

SURVEY RE HOURS OPEN
June 16, 1989

Towns

City/Town	Hours and days open	Impacts of AG Opinion
Hobson	No set hours and no city hall	Business is done in home. Would require full-time employee at \$10,000/year. Couldn't pay for it.
Hot Springs	8-4, Monday-Wednesday 8-12 on 3 Thursdays, others 8-4, 8-3, Friday	Work load not enough to keep open 40 hours/week. Additional cost \$3,500/year (12.73 mills). No idea where additional money would come from as there are no new revenue sources.
Hysham	8-12, Monday-Friday	Would break town. Too much cost involved.
Ismay	TRIED TO CALL NUMEROUS TIMES. NO ANSWER.	
Joliet	9-4, Monday 9-12, Tuesday 9-4, Wednesday 9-12, Thursday	Would require rearranging hours and paying for additional hours. Has no idea how would fund.
Jordan	8-12, 1-5 Monday-Friday	Contract with local real estate agent to use their office and contract with agent to do city business.
Judith Gap	PHONE DISCONNECTED.	
Kevin	9-12, 12:30-4:30 Monday-Friday	Would require pay for additional 2 hours/day at cost of \$75/week. No funding to cover costs.
Lavina	No set hours	Add person at \$6,000/year. Couldn't pay for it.
Lima	9-4, Thursday	Need more money. Don't know how would comply, except would be through some type of taxation.
Lodge Grass	8-12, 1-5 Monday-Friday Close early when have council meeting	Hire part-time person at \$2,000/year. Couldn't pay for it.
Manhattan	9-12, Monday-Thursday	Not enough work to keep the office open any longer hours.
Medicine Lake	9-12, 12:30-4 Monday-Friday	Add extra help at \$450/month. Pay from the General Fund.
Melstone	No set hours, but open as needed	Change from part-time to full-time at cost of \$6,000/year. Couldn't pay for it.
Moore	10-12, Monday-Friday sometimes 2 hours in afternoon	Expense for full-time employee. Not profitable-- not enough work

SURVEY RE HOURS OPEN
June 16, 1989

Towns

City/Town	Hours and days open	Impacts of AG Opinion
Nashua	9-12, 1-5, Monday, Wednesday, Friday	Would need to be funded from the General Fund.
Neilhart	No set hours	Does books at store. Have one room in the school which they use as an office. Would require paying heat bill, etc., plus office help. No idea how to pay expenses.
Opheim	No set hours	Financially impossible to comply.
Outlook	TRIED TO CALL NUMEROUS TIMES. NO ANSWER.	
Philipsburg	9-12, 1-5 Monday-Friday	Would add about one-quarter more expenses. Raising funds would not be possible.
Pinesdale	No set hours	Works out of home. Not economical to be open 8-5; and don't know how would fund it.
Plains	9-5, Monday-Friday	Works 45 hours/week with no lunch break when part-time assistant is not there. Will need to fund additional costs by cutting costs somewhere else.
Plevna	No set hours	Works from own home.
Rexford	8-12, Monday	Not enough work to stay open. Not able to pay for any more hours.
Richey	8-12, Monday-Friday	Only have clerk and maintenance person. Would cost more than could afford.
Ryegate	8-5, Monday-Wednesday	Would have to hire full-time person. No idea how to pay additional costs. Would be strain on budget w/money coming from Water Fund, which is short already.
Saco	8-12, 1-5 w/coffee breaks 10-10:20 and 3-3:15	Hire part-time help at \$4.50/hour. Would be funded from General Fund and utilities.
St. Ignatius	12-4 Monday-Friday from 25th to 8th of month	Average being open 40 hours/month. Also, city court 2 evenings/month.
Sheridan	1-5, Monday-Friday from 1st thru 15th	Need more money--through raising property taxes and utilities.

SURVEY RE HOURS OPEN
June 16, 1989

Towns

City/Town	Hours and days open	Impacts of AG Opinion
Stanford	1 hour on Mondays	Would require full-time employee. Not enough work for full-time person. Town cannot afford additional wages--no funds available.
Stevensville	8-12, 1-5 Monday-Friday	Would require hiring part-time employee to cover lunch hour. Would also eliminate possibility of closure for a day upon Council approval.
Sunburst	8-4, Monday-Friday	Would require overtime pay.
Superior	8-12, 1-5 Monday, Tuesday, Thursday, Friday	Would require cuts in service and personnel. Additional expense would be \$6,500/year. Maxed out on I-105 (1 mill = \$788,574). Have one utility carrying maximum costs. City rents from County--building closed one day each week). Property tax freeze and declining non-property tax revenues make these additional costs a burden to town.
Terry	9-12, 1-4 Monday-Friday	Don't have money for full-time employee. Don't know how could cover additional costs.
Thompson Falls	8-5, Monday-Friday	No immediate impacts
Twin Bridges	10-4, Tuesday-Thursday	Disastrous--cannot afford. Would cost at least twice current expenses. Have no way of raising funds because of maximum levy and having used 12% max on utilities.
Valier		TRIED TO CALL NUMEROUS TIMES. NO ANSWER.
Virginia City	9-12, Monday-Friday	No idea how would fund additional hours, except maybe through federal funding.
Walkerville		PHONE DISCONNECTED.
Westby	9-12, 1-5 Monday-Thursday Close office as necessary when gone	Would require drastic changes, including hiring additional help at \$4.50/hour. Monies would be from General Fund.
West Yellowstone	8-5, Monday-Friday	No immediate impacts; conscious decision recently made to Council to keep office open during lunch hours
Whitehall	8-5, Monday-Friday	No immediate impacts

SURVEY RE HOURS OPEN
June 16, 1989

Towns

City/Town	Hours and days open	Impacts of AG Opinion
Wibaux	8-12, 1-5 Monday-Friday	Hire someone for lunch hour--at least \$1,728/year. Considering restrictions of I-105, would be very difficult for both utilities and General Fund--neither have adequate reserves
Winifred	TRIED TO CALL NUMEROUS TIMES. NO ANSWER.	
Winnett	9-3 daily on an average	Add another half-time person at \$6,100/year. Would require an additional 6 mills; however, the freeze is still on.