## MINUTES

## MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By DIANA WYATT CHAIR, on February 7, 1991, at 3:00 p.m.

## ROLL CALL

Members Present:
Diana Wyatt, Chair (D)
Jessica Stickney, Vice-Chair (D)
Joe Barnett (R)
Arlene Becker (D)
Vivian Brooke (D)
Dave Brown (D)
Brent Cromley (D)
Paula Darko (D)
Tim Dowell (D)
Budd Gould (R)
Stella Jean Hansen (D)
Harriet Hayne (R)
Ed McCaffree (D)
Tom Nelson (R)
Sheila Rice (D)
Richard Simpkins (R)
Norm Wallin (R)
Members Excused: REP. J. RICE (R)
Staff Present: Bart Campbell, Legislative Council Lois O'Connor, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: CHAIR WYATT appointed REPS. S. J. HANSEN, BARNETT, and BECRER to the subcommittee on HB 201.

HEARING ON HB 182

## Presentation and Opening Statement by Sponsor:

REP. LARSON, House District 65, Seeley Lake, stated HB 182 expands the authority of rural fire district trustees to provide firefighting personnel and emergency response equipment and personnel. The rural fire districts trustees have no authority to purchase this type of equipment.

Proponents' Testimony:

James Lofftus, Montana Fire Districts Association, stated that since it is not written in the law, rural fire district trustees cannot buy emergency response equipment. HB 182 is a house keeping bill which would alleviate that problem.

Lyle Nagel, Montana Fire Chiefs Association, went on record in support of HB 182.

Bruce Suenram, Missoula Rural Fire District, said HB 182 was a housekeeping tool that would authorize fire districts to purchase emergency response equipment.

Brett Haggerty, Gallatin Valley Fire Council, provided written testimony. EXHIBIT 1

Opponents: None
Questions From Committee Members: None
Closing by Sponsor:
REP. LARSON stated HB 182 was part of a package of bills being introduced for the rural fire districts. There are over 400 fire districts in Montana. They need the authority to purchase emergency response equipment.

HEARING ON HB 296

## Presentation and Opening Statement by Sponsor:

REP. BENEDICT, House District 64, Hamilton, stated HB 296 would give counties options in purchasing equipment on installment contracts. Current law allows for a five year term. HB 296 doesn't change the maximum allowable debt a county can have, but it does give counties flexibility in the terms. Counties need this flexibility to pay back loans.

## Proponents' Testimony:

Gary Allen, Ravalli County Commissioner, stated a five year period is not enough time to pay back a debt incurred.

Gorden Morris, Montana Association of Counties, stated currently counties have an indebtedness limit of $\$ 500,000$ without a vote of the people. Extending the pay back time to 10 years gives the counties greater flexibility.

James Lofftus, Montana Fire Districts Association, went on record in support of HB 296.

Opponents' Testimony: None
Questions From Committee Members:

REP. SIMPKINS asked Gorden Morris if counties exercise the establishment of equipment replacement costs. Mr. Morris said 25 counties have the ability to have an adequate equipment replacement schedule. The others are operating on an annual basis or replacing equipment as it breaks down. MACo has been trying to work with the counties to get them on a schedule.

Closing by Sponsor:
REP. BENEDICT urged support of HB 295.

## HEARING ON HB 295

Presentation and Opening Statement by Sponsor:
REP. BENEDICT, House District 64, Hamilton, stated the law reads that a county officer, other than a sheriff, cannot be absent from the county for more than five days without permission of the County Commissioners. They have to get permission to take a vacation. HB 295 allows for county officers to go on vacation without fear of losing their office.

Proponents' Testimony:
Betty Lund, Ravalli County Clerk and Recorder, provided written testimony. EXHIBIT 2

Opponents' Testimony: None
Questions from Committee Members: None

## Closing by Sponsor:

REP. BENEDICT stated HB 296 would eliminate the possibility of politics getting into whether a county official can be out town for more than five days.

## HEARING ON HB 497

Presentation and Opening Statement by Sponsor:
REP. DARKO, House District 2, Libby, stated HB 497 would raise elected county official salaries which has not been done since 1981. HB 497 is a consensus bill agreed to by all parties concerned. REP. DARKO provided amendments and explained that one is technical and one is substantive. EXHIBIT 3 HB 497 has been balanced very carefully and any additional amendments will be watched.

## Proponents' Testimony:

John Witt, President, Montana Association of Counties, stated salaries for county elected officials have not been raised since 1981. HB 497 impacts salaries for all elected officials and
their deputies and is the fairest proposal that most officials support.

Ray Harbin, Lake County Commissioner, provided written testimony. EXPIBIT 4

Tom Harrison, Montana Sheriffs and Peace Officers Association, provided written testimony. EXHIBIT 5, 6

Susie Spurgen, Montana County Treasurer Association, stated pay increases have been pursued since 1981, but to no avail. The Association has concerns with additions to base salaries of Commissioners, Sheriffs, and County Superintendent of Schools but still supports HB 497.

Gorden Morris, Montana Association of Counties, stated Montana county officials are generally compensated at lower levels than similar county government positions in neighboring states. Ten years is long enough without a salary increase.

Tom Schneider, Montana Public Employees Association, stated the Association does not represent elected officials but does represent city police, highway patrolman, and deputy sheriffs. They are aware of the pay differences between Montana and surrounding states.

Kay McKenna, Montana County Superintendents; Bill Fleiner, Montana Sheriffs and Peace Officers Association; Rick Later, Sheriff, Beaverhead County; Bob Butorovich, Sheriff, Butte Silver Bow County; Greg Hintz, Missoula Sheriff's Department; Jim Cashell, Gallatin County Sheriff's Department; John Strandell, Under Sheriff, Cascade County; Barry Michelotti, Cascade County Sheriff; Dave Anderson, Jefferson County Commissioner; Tim Solomon, Hill County Sheriff; Steve Knecht, Sheriff, Judith County, Willis Hintz, Deputy, Missoula County Sheriff's Department; Bob Johnson, Gallatin County Deputy Sheriff; Bill Slaughter, Gallatin County Sheriff; Errol Wilson, Under Sheriff, Gallatin County; Lee Edmisten, Madison County Sheriff; Scott McDonald, Missoula County Sheriff's Department; Eugene Couch; Fergus County Sheriff; Pat Walsh, Deputy Sheriff, Flathead County; Mike Sward, Deputy Sheriff, Flathead County; Don Kennedy, Sheriff, Granite County; Mike Schafer, Yellowstone County Sheriff; Glen Liedle, Lewis \& Clark County Sheriff; Jay Printz, Ravalli County Sheriff; Ron Wilson, Yellowstone County Deputy Sheriff, wanted to go on record in support of HB 497.

Opponents' Testimony: None
Questions From Committee Members:
REP. SIMPKINS asked REP. DARKO how the Consumer Price Index compares Montana and other states. REP. DARKO stated there is no CPI developed for Montana, and we have to have some basis for adjusting the cost of living.

REP. BECKER asked Gorden Morris is there a point at which parttime County Commissioners choose a per day salary versus an annual salary. Mr. Morris said these employees are part-time. When they analyzed the bill relative to their positions, some of the counties worked more than part-time and felt they should be paid more than the current day rate.

REP. WALLIN stated people are doing the same work in different sized counties but are being paid different when the workload is just as great and County Commissioners want the state to take care of the problem instead of doing it themselves. REP. WALLIN asked Susie Spurgen if HB 497 took care of that problem. Ms. Spurgen replied it did not. It wouldn't be resolved unless it were totally given back to the county level; however, the County Treasurers would like the statutes to come from the Legislature.

REP. GOULD stated the reason for the annual salary increments of $70 \%$ instead of the $100 \%$ wasn't because the CPI was different in Montana, it was because some counties couldn't afford the 100\% increment.

REP. SIMPKINS asked Gorden Morris if the Legislature were to set a maximum increment and tell the County Commissioners they could award any money up to that amount, would that take some work off the Legislators. Mr. Morris replied they had approached the County Commissioners at their annual meeting and proposed to give the County Commissioners total salary authority on a county to county basis. The vote was split $50 / 50$ and nothing was solved.

REP. WALLIN asked Mr. Morris why commissioners are paid less than any other elected officials. Mr. Morris replied that they are not. The only time you have elected officials being paid more than County Commissioners would be in a classified six and seven county where the Commissioners are part-time and the other elected officials are full time.

REP. McCAFFREE asked Mr. Morris why they are treating the County Attorneys differently than other elected officials. Mr. Morris said they did not intend to address County Attorney salaries in this bill.

REP. BARNETT asked Mr. Morris how the counties are going to fund the pay increases. Mr. Morris said the counties are obtaining the money from current levy taxes under $I-105$, operations, and internal spending funds.

REP. WALLIN asked Bill Slaughter how big his police force was and how much money is needed for pay increases in Gallatin County. Mr. Slaughter replied he had 52 employees and needed a 5\% increase in funds which comes to $\$ 880,000$.

REP. CROMLEY asked Gorden Morris if HB 497 modifies all elected officials' salaries, why were County Attorneys omitted. Mr. Morris explained that the County Attorneys had introduced their

Own salary bill to the Local Government Committee.
REP. S. RICE asked REP. DARKO to explain Page 3, Line 4. REP. DARKO said that with every 100 people you raise the salary increment. The increment would be according to the population of the county.

REP. SIMPKINS asked REP. DARKO if a county had a population increase, would you have an increase in the base salary. REP. DARRO said the increases had to be based on the census each ten years.

CHAIR WYATT asked REP. DARKO if she objected to a change on Page 9, Line 3 stating "up to $100 \%$ or must" leaving the Committee some flexibility. REP. DARRO stated the CPI Index is the most controversial part of the bill but that portion of HB 497 is negotiable.

## Closing by Sponsor:

REP. DARKO stated financial concerns are on everyone's minds. The salaries of elected county officials are at a crisis state. These officials are responsive to the people who elected them, and they are not going to make bad decisions. They are the most fiscally responsible people because they have limited resources. The flexibility of the " $80 \%$ up to $100 \%$ " will address the concerns of all people.

## EXECUTIVE ACTION ON HB 57

## Discussion:

REP. DOWELL stated the subcommittee heard from the Attorney Generals office which has solved the problem. REP. GERVAIS, sponsor, has asked the committee to table HB 57.

Motion/Vote: REP. DOWELL MOVED TO TABLE HB 57. Motion carried unanimously.

EXECUTIVE ACTION ON HB 182
Motion/Vote: REP. GOULD MOVED HB 182 DO PASS. Motion carried unanimously.

Motion/Vote: REP. SIMPKINS MOVED HB 182 TO BE PLACED ON CONSENT CALENDAR. Motion carried unanimously.

EXECDTIVE ACTION ON HB 296
Motion/Vote: REP. GOULD MOVED HB 296 DO PASS. Motion carried unanimously.

## EXECUTIVE ACTION ON HB 295

Motion: REP. GOULD MOVED HB 295 DO PASS.

## Discussion:

REP. McCAFFREE stated that it isn't a big problem for the county officers to request time off. An elected official should not leave the state without someone knowing where they are in case of an emergency. REP. BROORE said county officers are accountable to the electors but the electors owe them a certain amount of privacy. If the concern is about where the officials are going, the bill will have to be amended. REP. CROMLEY stated the whole statute could be done away with. It is an archaic law. People usually leave a number where they can be reached.

REP. WALLIN said there could be punitive damages in the bill; for example, if an official leaves town, has car trouble and calls for a extension of time; and that time is not given to him and he loses his job.

VOTE: Motion carried 17 to 1 with REP. McCAFFREE voting no.

## ADJOURNMENT

Adjournment: 4:35 pom.


DW/ lo

## HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT COMMITTEE
ROLL CALI
dars 2.7-91

| NAME | PRESENT | ABSENT | EXCUSED |
| :--- | :---: | :---: | :---: |
| Rep. Paula Darko | $X$ |  |  |
| Rep. Jessica Stickney, Vice-Chair | $X$ |  |  |
| Rep. Joe Barnett | $X$ |  |  |
| Rep. Arlene Becker | $X$ |  |  |
| Rep. Vivian Brooke | $X$ |  |  |
| Rep. Dave Brown | $X$ |  |  |
| Rep. Brent Cromley | $X$ |  |  |
| Rep. Tim Dowell | $X$ |  |  |
| Rep. Budd Gould | $X$ |  |  |
| Rep. Stella Jean Hansen | $X$ |  |  |
| Rep. Harriet Hayne | $X$ |  |  |
| Rep. Ed McCaffree | $X$ |  |  |
| Rep. Tom Nelson | $X$ |  |  |
| Rep. Jim Rice | $X$ |  |  |
| Rep. Sheila Rice | $X$ |  |  |
| Rep. Richard Simpkins |  |  |  |
| Rep. Norm Wallin |  |  |  |
| Rep. Diana Wyatt, Chair |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

$$
\begin{gathered}
4.50 \\
2-7-71 \\
7.0 .
\end{gathered}
$$

HOUSE STANDING COMMITTEE REPORT

February 7, 1991
Page 1 of 1

Mr. Speaker: We, the comittee on Local Government report that Bouse Bill 296 (first reading copy -- white) do pass .



February 7, 1991
Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that House Bill 295 (first reading copy -- white) do pass.

Signed:
Dlana Wyatt, Chairman

## State of Montana

## County of enalatin

Bozeman


February 7, 1991
Montana State Legislature
Capital Station
Helena, MT 59620
Dear Legislators:
The Gallatin County Commission unanimously supports House Bill 182 to allow rural fire district trustees to provide emergency response equipment and personnel. Gallatin County is so large, that medical response resources have difficulty in responding quickly and effectively in all parts of the county. We believe that volunteer fire fighters who are trained to be first responders and who are willing to respond, should be given the authority to assist. It is a shame to overlook this valuable resource which could save lives. Keep in mind that this bill does not require any fire district to provide this service; it is discretionary.

We strongly urge you to vote for House Bill 182.
Sincerely,
GALLATIN COUNTY COMMISSION
Sere Gelenele Jane Jelikski, Chairman


Deb Berglund, Member
ch


Chaimmar, Wyatt anc ivembers af the Committee:
For the recoro my mame is Eetty T. Lurid. Ravelia GGurty Clemk ars Recorder. Fiease corsider me ESE for a DG mes recommeruatiomo Thisebll is a result of a resolutiom fomm the Mortama Ascociation of Elerks ara rerarciers.

The present law was origirally placed an bre backe im IGSE. At that time the alected qfificial was ailowed to be absent himself from the state for a period ef mantornam Eid days without comsert of the Eoard Gf Courty
Commissicmers. In 1947 chamoes were made that are still om the bucks tociayn I hrow some counties in the btate of Momtara do rot foligow this law as it is classified as a ruisance. $A E$ an edected afticial of the state at mambama County af Favalliy I believe that all afficaje would oreati easier if they could at least take a vacatiar wet af the state without seeking corsent of the Cuunty Commissioners.

For example, I recertly left the state for several days ta visit my som for Christmas. I was omly poing to be pore For 5 days but sought the comserit of the Courity Commissioners in case there was an emergency due ta weather, car, etc. This is a ruisance the elected official ard the commissicmers do mat meed. Ey extending the time lime from 5 days to 15 days agrevations like this will not be necessary.

Thank you for your eonsideration of a DO FASS for hB 29s.

Simcercly.
FXth T. Jund
Eetty T. Lurad
Ravalli County Clemt \& Recomaer

MONTANA
ASSOCIATION OF
COUNTIES

2711 Airport Road Helena, Montana 59601
(406) 442-5209

FAX (406) 442-5238

## HOUSE BILL 497

## AMENDMENT

REPRESENTATIVE PAULA DARKO, SPONSOR

Page 3, line 13 insert new SECTION C
(c) The annual base established by the county governing body
in subsection (1) shall be uniform for all county officers referenced in subsection (1).

Page 7, line 9 amend:
Strike: "1991"

Insert: "1992"






Salary

00000000000000000000000000000000000000000000000000000000






00000000000000000000000000000000000000000000000000000000












 $\cdots$ जrit







Salaries include longevity and/or salary matrix steps


Sheriff vs Chief Salary
FY $90-91$


EXHIBIT 6 DATE $2.7-91$
HB
497

## Undersheriff \& Asst. Chief FY 90-91



## Captain <br> FY 90-91 includes longevity



## Sergeants FY 90-91 includes longevity





PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.



PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER



PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.



PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. FITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES VISITOR'S REGISTER




PLEASE PRINT
PLEASE PRINT
PLEASE PRINT


PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

