

MINUTES

**MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Chairman Esther Bengtson, on January 29, 1991,
at 1:01 p.m.

ROLL CALL

Members Present:

Esther Bengtson, Chairman (D)
Eleanor Vaughn, Vice Chairman (D)
Thomas Beck (R)
Dorothy Eck (D)
H.W. Hammond (R)
Ethel Harding (R)
John Jr. Kennedy (D)
Gene Thayer (R)
Mignon Waterman (D)

Members Excused: none

Staff Present: Connie Erickson (Legislative Council).

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

Announcements/Discussion: Vice-Chairman Eleanor Vaughn took over
the meeting, so Senator Bengtson could present her bill.

HEARING ON SB-108

Presentation and Opening Statement by Sponsor: Senator Esther Bengtson, District 49, stated that she introduced this bill on behalf of the Montana Water Resources Association. After the 1989 Legislative session there was interest in updating the irrigation laws. This bill will make a minor change in the law to make it easier for irrigation districts to live within the law. This bill changes one part of the law, by simply providing an alternative method for elections, which relates to the economics of election and the general nature of the election process for all irrigation districts.

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Proponents' Testimony: Dueane Calvin, Manager, Huntley Project Irrigation District, and also Chairman, Montana Water Resources Association (MWRA). The MWRA supports this bill. (Exhibit 1)

Mike Stephens, Clerk and Recorders, we support this bill.

Senator Vaughn presented a letter of support from Betty T. Lund, Ravalli County Clerk and Recorder. (Exhibit #2)

Senator Harding presented a letter of support from Charlotte L Weldon, Election Administrator, Polson, Montana. (Exhibit #3)

Opponents' Testimony: none

Questions From Committee Members:

Senator Thayer questioned the wording on Page 2, line 10, that "ballots may not be cast" is correct? Mr Calvin stated that if it would be considered election by acclamation. C. Erickson stated that it could be amended to read "no written ballots need not be cast".

Senator Eck asked what code was referred to on Page 1, line 15? Mr. Calvin said that 13-1-401 refers to the law stating that the board of commissioners or the election administrator can declare that there is no need for an election. Because of the law in earlier section 1, this is not required, a petition may be submitted or write-in candidates. Those are the two alternatives that we have under the election laws. Senator Eck asked if that was Section 1, part a & b? Mr. Calvin said it was 2a, 13-1-401 that refer the option of holding an election at their annual meeting. Senator Eck said she saw no problem with this.

Senator Hammond asked if some irrigation districts have weighted votes? And does casting of weighted votes pertain to election of officers? Mr. Calvin said that the election process in an irrigation district is that the owners or land holders vote the water-righted acreage only, no matter the issue. It is not a one person, one vote. Mr. Calvin said that under current law, the only time there is a required number of votes, is when the issue involves contracts with the United States or the state of Montana. Any other issues are a simple majority of the votes cast. The reluctance of people to run for office because it is a year round job that requires too much time away from their private business. Those that are interested and receive a majority of the votes cast will be elected.

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Senator Hammond, again, wanted it clarified, that it was the votes of the majority of the acreage? Mr. Calvin restated that it was the majority of the votes cast. Mr. Calvin has been in the irrigation business for 18 years, and the largest attendance at an annual meeting was approximately 100 people, representing about 15,000 out of 27,000 acres. Most meetings have about 30-35 members, representing 20% of the acreage. Senator Hammond was concerned with attempts to do away with the voted weight based on acreage. Mr. Calvin said they support the acreage vote because that's the tax base. The only time this would be enacted is if they have one person running for commissioner, and the write-in time of 15 days is passed, then they can take nominations from the floor. Right now, no one can stand up and nominate, and have the candidate declare his ability to serve or not. This is no change of the number of ballots or the way they are cast. Senator Hammond asked if weighted votes are considered if there is going to be a policy change? Mr. Calvin said yes, but it is a simple majority of the weighted votes that are cast, not the total weighted votes available. When the United States or the state of Montana are concerned, the balloting process requires 50% of the voters representing 50% of the acreage to pass. If it is the petition process it requires 60% of the voters representing 60% of the acreage to pass. These are the only two processes that the law requires a specific number of voters to pass an issue.

Senator Eck felt it still appears to be a problem with a write-in candidate, and whether or not that person will or will not serve. Mr. Calvin stated that Section 1, Part 2b, it says that elections will be held according 13-1-401, which is the annual meeting. The district may accept nominations from the floor, or write on the ballots whom they wish to vote for. Most circumstances with no name on the ballot, the best thing is to nominate from the floor, where that person can accept or not. Then they can be written in, or elected by acclamation if they are the only nomination. Senator Eck said that there still might be the problem of not having that person there at the meeting that represents the voters interest. If there are real controversial issues she supposed that there would be more than one candidate.

Closing by Sponsor: Senator Bengtson closed by stating we are trying to simplify irrigation law with this bill, and she asked the committee to support SB-108 with a Do Pass.

HEARING ON SB-126

Presentation and Opening Statement by Sponsor: Senator Greg Aklestad, District 6, stated that this bill makes local elections

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nonpartisan if they choose to conduct them this way. Most people at the local level, vote for the person not the party affiliation. In his district they have a maze of representation by the parties. Within counties there are Republicans and Democrats sitting on the commission for example. Senator Aklestad feels nonpartisan elections will encourage more people to run, who do not want to be affiliated with a certain party. Most people are not active in the political process, but some might get involved if they did not have to deal with the two party politics. Will the political parties oppose this bill? Senator Aklestad said he feels a vast majority of people will agree to have nonpartisan elections at the local level. Legislation should be passed that makes it easier for the vast majority of people to participate in our election system. The procedure of the bill has an effective date of January 1, 1992. This was done on purpose to offset those entities that are already political and desire to remain that way, can do so by having a referendum put on their regular ballot stating they want to remain partisan. If they do not indicate this fall, then in January 1992 would become nonpartisan. Any locality wanting to be nonpartisan after 1992 could do so by referendum. Localities can go back and forth by casting votes on referendums. Currently, every 10 years they can choose to change. This would allow people at the local level to change when they want.

Proponents' Testimony: none

Opponents' Testimony: Bruce Nelson, Chairman, Montana Democratic Party, and he said the MDP opposes this bill for three reasons. #1. There is a difference between Republicans, Democrats, and Independents. This extends to people at the local level. Even if the race is a nonpartisan election, the candidates will conduct themselves as a Republican, Democrat or Independent once they are elected. #2. Because people are Republicans, Democrats or Independents, and act this way once elected, the voters have the right to know what they can expect from these candidates once they are elected. To insure that, and is tradition, is to have people run by party. We think it is important to continue to let voters know ahead time what they can expect out of their elected officials. #3. Our system does now accommodate people who do not want to choose between the Democrat and Republican party by allowing them to run as Independents. We are not eliminating the possibility for people who don't want to choose, to be run as candidates. With these three reasons, the MDP asked the committee to leave the system alone, and vote for a Do Not Pass

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on SB-126.

Linda Stoll-Anderson, County Commissioner, Lewis and Clark County, and also, Precinct Committee Chair for the Democratic Party. If this bill had been offered 10 years ago, she may have supported it, but in the last ten years in the Democratic Party, there has been a greater emphasis on the platform with respect to local government issues. Because of this, voters know where the candidate stands according to the party platform. It gives guidance on issues like taxation. Voters have an idea of what to expect, and she would urge the committee to oppose this bill.

Gordon Morris, Executive Director, Montana Association of Counties, MACo, asked to put on record as a "no-ponent". He did have a technical element in the bill that needs to be rectified. Page 7, Section 9, line 9-16 that Mr. Morris said refers to home rule counties, or charter counties, that allows them to elect to be partisan or not. The new language on Page 8, mandates the negates the authority of charter process to select nonpartisan or partisan by making them nonpartisan unless voted on by referendum. In the 1984 review process, several nonpartisan elections are held, but others that have a charter and retained partisan election would have to vote by referendum to keep that system. He suggested that Section 9 entirely from the bill. Alec Hanson, Montana League of Cities and Towns, MLCT, and we oppose this bill on behalf of the few cities that continue to have nonpartisan elections: Anaconda, Missoula, Havre, Chinook, and some smaller ones. In most cases the decision of the type of election was made by the electorate during the voter review process. We think their decision made at that time, should stand. They should not be told that they were wrong. One amendment to this bill would make it acceptable to MLCT, and it would be, that if a city, town, or consolidated government chose to have a particular type of election by a vote of the people, that the vote of the people would stand. It does not always work that way, in Butte, the majority of the Democratic party decided to have nonpartisan elections and it passed. Other cities that have partisan elections want to continue, and this bill could be amended to allow those voted decision to stand, then we would have no further problems with this bill.

Gene Vuchovich, City/County Manager, Anaconda/Deer Lodge County, and he neither supports or opposes this bill, but he supports Alec Hanson's testimony. Anaconda/Deer Lodge has already chosen the nonpartisan form of election and wish not to be put through the added expense of having to go through the ballot this fall. We hope you will consider Alec Hanson's amendment.

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Senator Vaughn had a letter of opposition to SB-126 from the Montana State AFL-CIO. (Exhibit #4).

Questions From Committee Members:

Senator Waterman asked why Senator Aklestad chose the method he did. Voters can currently do it under the review process, so why did he not just add the ability to do this by initiative, rather than making everyone switch or go through the initiative. Senator Aklestad said the review process could be amended to make the 10 years shorter, but it was his impression that the majority of people would rather be nonpartisan. So this bill has support from the general public, and this requires less people to go through the election process to become nonpartisan. Senator Waterman said that if people feels strongly about this they should go through the initiative process to make the change.

Senator Eck stated that it depends on what voters you talk to. She said that many people want to know party affiliation. The earlier bill about the irrigation district stated that they have a problem finding candidates to run. The political parties hunt for good candidates. Many people decide to run because they have the backing of the people in the party. Senator Aklestad said that he felt more people would run if they did not have to identify with one of the parties. Senator Eck asked who would contact them, and encourage them to run? Senator Aklestad said the same people who that are interested in the system that contact you now. It is not always the central committee of the two parties that get people to run. The central committees take more credit than they deserve for the action they put out. Senator Aklestad said that the people that ask him what party he represents are 99% of the time to the far left or right of the political viewpoint.

Senator Vaughn stated that the process is set on the two party system. The support and affiliation from the parties is still wanted by the people in the local elections. Those people running get support from the parties to help with their expenses, program, and to answer question, and people want to know if that candidate is going to support their interests. From her stand point, people can run independent if they want, but most people want the two party system.

Senator Kennedy asked what problem is there in the present system? Senator Aklestad said that the time factor of 10 years is too much time. Also, people that are not as politically minded, do not have time to expend changing the system.

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Senator Thayer asked Linda Stoll-Anderson if she really felt people at the local level are aware of the National Party Platform? Ms. Stoll-Anderson said that many people do not know all the planks, but a single issue is the sales tax. Local government has been reduced to local option sales tax. She was not implying that the electorate knows all the planks, most candidates do not know all the National Party planks.

Senator Kennedy asked what happens if in a nonpartisan election there are 15 people running? The bill says that local government can decide to if a primary is necessary in 13-115. Senator Aklestad said that the statute is complicated, but that Gordon Morris could explain. Mr. Morris said that C. Erickson pointed out the statute. Typically you conduct a primary and then a subsequent run-off election. Three or four candidates are narrowed down to two who run in the run-off election. This is how nonpartisan elections are conducted under state law.

Senator Thayer asked Senator Aklestad if he thought more people would file for public office if the elections were nonpartisan? Senator Aklestad said definitely yes, and that the majority of people would rather not identify with either party.

Senator Beck asked if Senator Aklestad if at the local level, the county commissioner for example, are administrative area of the state laws, and they should base their administration on the political party? Senator Aklestad said that most local officials do not pay much attention to one party or the other. Most officials act in a nonpartisan manner.

Senator Hammond asked if Senator Aklestad felt that there was less concern for the political parties in rural areas than in urban one. Senator Aklestad was not sure. Senator Hammond asked if people might file with the party that they feel is stronger in one area?

Senator Bengtson stated that most local duties are not political, and that candidates try to get the support of Democrats and Republicans by campaigning as fair and even minded about the issues. Doesn't this problem take care of its self, and aren't you misjudging the public because most people are not elected because they are Democrat, Republican or Independent? Senator Aklestad said that he thinks most people elect the best person, and so nonpartisan elections would have more qualified people to run. Senator Bengtson asked what happens to the political party? Senator Aklestad said that there would not be a great affect on the central committee. Senator Bengtson asked Senator Aklestad if he believed in political parties? He said yes. Senator

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Bengtson asked if he thought they were a healthy, dynamic force in our system? Senator Aklestad said that they take too much credit and adds to much to the system for what it does.

Senator Thayer asked if school board elections are set by law to be nonpartisan? Senator Aklestad said yes they are set by law.

Closing by Sponsor: Senator Aklestad closed by addressing the remarks of several opponents to the bill. People that have been nonpartisan will just reaffirm that. There will be no major cost factor because it is just placed on the ballot. Political parties are taking credit for our Legislators vote, but most of us here, vote philosophy that demonstrates the desire and wishes of our constituents. This bill would give the public the easiest avenue to participate in the governing process. Senator Aklestad asked the committee to Do Pass on SB-126, and let the Senate floor discuss this and voice their opinions.

Senator Bengtson turned the committee over to Senator Vaughn, again.

HEARING ON SB-107

Presentation and Opening Statement by Sponsor: Senator Bengtson, District 49, carried this bill on behalf of the Yellowstone County Commissioners. This bill looks like it adds \$10,000 for a study, but that's not really what happens. Every 10 years, local government can elect to have a review and a study commission. They finance this study by a mil 1 mill levy in excess of all other mills. Yellowstone County can raise \$185,000 for one year, and this is a deterrent for any local government to want to levy that kind of a mill for a study commission. In 1994 there is another local review, and the Yellowstone County Commissioners suggested this language, "or \$10,000, which ever is less". They can levy a mill, but only collect money up to \$10,000. This is a cost saving measure.

Proponents' Testimony: Kay Foster, Billings Area Chamber of Commerce, spoke in support of the bill for the Yellowstone County Commissioners. Mike Matthew was unable to make it to Helena. This is a very easy bill. This makes it possible to have a study commission without having to levy a mill for \$185,000. Section 1, Part 2a, states that it will be 1 mill or \$10,000, whichever is less. In some counties, 1 mill will not raise \$10,000, so the bill gives them the option under Section 1, Part 3c, that local government may in its discretion provide additional funds and

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other assistance.

Gordon Morris, MACo, said this bill is not just for Yellowstone County, but MACo had a similar bill in 1985 that had a different amount in it dealing with line 17. Currently 19 counties whose taxable value is less than \$10,000. Under the current law they would get exactly the amount of the mill for their study. They get no less under this bill, but have the option, under Section 1, Part 3c to provide additional funds and other assistance. There are 37 other counties that will get less than their mill would raise. (Exhibit #5) With this bill, 19 counties will get no less than their mill would raise, and in those 37 counties the taxpayers will be saved an unnecessary tax burden. MACo supports this bill and recommends a Do Pass on SB-107.

Alec Hanson, MLCT, supports this bill. This is just another example of the wealth and destitution of counties in the state. The last study done by Rosebud County raised \$250,000. They could have sent the study commission on the road to help the entire state. Up in Nashua, a 1 mill levy will raise \$79. This is a good bill. If additional money is needed, local government can provided according to this bill, and places like Nashua will probably need it. In the Butte-Silver Bow consolidation that took from 1927-1977, and certainly took more than \$10,000. We support this bill and recommend a Do Pass on SB-107

Opponents' Testimony: none

Questions From Committee Members:

Senator Eck asked Gordon Morris about line 16-18, does every county have the discretion of levying 1 mill if its over \$10,000? Mr. Morris said that they can levy 1 mill or \$10,000, whichever is less. This language in regard to I-105 that this law takes precedence over I-105 and this 1 mill levy would not count as to property tax freeze. Senator Eck thought this was still confusing.

Senator Thayer had two problems with the language. The discretion to authorize 1 mill which can raise \$79 in Nashua or \$10,000, and that would be a problem for Nashua to come up with that amount. In that same section, line 14, you have to levy 1 mill or the \$10,000 for each fiscal year the study is in existence. What if its in existence for 10 years? Mr. Morris said the study commission law that we're dealing with here, will be on the ballot in 1994 asking the question of the voters whether they want a study commission. If they vote for a study

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commission, it would run from 1994-1996, its only 2 years, and it would receive \$10,000/year or the 1 mill whichever is less. Senator Thayer felt that the bill has built in a rigid situation, either levy a 1 mill or \$10,000. Why not include 1 mill or "up to \$10,000. Mr. Morris said the bill states which ever is less. Senator Thayer stated that \$79-\$1200 isn't enough for a study. Maybe they would like levy \$2500. Mr. Morris said that Mr. Hanson pointed out the flexibility on Page 2, Section 1c, that local government can provide additional funds. Kay Foster also added that this is voted on by the people and so the wording "shall" is used. If the word is "may" then it leaves the governing body to decide whether they will adequately fund the study. If there has been an election that has stated the voters want a study, then there is the feeling that there shall be some appropriation to fund it. County Commissioners can not just say that they will fund up to a certain amount.

Senator Hammond asked how many counties voted for a study in 1984? Mr. Morris said that 26 counties voted for the study. Only 2 of the 26 did the study. Mr. Hanson told the committee that the local government organization at MSU has published a book on local government study commissions. He will get a copy of this to the committee because it has many of these types of answers in it.

Senator Thayer asked Mr. Morris if there is a problem is saying that you can levy a 1 mill or levy \$10,000? Mr. Morris asked if Senator Thayer was suggesting that line 17 be amended the equivalent of \$10,000? Senator Thayer wants it to read 1 mill or "up to \$10,000. The max would be \$10,000. Then Page 2, Section 1c is not needed. Mr. Morris said that would make those 19 counties, whose taxable value is less than \$10,000, would have to increase the taxpayer obligation to fund the study commission, when they may not wish too. You've eliminated the discretion up to \$10,000. In Nashua, \$79 might be sufficient, subject to the discretion of local council to provide additional funding, you've eliminated that because you would require them to give them \$10,000.

Senator Bengtson asked Senator Thayer is he wanted to change the intent of the bill? Senator Thayer said he thought the bill had a contradiction. The discretion to give additional money contradicts the two choices stated before. Senator Bengtson said that the first two choices are "shall" and the additional funds are "may". If they don't get enough money from the mandatory mill levy, then they may do something else.

Senator Waterman asked if the voters want a study, but possibly

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the commission is not in favor, they would under-fund so that the study would not succeed? Mrs. Foster said that this allows good budgeting procedure. She said the problem with wording "1 mill or up to \$10,000, is that they could fund \$2 at the discretion of the governing body. There should be some mandatory expenditure if the voters have approved a commission study.

Senator Hammond said that he understood Senator Thayer's concern. In Nashua, 3 mills would have to be levied, and people would not go for that. Senator Waterman stated that 2c would then allow the mills to be levied. Senator Hammond corrected her that it would have to be other monies. But Senator Bengtson said they could levy more mills if they wanted.

Senator Eck said she could see the problems small counties and towns would have, but larger communities have previously needed more money to study the options by going to workshops, etc. But now that has been done, and in a sense, a study commission that runs cheap will be better accepted than a commission that spends lots of money. The local governing body will have a better relationship with the commission because the study commission will have to rely on the local officials for funding. The study commission will not be seen as such a threat, as has been in the past. This way, \$10,000 is the maximum required, even in large counties, and if they want to do something major, they will have to get out and beat the pavement to find other money.

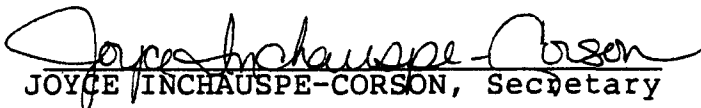
Closing by Sponsor: Senator Bengtson had no further comments.

The committee will take Executive Action on SB-79, SB-108, SB-126, and SB-107 on Thursday, January 31, 1991. SB-102 and the amendments are still being worked on. The new meeting time Thursday is 3:00 P.M.

ADJOURNMENT

Adjournment At: 2:37 p.m.


ESTHER BENGTSON, Chairman


JOYCE INCHAUSPE-CORSON, Secretary

EB/jic

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DATE January 29, 1991
 WITNESS

COMMITTEE ON LOCAL GOVERNMENT

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

ROLL CALL

SENATE LOCAL GOVERNMENT COMMITTEE

DATE 1-29-91

52 LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
Senator Beck	X		
Senator Bengtson	X		
Senator Eck	X		
Senator Hammond	X		
Senator Harding	X		
Senator Kennedy	X		
Senator Thayer	X		
Senator Vaughn	X		
Senator Waterman	X		
Connie Euckson	X		

Each day attach to minutes.

TESTIMONY BEFORE THE SENATE SUBCOMMITTEE ON LOCAL GOVERNMENT.

S.B. #108

By: Dueane Calvin, for the Montana Water Resources Association,
January 29, 1991.

As was earlier indicated by Senator Bengston, this legislation is part of an ongoing effort by the MWRA to review and update Title 85.

Briefly in the law irrigation districts are a "Special Class", this categorization relates to their taxing authority.

However, this reference inadvertently applies to other aspects of irrigation districts and primarily relates to the reluctance of landholders to become involved in board participation. In some instances this reluctance of landholders to participate virtually necessitates the implementation of conscription to get a qualified candidate to run for the office of commissioner. Therefore, in almost every instance there is only one candidate for each vacancy on the board. The exception to this circumstance being when there is some local issue of a controversial nature that requires resolution, then there may be two or more candidates ready to step foreword. Otherwise, if a candidate steps foreword of their own volition they are, with few exceptions, readily accepted by the electorate.

Declared write-in candidates are permissible under the law and this option will not be removed or circumvented by the alternative action permitted by this legislation. However, it must be recognized that undeclared "write-in" candidates are not always the proud or willing recipients of such an honor and therefore may be unwilling to serve. The "floor nomination" process will then provide the landholders a greater degree of freedom in determining how a prospective candidate may view his selection. The conduct their business and primarily the selection of candidates for the office of commissioner will in all probability be more orderly and business-like.

Another aspect of this legislation is that it will be economically beneficial to many of the smaller district in that they will not be required to pursue the balloting process when it is clearly not require due to the limited slate of candidates. Without exception and whether the election is conducted in conjunction with a school district or at the irrigation district's annual meeting the cost of an election will be between \$300 and \$500 per each. Although this cost does not appear to substantial, it is in any case, an expense that many smaller and even some larger districts would like to avoid in these economic times.

The MWRA therefore desires to go on record, before this committee, as supporting this legislation.

SENATE LOCAL GOVT. COMM.

EXHIBIT NO. 2DATE 1-29-91BILL NO. SB-108

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of pages > 1

To	Senator Eleanor Vaughn	From	Betty Lund
Co.	State Senator	Co.	Ravalli Co. Clerk & Rec.
Dept.	State Capitol	Phone #	363-6345
Fax #	464-4105	Fax #	362-1823

January 22, 1991

The Honorable Eleanor Vaughn, Vice Chairman
 Local Government Committee
 Montana Senate
 Capitol Station
 Helena, MT 59620

(This is a correction to
 my fax sent last night!!)

RE: SB 108 Hearing January 23, 1991 1:00 P.M.

Dear Vice Chairman Vaughn and Members of the Committee:

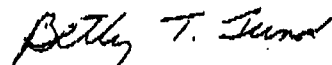
For the record, my name is Betty T. Lund, Ravalli County
 Clerk & Recorder/Election Administrator.

I would like to offer my complete support for SB 108. Page 2 lines 8 through 11 certainly make good sound financial sense. I have conducted elections here in Ravalli County for 18 years and always felt it was a waste of taxpayers money to hold an election with only one candidate, and sometimes for only one ballot position. These irrigation district elections are very important but few people are willing to take the time to help with the administration of the district. We have nine irrigation districts in Ravalli County. The filing deadline was January 17th. Only one position had competition. If this law was in effect, there would only be one irrigation district election held.

Please give a SB 108 a DO PASS recommendation.

If you have any questions, please feel free to contact me at
 363-6345.

Sincerely,



Betty T. Lund
 Ravalli County Clerk & Recorder
 Courthouse, Box 5002
 Hamilton, MT 59840

P.S. Eleanor, how do I get this read into the hearing - did I use proper wording? HELP!! I really think this bill is a great one! Sure will cut out the work on the local level. Sorry about my confusion in my first fax - was typing testimony on HB 227 about fire districts and got the words mixed up. This would be a very good idea for fire district elections also!!



ELECTION ADMINISTRATOR
LAKE COUNTY

106 Fourth Avenue East
Polson, Montana 59860-2174

Telephone 883-6211 Ext. 280



January 22, 1991

MEMO

SENATE LOCAL GOVT. COMM.

EXHIBIT NO. #3

DATE 1-29-90

BILL NO. SB-108

TO: Lake County Senators and Representatives
FROM: Charlotte L. Weldon, Election Administrator
RE: Current Legislation

Please note that I urge your support for Senate bill #108 which would eliminate the need for a costly election for the Irrigation Districts when either noone files for an office of Director, or when only the number of candidates file who are to be elected.

At present, elections are required to be held regardless of the number who file, and also if noone files, electors are still given the ballot to write-in the name of their candidate.

This causes needless expense for the districts. Many times voter turnout is very low which makes the cost per voter to hold the election totally unreasonable. As you may be aware, there is now a similar law in regard to Fire District elections (see 7-33-2106 (4)).

Thank You for your support.

1 *Senate* BILL NO. *108*
 2 INTRODUCED BY *Dingbenn, Kent Bengtson*
 3 *Jim Quam* *David Doughton* *Victor Schy*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROCEDURES
 5 FOR ELECTING IRRIGATION DISTRICT TRUSTEES; ALLOWING
 6 NOMINATIONS TO BE MADE FROM THE FLOOR AT THE ANNUAL MEETING;
 7 REQUIRING ELECTION BY ACCLAMATION WHEN THERE IS ONLY ONE
 8 NOMINEE FOR A POSITION; AND AMENDING SECTION 85-7-1702,
 9 MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 85-7-1702, MCA, is amended to read:

13 "85-7-1702. Regular election -- term of office. (1) The
 14 regular election for commissioners in each district must be
 15 held annually in accordance with 13-1-104 and 13-1-401.

16 {2} Candidates for the office of commissioner may be
 17 nominated by petition filed with the election administrator
 18 or deputy election administrator at least 75 days before the
 19 election and signed by at least five electors of the
 20 district. If no nominations are made, the following
 21 procedures must be followed:

22 (a) For elections held in accordance with 13-1-401(1),
 23 the electors of the district shall write on the ballots the
 24 name or names of the person or persons for whom they desire
 25 to vote.

1 (b) For elections held in accordance with 13-1-401(2),
 2 the electors of the district may either accept nominations
 3 from the floor or write on the ballots the name of the
 4 person or persons for whom they desire to vote.

5 {2} -- the regular election -- for -- commissioners -- in each
 6 district shall be held annually in accordance with -- 13-1-104
 7 and 13-1-401.

8 (3) If there is only one nominee for each ballot
 9 position, the nominee must be declared elected by
 10 acclamation and ballots may not be cast. The action must be
 11 taken in accordance with 13-1-304.

12 {3} {4} Within 40 days following their election, the
 13 commissioners shall meet and organize as a board by electing
 14 a president from their number and a secretary, who may or
 15 may not be a commissioner, and who shall each hold office
 16 during at the pleasure of the board. The term of office of
 17 each commissioner shall begin on the date of the
 18 organizational meeting after the regular election and shall
 19 continue continues for 3 years and until the election and
 20 qualification of his successor.

21 {4} {5} Commissioners are elected by the electors of the
 22 entire district."

-End-



SENATE LOCAL GOVT. COMM.

EXHIBIT NO. 4

DATE 1-29-91

BILL NO. SB-126

DONALD R. JUDGE
EXECUTIVE SECRETARY

110 WEST 13TH STREET
P.O. BOX 1176
HELENA, MONTANA 59624

(406) 442-1708

January 29, 1991

The Honorable Eleanor Vaughn
Montana State Senate
Capitol Station
Helena, Montana 59620

Dear Eleanor:

First of all, I'd like to apologize for not being able to personally appear before the Senate Local Government Committee when it hears Senate Bill 126 on Tuesday, January 29. I had a conflict in my schedule, so I am taking this means of communicating with all of you on this important legislation.

The AFL-CIO has always supported integrity and accountability in government. These qualities of good government often begin with an expression of philosophical beliefs through party affiliation. Knowing a candidate's party of preference helps the voter to recognize some basic tendencies of candidates. Senate Bill 126 would obstruct the voters of their basic right to know the party affiliation of the candidate that they will be electing.

Nonpartisan elections would force the voters to rely on campaign rhetoric for information concerning the field of candidates. This can lead to false information, confusion, and mud slinging campaigns.

Senate Bill 126 would allow for partisan elections only under referendum or initiative. We believe that just the opposite should be the case. Voters should automatically enjoy the knowledge of the candidates principal beliefs. Senate Bill leads away from open campaigns and ultimately from good government. This is a step in the wrong direction, especially at the local level. For these reasons, we urge you not to pass Senate Bill 126.

Thank you for considering our position on this important matter.

With best regards, I am

Sincerely yours,

Donald R. Judge, Executive Secretary
Montana State AFL-CIO

SENATE LOCAL GOVT. COMM.

EXHIBIT NO. 5

DATE 1-29-91

BILL NO. SB-101

MONTANA ASSOCIATION OF COUNTIES (MACo)

MCA 7-1-2111 & 15-23-703

FY 1991 COUNTY CLASSIFICATION

TOTAL TAXABLE VALUATION

COUNTY	POPULATION	FY 91 CERTIFIED		MOTOR VEHICLES 3/4 TON OR LESS	MOTOR VEHICLES 3/4 TO 1 TON	NEW & INTERIM PRODUCTION	EXEMPT PRODUCTION	COAL PRODUCTION	CLASSIFICATION	
		COUNTY TAXABLE VALUE	COUNTY TAXABLE VALUE						EXEMPT	TOTAL TAXABLE VALUATION
BEAVERHEAD	8,300	14,031,726	1,317,400	45,000	0	0	0	0	0	15,394,126
BIG HORN	10,900	26,933,905	1,430,997	146,583	0	0	519,745	62,668,430	0	91,699,660
BLAINE	7,000	13,579,048	753,626	41,656	2,800,370	0	10,222,620	0	0	27,397,320
BROADWATER	3,500	12,139,242	501,877	0	0	0	0	0	0	12,641,119
CARBON	8,300	16,425,419	1,276,596	60,805	92,777	0	6,824,168	0	0	24,679,765
CARTER	1,600	5,524,468	551,781	18,959	0	0	60,859	0	0	6,156,067
CASCADE	78,200	89,344,476	7,598,391	0	0	0	0	0	0	96,942,867
CHOUTEAU	5,800	24,799,050	1,341,399	52,887	805,831	0	50,452	0	0	27,049,619
CUSTER	12,700	14,890,004	2,372,788	51,703	127,310	0	0	0	0	17,441,805
DANIELS	2,600	6,434,211	700,970	18,086	0	0	0	0	0	7,153,267
DAWSON	10,100	18,599,233	2,033,643	64,543	769,163	0	2,845,660	0	0	24,312,242
DEER LODGE	10,000	8,626,724	1,072,167	0	0	0	0	0	0	9,698,891
FALLON	3,300	13,485,984	675,014	43,691	6,623,686	0	51,945,715	0	0	72,774,090
FERGUS	12,100	20,367,788	2,767,555	392,601	40,838	0	19,438	0	0	23,588,220
FLATHEAD	58,600	91,383,217	6,724,006	0	0	0	0	0	0	98,107,223
GALLATIN	48,500	71,638,526	7,641,526	0	0	0	0	0	0	79,280,052
GARFIELD	1,600	5,256,904	508,948	52,247	416,875	0	190,383	0	0	6,425,357
GLACIER	11,100	17,561,413	1,179,134	63,811	13,090,363	0	36,970	1,458,890 *	0	33,390,581
GOLDEN VALLEY	1,100	5,162,097	207,151	12,178	86,745	0	0	0	0	5,468,171
GRANITE	2,600	7,350,757	558,783	82,673	0	0	0	0	0	7,992,213
HILL	17,600	29,688,033	2,445,452	117,207	1,928,475	0	6,405,805	0	0	40,584,972
JEFFERSON	8,300	22,181,663	3,162,139	1,601,793	0	0	0	0	0	26,945,595
JUDITH BASIN	2,500	8,785,812	575,303	34,721	0	0	0	0	0	9,395,836
LAKE	21,100	28,696,505	1,890,654	86,311	0	0	0	0	0	30,673,470
LEWIS & CLARK	47,000	64,699,497	5,215,975	0	0	0	0	0	0	69,915,472
LIBERTY	2,300	9,434,565	502,627	0	51,702	0	413,628	0	0	10,402,522
LINCOLN	18,700	32,350,004	686,787	111,293	0	0	0	0	0	33,148,084
MADISON	5,600	19,036,425	974,096	0	0	0	0	0	0	20,010,521
MCONE	2,500	7,801,878	249,811	41,031	421,333	0	0	0	0	8,514,053
MEAGHER	2,000	8,031,683	299,352	0	0	0	0	0	0	8,331,035
MINERAL	3,400	8,007,332	322,797	21,969	0	0	0	0	0	8,352,098
MISSOULA	78,300	112,420,000	13,505,312	0	0	0	0	0	0	125,925,312

FY 1991 COUNTY CLASSIFICATION

MONTANA ASSOCIATION OF COUNTIES (MACO)

TOTAL TAXABLE VALUATION

MCA 7-1-2111 & 15-23-703

FY 91 CERTIFIED

COUNTY	POPULATION	COUNTY TAXABLE VALUE	MOTOR VEHICLES 3/4 TON OR LESS	MOTOR VEHICLES 3/4 TO 1 TON	NEW & INTERIM PRODUCTION	EXEMPT PRODUCTION	COAL PRODUCTION	EXEMPT	CLASSIFICATION	
									TOTAL TAXABLE VALUATION	COUNTY CLASS
MUSSELSHELL	4,300	6,781,983	662,961	41,761	6,234,428	34,860	69,408		13,825,401	5
PARK	12,300	21,193,408	1,531,909	0	0	0	0		22,725,317	3
PETROLEUM	600	1,748,015	144,789	0	36,047	1,010	0		1,929,861	7
PHILLIPS	5,400	23,541,070	688,233	0	26,885	10,745,603	0		35,001,791	2
PONDERA	6,700	14,633,586	927,119	62,875	146,565	3,016,090	0		18,786,235	4
POWDER RIVER	2,200	6,035,110	548,308	66,609	0	7,298,761	0		13,948,788	5
POWELL	6,800	12,499,949	801,537	1,029	0	0	0		13,302,515	5
PRAIRIE	1,600	4,254,663	437,558	0	0	612,787	0		5,325,008	6
RAVALLI	25,700	29,741,864	2,691,154	0	0	0	0		32,433,018	2
RICHLAND	11,800	22,165,995	3,739,641	114,020	29,825,827	1,187,476	946,307		57,979,266	1B
ROOSEVELT	11,100	25,740,528	1,172,540	78,019	15,682,170	39,327	0		42,712,584	2
ROSEBUD	12,200	178,512,891	1,413,163	66,274	13,583	0	48,171,556		228,177,467	1B
SANDERS	8,600	23,974,778	575,751	35,388	0	0	0		24,585,917	3
SHERIDAN	5,200	12,440,431	329,721	3,393	1,187,392	22,460,857	0		36,421,794	2
SILVER BOW	33,200	47,273,558	6,326,642	0	0	0	0		53,600,200	1A
STILLWATER	6,300	18,077,368	860,395	67,627	447,818	8,578	0		19,461,786	4
SWEET GRASS	3,200	7,718,376	529,762	31,976	0	0	0		8,280,114	6
TETON	6,100	15,170,161	1,112,768	60,762	0	1,199,539	0		17,543,230	4
TOOLE	5,100	17,569,146	834,333	48,773	12,455,311	745,705	0		31,653,268	2
TREASURE	900	4,928,969	234,928	14,791	0	0	0		5,178,688	6
VALLEY	8,400	25,682,934	1,587,519	30,721	3,484,154	0	1,785,309 *		32,570,637	2
WHEATLAND	2,200	7,550,864	134,832	12,051	0	0	0		7,697,747	6
WIBAUX	1,300	4,179,377	561,233	15,469	452,175	9,624,925	0		14,833,177	5
YELLOWSTONE	116,400	183,593,025	11,507,821	1,747,537	0	0	0		196,848,383	1A
TOTAL	804,800	\$1,549,675,638	\$110,418,674	\$5,660,823	\$97,247,821	\$136,510,961	\$115,099,900		\$2,014,613,817	

FY 90 TOTAL

N/A

N/A

2,013,429,772

% CHANGE

-0.6%

3.7%

100.0%

100.0%

0.1%

* REPORTED BN PROPERTY VALUE