

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Senator Kennedy, on February 2, 1993, at
1:00 p.m.

ROLL CALL

Members Present:

Sen. Ed Kennedy, Chair (D)
Sen. Sue Bartlett, Vice Chair (D)
Sen. Dorothy Eck (D)
Sen. Ethel Harding (R)
Sen. John Hertel (R)
Sen. David Rye (R)
Sen. Bernie Swift (R)
Sen. Eleanor Vaughn (D)
Sen. Mignon Waterman (D)
Sen. Jeff Weldon (D)

Members Excused: Sen. Delwyn Gage

Members Absent: None.

Staff Present: Connie Erickson, Legislative Council
Rosalyn Cooperman, Committee Secretary

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

Committee Business Summary:

Hearing: SB 112, SB 243, HB 109
Executive Action: SB 149, HB 109

HEARING ON HB 109

Opening Statement by Sponsor:

Representative Joe Barnett, House District 76, stated HB 109 would give county commissioners discretion in developing county roads. He said HB 109 was drafted at the request of the Montana Association of Counties. Representative Barnett stated developers in his area went out, in anticipation of impending subdivision law reform, and divided ranches into twenty acre lots. He said half of the lots face an unpaved road, while the other half face a paved road. Representative Barnett stated individuals who purchased lots that face the unpaved roads are

requesting the county pave and upgrade the road at its expense. He said the intent of HB 109 is to place some of the financial burden on the developers who create the need for upgraded marginal roads. Representative Barnett concluded HB 109 had only one group opposed to its passage, the Realtors Association. He added, however, the Association has since removed its opposition to its passage.

Proponents' Testimony:

Representative Ed Mc Caffree, House District 27, stated developers in his area are creating an impact on county roads. He said under current law, developers are asking taxpayers to absorb the cost of building roads in subdivisions. Representative Mc Caffree concluded he believed developers have the responsibility to bring roads on which they had developed land up to county standards and then the county has the responsibility to maintain these roads.

Mr. Gordon Morris, Montana Association of Counties (MACo), stated his support for HB 109. He said existing law, 7-14 part 27, Local Improvement Districts (LIDs) is archaic. He said counties try not to use this section of law in dealing with their county roads and instead favor code in 7-14 part 29, Road Improvement Districts. Mr. Morris said HB 109 would take out the mandatory nature of the LID law and would make it discretionary for county commissioners to create the district and would limit their level of participation by way of county revenues. He said the Association chose not to seek a repeal of 7-14 part 27 but recommends its revision.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Kennedy asked Mr. Morris if developers were required to develop all subdivision roads. Mr. Morris replied current law allows residents to petition county commissioners to request construction of a road. He added the county is then obligated to participate in the financing of that road. Mr. Morris stated this situation is occurring in Colorado Gulch just north of Helena where a group of residents has petitioned the Lewis and Clark County Commissioners to pave their main road.

Closing by Sponsor:

Representative Barnett thanked members of the Committee for the opportunity to present HB 109 and hoped they would give the bill favorable consideration.

HEARING ON SB 112**Opening Statement by Sponsor:**

Senator Ethel Harding, Senate District 25, stated she introduced this same bill in the last session but the bill ran into problems because it did not meet the constitutional question. She said SB 112 was drafted at the request of local elected officials, other than county commissioners, who do not believe their offices should be consolidated without a vote of their constituents. She concluded SB 112 allows for consolidation of certain elected county offices only upon approval by a vote of the local electorate.

Proponents' Testimony:

Mr. Merrill Klundt, Yellowstone County Clerk and Recorder, spoke from prepared testimony in support of SB 112. (Exhibit #1)

Mr. Don Byrd, Montana Association of Clerks and Recorders, stated his support for SB 112. He said SB 112 does not restrict or abridge the authority of county commissioners. Mr. Byrd said the office of county commissioner is the only office which combines executive and legislative functions. Therefore, he said, the nature of the office does not have the regular checks and balances which normally exist between executive and legislative branches of government. Mr. Byrd said SB 112 would provide the necessary checks and balances to the office of county commissioner regarding the consolidation of other offices. He added SB 112 empowers the electorate to curb arbitrary actions in consolidation of county offices by commissioners. Mr. Byrd said SB 112 extends decision making power to the people and allows them to actively participate in the government process. He concluded the approval of SB 112 would be a timely decision given efforts to study and undertake county consolidation as outlined in SJR 5 which was previously introduced to this Committee by Senator Gage.

Ms. Shelley Cheney, Gallatin County Clerk and Recorder/Surveyor, spoke from prepared testimony in support of SB 112 and SB 243. (Exhibit #2)

Mr. Joe Tropila, Cascade County Clerk and Recorder, stated his support for SB 112. He said Montana's constitution provides for checks and balances in a democratically formed government.

Mr. Tropila said in his county, the checks and balances consist of the Clerk and Recorder, who pays all the county bills, and the Treasurer, who collects all the county revenue. He said this system allows both offices to make sure the other is doing their job. Mr. Tropila stated in Missoula and Lewis and Clark counties the Clerk and Recorder is also the Treasurer. He noted Lewis and Clark County had a problem with missing funds from the Clerk and Recorder/Treasurer's office a few years ago, and the issue has yet to be fully resolved. Mr. Tropila concluded one of the commissioners in his county said SB 112 was a good bill because it "gets the monkey off of his back".

Mr. Cort Harrington, Montana County Treasurers Association and Montana Clerks of District Court, stated his organizations' support for SB 112. He said local elected officials provide a check and balance for each other, and the consolidation of one of those positions reduces the number of accountable people. Mr. Harrington concluded since local officials are accountable to local people, the people should have the opportunity to make decisions regarding consolidation.

Ms. Clara Gilreath, Lewis and Clark County District Court Clerk, stated her support for SB 112 and 243. She said opponents of SB 112 and 243 would like to take away her right, as a private citizen, to elect people to office.

Opponents' Testimony:

Mr. Gordon Morris, Montana Association of Counties (MACo), stated his Association's opposition to SB 112 and SB 243. He also presented a letter of opposition from the Broadwater County Commissioners. (Exhibit #3) He said the requirement for a constitutional election in 1994 is redundant. He said the authority of county management resides in the county commissioners and ultimately in the constituents. Mr. Morris said SB 112 provides for approval from the voters before consolidating county offices but does not specify the requirement for consolidation of offices between counties. He concluded there will be additional costs to the counties in holding any election.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Weldon asked Ms. Cheney if her position is an elected one, to which Ms. Cheney replied yes. Senator Weldon asked Ms. Cheney if the people of her county would have voted to consolidate the position of Surveyor with the Clerk and Recorder

had this provision been in place at that time. Ms. Cheney said she did not know. She said at that particular time, no one stepped forward to replace the surveyor who had retired. As a result, Ms. Cheney said, a non-qualified individual was elected on a write-in vote and the individual later resigned. She said the commission then appointed a professional engineer but later decided to consolidate the office with the Clerk and Recorder for reasons many considered to be politically motivated.

Senator Eck stated the professional engineer the commission appointed was actually a chemical engineer so the commission would have had to hire another engineer to perform the required work. It was her opinion one of the reasons offices are consolidated is because the people who are elected often are not qualified to do the job. Ms. Cheney stated she disagreed with Senator Eck's statement because of the amount of money Gallatin County is currently spending to contract out those services. She believes Gallatin County could find a qualified person for the position of County Surveyor given the influx of new residents to the area. Senator Eck asked Ms. Cheney if she was permitted to hire a surveyor to do her job. Ms. Cheney replied current statute requires her to hire someone to perform the tasks since she does not do them herself. She said the commissioners have given the road superintendent the authority to contract those services. Senator Eck asked Ms. Cheney if she had the authority to parcel out tasks to others to assist her with her responsibilities.

Ms. Cheney replied she has two full time people in her office to assist her, and added she would not be surprised if Gallatin County was sued because the surveyor is not doing her job. She said it was for this very reason she supports SB 112.

Senator Eck asked Mr. Morris if SB 112 would preclude current efforts to convert the position of elected county assessor to a state employed position. Mr. Morris replied it would not because the conversion would be done through statute.

Senator Rye asked Connie Erickson if SB 112 would pass through the Senate regardless of Committee action because it requires a constitutional amendment, to which Ms. Erickson replied she believed it would.

Senator Rye asked Mr. Morris if Gallatin County Commissioners could make Ms. Cheney County Coroner as well as Clerk and Recorder if they so desired. Mr. Morris replied under existing statute, county commissioners could consolidate any county office if they held public hearings and gave notice to do so before election filing dates.

Senator Rye asked Mr. Morris if his basic constituency was county commissioners, to which Mr. Morris replied it was.

Senator Rye asked Mr. Morris if the diminution of county commissioner authority was the sole reason why he opposed SB 112.

Mr. Morris replied current law allows county commissioner discretion in this matter.

Senator Vaughn asked Senator Harding if she wanted to amend SB 112 to require an election before county commissioners could consolidate offices between counties. Senator Harding stated she would abide by the wishes of the Committee regarding any amendments.

Senator Kennedy introduced to the Committee several letters of support and opposition to SB 112 and 243. (Exhibits #3-27)

Closing by Sponsor:

Senator Harding stated she appreciated the testimony on SB 112. Senator Harding said in sponsoring SB 112, she is representing all the county officers who do not want offices consolidated without a vote of the people. She said in the thirty eight years she worked in county government for Lake County, she never worked with commissioners who would have consolidated offices without first consulting their constituency.

HEARING ON SB 243

Opening Statement by Sponsor:

Senator Ethel Harding, Senate District 25, stated SB 243 was the follow-up to SB 112. Senator Harding said this bill was also introduced in the last session but was found to be unconstitutional. She said SB 243 updates the code and provides for an election to consolidate county offices.

Proponents' Testimony:

Mr. Merrill Klundt, Yellowstone County Clerk and Recorder, spoke from prepared testimony in support of SB 112. (Exhibit #28)

Mr. Don Byrd, Montana Association of Clerks and Recorders, stated his support for SB 243. He said the people of a county should be trusted to decide if their county offices should be consolidated.

Ms. Shelley Cheney, Gallatin County Clerk and Recorder/Surveyor, stated her support for SB 243.

Mr. Joe Tropila, Cascade County Clerk and Recorder, stated his support for SB 243. He added, in the event SB 112 and 243 do not pass, he would like to introduce a bill to consolidate the office of County Commissioner.

Mr. Cort Harrington, Montana County Treasurers Association and Montana Clerks of District Court, stated both organizations' support for SB 243.

Opponents' Testimony:

Mr. Gordon Morris, Montana Association of Counties (MACo), stated his opposition to SB 243. It was his opinion the passage of SB 243 will lead to government by referendum and take discretion away from the county commissioners. Mr. Morris stated SB 243 provides for an election before consolidating county offices but does not specify an election for consolidation of offices between counties.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Eck asked Mr. Morris if smaller counties have a full slate of full-time county offices. Mr. Morris replied widespread variation exists between counties. He said in Petroleum County, all county office duties are performed by one person. Senator Eck asked how many of Montana's counties with populations under 10,000 people have a full slate of full-time elected county offices. Mr. Morris stated all elected officials in all counties are full-time with the exception of the County Attorney.

Senator Weldon stated he viewed SB 112 and 243 as a safeguard against renegade commissioners. He asked Mr. Morris what safeguards exist in the current system to prevent commissioners from consolidating county offices without public input. Mr. Morris replied voters possess the ultimate safeguard by voting an undesirable commissioner out of office at the next general election.

Senator Kennedy asked Mr. Morris how he was given authority to oppose or support legislation from his organization. Mr. Morris replied MACo has a stated policy against the diminution of county commissioner authority.

Closing by Sponsor:

Senator Harding stated she would like the Committee to decide if they wanted to amend SB 243 (and SB 112) to extend the authority to voters to consolidate offices between counties. She reminded the Committee that every ten years the Montana Constitution provides for a review of local government so local people can decide if anything needs to be changed. Senator Harding said the

consolidation of county offices by county commissioners violates this principle and takes the option away from local voters. She said she opposes the consolidation of the offices of Clerk and Recorder and County Treasurer, especially in the larger counties, because they serve as checks and balances against each other. Senator Harding urged the Committee to pass SB 112 and SB 243.

Discussion:

Connie Erickson stated Senate Rules require the Senate to pass a constitutional amendment on to the House. She said there is a question as to whether or not a Senate committee can table a bill that contains a constitutional amendment. She advised the Committee to report the bill out and let the Senate debate it and then pass it to the House.

EXECUTIVE ACTION ON HB 109

Motion/Vote:

Senator Eck moved HB 109 BE CONCURRED IN. MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 149

Discussion:

Connie Erickson stated there were two sets of amendments offered to SB 149. She said the first set of amendments would replace the word "shall" with "may" and reinsert Section 2. She said these changes would make it discretionary for county commissioners to establish or abandon petitioned roads. Ms. Erickson stated the second set of amendments were offered by Teton County.

Motion:

Senator Eck moved the Committee adopt the first set of amendments to SB 149 which would reinsert Section 2 and replace the word "shall" with "may".

Discussion:

Senator Bartlett asked Senator Eck if she moved to reinsert Section 2 to SB 149, to which Senator Eck replied she did.

Senator Weldon asked if the Committee had taken prior action on any bills pertaining to discretionary authority of county commissioners regarding road law. Connie Erickson replied the Committee took action on two other county road law bills, however, these bills sought to revise another section of code.

Vote:

The motion to amend SB 149 CARRIED UNANIMOUSLY.

Discussion:

Connie Erickson asked if the Committee wanted to consider the second set of amendments to SB 149 offered by the Teton County. She said some of these amendments move beyond the original intent of the bill. Ms. Erickson said their main desire was to amend SB 149 to give county commissioners discretion to maintain county roads at any level without penalty or loss of gas tax revenues. She said she spoke with an individual from the Department of Transportation regarding this matter and was informed there is a distinction between public roads and county roads. Ms. Erickson stated public roads are not always county roads and the Department of Transportation has standards in determining public roads. She said public roads are roads which are accessible for two-wheeled vehicles. Ms. Erickson said if the Department of Transportation allows a county to declare all roads, regardless of their level of maintenance, as part of their county road system, then all counties will see a decrease in their overall gas tax payment since it is a fixed amount. She added the Department of Transportation would oppose any attempt to put this amendment in statute.

Motion/Vote:

Senator Eck moved SB 149 DO PASS AS AMENDED. MOTION CARRIED UNANIMOUSLY.

Discussion on Senate bills awaiting executive action:

Connie Erickson stated she is still working on SB 156. She said the dog breeders are working on amendments to change some of the language in SB 156 and asked the Committee not to take any action on SB 156 until she has had the opportunity to speak to them.

Senator Waterman stated SB 156 was getting too complicated and suggested the Committee consider amending the liability section pertaining to vicious dogs in existing code to include Senator Jergeson's concerns. Senator Weldon asked Senator Waterman if the language applied to potentially dangerous dogs which seemed to be of concern to Senator Jergeson. Senator Waterman replied

the language would include "potentially vicious dogs". Senator Waterman thought it would be difficult to regulate "potentially dangerous dogs" since any dog could be considered "potentially dangerous".

Senator Swift agreed with Senator Waterman's concerns about defining a "potentially dangerous dog" and added he viewed liability as the key to regulation of this problem. He said the counties have the authority to pass resolutions similar to leash laws and could pass language pertaining to liability for dangerous dogs.

Senator Bartlett stated the Committee may want to examine language adopted by city ordinances pertaining to this problem since cities have dealt with many of these same concerns.

Connie Erickson asked the Committee to delay action on SB 156 until she has had the opportunity to speak with the dog breeders who were concerned about the impact of this bill.

Connie Erickson stated she spoke with Alec Hansen from the League of Cities and Towns to see why the City of Chinook requested Senator Jergeson sponsor SB 157. She learned there are three or four properties in the City of Chinook which are sitting vacant and falling apart since no one will buy them. Ms. Erickson said the city wants the property to tear the buildings down but the county refuses to release them without requiring the cities to first pay the delinquent taxes. She said Mr. Hansen wanted to visit with Mr. Morris and some of the other individuals who testified against SB 157 to attempt to work something out. Ms. Erickson suggested the Committee wait and hear Senator Van Valkenburg's bill which pertains to this problem scheduled to be heard next week.

Senator Bartlett asked Connie Erickson if the City of Chinook had a public health ordinance which allows them to tear down condemned buildings. Ms. Erickson replied she did not know.

Connie Erickson stated the Department of Revenue had some concerns about SB 189. She said she would call Dave Woodgerd at the Department to see about the status of their amendments.

Senator Kennedy requested the Committee delay executive action on SB 230 until Senator Gage returned to the Committee.

ADJOURNMENT

Adjournment: 2:35 p.m.



SENATOR JOHN "ED" KENNEDY, Jr., Chair



ROSALYN COOPERMAN, Secretary

JEK/rlc

ROLL CALL

SENATE COMMITTEE Local Government

DATE 2-2-93

NAME	PRESENT	ABSENT	EXCUSED
Senator John "Ed" Kennedy	✓		
Senator Sue Bartlett	✓		
Senator Dorothy Eck	✓		
Senator Delwyn Gage			✓
Senator Ethel Harding	✓		
Senator John Hertel	✓		
Senator David Rye	✓		
Senator Bernie Swift	✓		
Senator Mignon Waterman	✓		
Senator Jeff Weldon	✓		
Senator Eleanor Vaughn	✓		

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 3, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 109 (first reading copy -- blue), respectfully report that House Bill No. 109 be concurred in.

Signed: John Ed Kennedy
Senator John "Ed" Kennedy, Jr., Chair

M - Amd. Coord.
Sec. of Senate

Senator D. Eck
Senator Carrying Bill

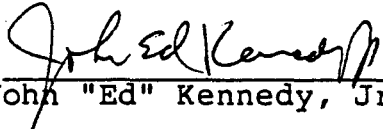
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SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 3, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration Senate Bill No. 149 (first reading copy -- white), respectfully report that Senate Bill No. 149 be amended as follows and as so amended do pass.

Signed: 
Senator John "Ed" Kennedy, Jr., Chair

That such amendments read:

1. Title, line 5

Following: "ESTABLISH"

Strike: "AND"

Insert: ", "

Following: "MAINTAIN"

Insert: ", DISCONTINUE, OR ABANDON"

2. Title, line 6

Following: "ROAD"

Insert: "WHEN"

Strike: "FOR"

3. Page 1.

Following: line 16

Insert: "(2) Each board may survey, view, lay out, record, open, work, and maintain county roads that are petitioned for by freeholders. Guideposts must be erected."

Renumber: subsequent subsection

4. Page 1, line 17.

Strike: "shall"

Insert: "may"

-END-

County of Yellowstone



MERRILL H. KLUNDT
Clerk & Recorder

Billings, Montana 59101

January 19, 1993

Ed Kennedy, Chairman
Senate Local Government Committee
Room 405
Capitol Building
Helena, MT 59620

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 1

DATE 2-2-93

BILL NO. SB 112

Dear Chairman Kennedy and Members:

Senate Bill No. 112 is a bill to amend Article XI, Section 3 of The Constitution of the State of Montana, which will require the approval of the electorate to consolidate two or more County offices. Presently, the Board of County Commissioners can consolidate two or more County offices without Voter approval. Under Article XI, Section 9 of the Montana Constitution, it provides for Voter review of local government and the legislature shall require an election in each local government to determine whether a local government will undertake a review procedure once every ten years after the first election. Approval is required by a majority of the electorate voting on the question of undertaking a local government review and if approved, Study Commission Members shall be elected and present an alternate form of government as described in Title 7, Chapter 3, Part 1 through 7 of Montana codes annotated. In these provisions Voter approval is required.

However, under Article XI, Section 3, Sub-paragraph 2, and under Section 7-4-2301 through 7-4-2313 MCA, the Board of County Commissioners can consolidate two or more County offices, which is changing the form of government, without the approval of the electorate.

I know that opponents to this bill will say it is taking the powers and rights away from the Board of County Commissioners. This bill is placing the power and rights in consolidating County offices in the hands of the electorate where it should be.

The issue of consolidation of County offices must certainly be studied very carefully that it does not cost more, does not disrupt the check and balance system that we do have in our County government, which is the best in the world, and which is only achieved by retaining Elected officials.

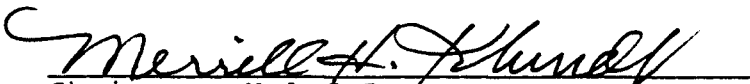
The claim that professionals should be appointed to replace elected officials so as to bring about greater efficiency is fraught with serious consequences. Efficiency is not the primary objective of government. The hallmark of free government is Justice, peace,

fairness, the protection of the unprotected, and the expansion of freedom. Almost the very first acts of dictators was the abolishment of local elected officers in the name of efficiency. That efficiency almost led to the destruction of Western Civilization.

Further, to those who argue that the election of certain County department heads is an "antiquated" form of government, we say: "Yes it is antiquated." Democracy is one of the most antiquated forms of government in existence, and it is also the best form created by the fertile minds of human kind.

Your support and passage of this bill will be greatly appreciated.

Yours truly,


Chairman, M.A.C.R.
Legislative Committee
and Clerk and Recorder
Yellowstone County, Montana

(3) It shall be the duty of the custodian of such records to prepare enlarged typed or photographic copies of the records whenever their production is required by law.

History: (1) En. Sec. 2, Ch. 117, L. 1959; Sec. 16-2429, R.C.M. 1947; (2), (3) En. Sec. 3, Ch. 117, L. 1959; Sec. 16-2430, R.C.M. 1947; R.C.M. 1947, 16-2429, 16-2430.

7-4-2223. Duplicate records — safe storage of one copy. (1) Whenever any record or document is copied or reproduced by microphotographic, microfilm, or other mechanical process as provided in 7-4-2221, it shall be made in duplicate.

(2) The custodian thereof shall place one copy, the contents thereof being first duly identified and indexed, in a fireproof vault or fireproof storage place. He shall retain the other copy in his office with suitable equipment for displaying such record by projection to not less than its original size or for preparing copies of the record for persons entitled thereto.

History: En. Sec. 4, Ch. 117, L. 1959; R.C.M. 1947, 16-2431.

Part 23

Consolidation of County Offices

7-4-2301. Authorization to consolidate county offices. (1) Except as provided in subsection (2), the board of county commissioners of any county may in its discretion consolidate any two or more of the offices named in 7-4-2203 and combine the powers and the duties of the consolidated offices.

(2) The office of the justice of the peace may not be combined or consolidated with any other office other than another justice of the peace office.

History: En. Sec. 4315, Pol. C. 1895; re-en. Sec. 2969, Rev. C. 1907; re-en. Sec. 4728, R.C.M. 1921; Cal. Pol. C. Sec. 4109; re-en. Sec. 4728, R.C.M. 1935; amd. Sec. 1, Ch. 134, L. 1939; amd. Sec. 16, Ch. 123, L. 1973; amd. Sec. 1, Ch. 129, L. 1973; amd. Sec. 12, Ch. 491, L. 1973; amd. Sec. 3, Ch. 253, L. 1975; R.C.M. 1947, 16-2406(part); amd. Sec. 4, Ch. 443, L. 1979.

7-4-2302. Petition for consolidation of county offices. (1) At any time not later than 45 days before the date on which declarations for nomination may first be filed for any county office, a petition in writing may be filed with the board of county commissioners of a county asking for the consolidation of any two or more of said offices by the board of such county.

(2) The petition shall be signed by not less than 15% of the registered electors of such county.

History: En. Sec. 1, Ch. 125, L. 1935; re-en. Sec. 4749.1, R.C.M. 1935; amd. Sec. 7, Ch. 100, L. 1973; amd. Sec. 1, Ch. 458, L. 1973; R.C.M. 1947, 16-2501(part); amd. Sec. 1, Ch. 101, L. 1987.

Cross-References

Date of general election, 13-1-104.

7-4-2303. Petition for intercounty consolidation of offices. (1) A written petition may also be filed with the boards of county commissioners of

counties asking for consolidation of any two or more offices among several counties.

(2) In the case of consolidation of offices among several counties, the petition shall be signed by not less than 15% of the registered electors in each of the counties affected.

History: En. Sec. 1, Ch. 125, L. 1935; re-en. Sec. 4749.1, R.C.M. 1935; amd. Sec. 7, Ch. 100, L. 1973; amd. Sec. 1, Ch. 458, L. 1973; R.C.M. 1947, 16-2501(part); amd. Sec. 2, Ch. 101, L. 1987.

7-4-2304. Petition details. (1) Said petition shall be addressed to the board or boards of county commissioners of the counties affected and shall set forth and state the reasons why such consolidation is believed by the petitioners to be necessary or desirable or for the best interests of the county taxpayers.

(2) Each person signing such petition shall place his printed last name, post-office address, and voting precinct after his signature.

(3) For purposes of determining the number of signatures needed on a petition to meet the percentage requirements of this part, the number of electors must be the number of individuals registered to vote at the preceding general election for the county.

History: En. Sec. 1, Ch. 125, L. 1935; re-en. Sec. 4749.1, R.C.M. 1935; amd. Sec. 7, Ch. 100, L. 1973; amd. Sec. 1, Ch. 458, L. 1973; R.C.M. 1947, 16-2501(part); amd. Sec. 3, Ch. 101, L. 1987.

7-4-2305. Initiation of consolidation by county commissioners. (1) The board or boards of county commissioners may initiate the consolidation of county offices under the procedure set forth in this part. Any board or boards desiring to consolidate any two or more offices or any two or more offices among several counties under the provisions of this part shall first pass a resolution stating the intent of the board or boards to consider consolidation.

(2) Nothing contained herein shall be deemed as limiting in any manner the discretion of the county commissioners to consolidate the several offices without the filing of the petition provided for in this part.

History: (1) En. 16-2501.1 by Sec. 2, Ch. 458, L. 1973; Sec. 16-2501.1, R.C.M. 1947; (2) En. Sec. 4, Ch. 125, L. 1935; re-en. Sec. 4749.4, R.C.M. 1935; amd. Sec. 8, Ch. 190, L. 1973; Sec. 16-2501, R.C.M. 1947; R.C.M. 1947, 16-2501.1, 16-2501.

7-4-2306. Processing of petition — resolution of intent and hearing. (1) Upon the filing of a petition for consolidation, the board or boards of county commissioners shall cause the county clerk or clerks to examine the petition and the registration records of the county or counties.

(2) If after such examination the county clerk or clerks report to the board or boards of county commissioners that the petition has been signed by not less than 15% of the registered electors of the county, the board or boards shall set a date for a hearing and pass a resolution of intent to consider the consolidation. Upon passage of the resolution of intent by the board or boards, proper notice shall be given for the hearing. The date for the hearing may not be more than 20 days after the filing of the petition or the passage of the resolution of intent.

History: En. Sec. 2, Ch. 125, L. 1935; re-en. Sec. 4749.2, R.C.M. 1935; amd. Sec. 3, Ch. 458, L. 1973; R.C.M. 1947, 16-2502(part); amd. Sec. 5, Ch. 413, L. 1979; amd. Sec. 4, Ch. 101, L. 1987.

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7-4-2307. Notice of hearing. The county clerk or clerks shall cause notice of the hearing required by 7-4-2306 to be published as provided in 7-1-2121.

History: En. Sec. 2, Ch. 125, L. 1935; re-en. Sec. 4749.2, R.C.M. 1935; amd. Sec. 3, Ch. 458, L. 1973; R.C.M. 1947, 16-2502(part); amd. Sec. 5, Ch. 349, L. 1985.

7-4-2308. Joint hearings. Nothing herein shall prevent the boards of county commissioners in counties affected by intercounty consolidation from holding joint hearings, provided the proper notice is given in each of the counties affected as set forth in 7-4-2306 and 7-4-2307.

History: En. 16-2502.1 by Sec. 4, Ch. 458, L. 1973; R.C.M. 1947, 16-2502.1.

7-4-2309. Conduct of hearing — decision. (1) At the time designated in said notice, the county commissioners shall proceed to hear said petition and the evidence for or against the same. Any registered elector of the county affected shall have the right to appear and be heard upon said petition, subject, however, to the right of the county commissioners to limit cumulative testimony and to prevent the undue prolonging of said hearing.

(2) Within 5 days after the date set for said hearing, the board or boards of county commissioners shall make such order in relation to the consolidation of said offices as they shall deem proper. Such order must be made at least 7 days before the date on which declarations for nomination may first be filed for any county office.

History: En. Sec. 3, Ch. 125, L. 1935; re-en. Sec. 4749.3, R.C.M. 1935; amd. Sec. 5, Ch. 458, L. 1973; R.C.M. 1947, 16-2503; amd. Sec. 5, Ch. 101, L. 1987.

7-4-2310. Order for consolidation of offices. (1) In consolidating county offices, the board of county commissioners shall, not less than 7 days before the date on which declarations for nomination may first be filed for any office to be consolidated or not less than 6 months prior to the appointment to the offices to be consolidated, make and enter an order combining any two or more of the within-named offices.

(2) Whenever an order consolidating two or more offices is made, the order shall be entered in full on the board's minutes of proceedings.

(3) The order shall be published in a newspaper of general circulation, printed and published in the county or counties affected, for a period of 2 successive weeks following the date of the making and entering of the order.

History: Ap. p. Sec. 4315, Pol. C. 1895; re-en. Sec. 2960, Rev. C. 1907; re-en. Sec. 4728, R.C.M. 1921; Cal. Pol. C. Sec. 4109; re-en. Sec. 4728, R.C.M. 1935; amd. Sec. 1, Ch. 134, L. 1939; amd. Sec. 16, Ch. 123, L. 1973; amd. Sec. 1, Ch. 129, L. 1973; amd. Sec. 12, Ch. 491, L. 1973; amd. Sec. 3, Ch. 253, L. 1975; Sec. 16-2106, R.C.M. 1947; Ap. p. Sec. 5, Ch. 125, L. 1935; re-en. Sec. 4749.5, R.C.M. 1935; amd. Sec. 9, Ch. 100, L. 1973; amd. Sec. 6, Ch. 458, L. 1973; Sec. 16-2505, R.C.M. 1947; R.C.M. 1947, 16-2106(part), 16-2505; amd. Sec. 6, Ch. 443, L. 1979; amd. Sec. 6, Ch. 101, L. 1987.

7-4-2311. Implementation of consolidation order. (1) Whenever any such order is made consolidating two or more of such offices, it shall be the duty of the officers holding and occupying such offices, at the end of their terms of office, to deliver and transfer to their successor or successors all of the books, files, papers, documents, maps, plats, and records of such offices.

(2) The officer or officers receiving the same shall make and deliver proper receipts therefor and shall thereafter:

(a) be the custodian or custodians of such books, files, papers, documents, maps, plats, and records;

(b) perform all of the duties and acts imposed on such consolidated offices as required of them by law; and

(c) make and execute, with full legal force and effect, all certificates, official statements, official reports, affidavits, and other instruments required to be made by the laws of this state by either or any of the officers whose offices have been so consolidated.

(3) If the laws of this state or the rules, regulations, orders, or directions of any officer or department of the state shall require each of two offices which are consolidated to keep duplicate or similar records, books, or accounts, after such consolidation, such consolidated office shall keep but one set of such records, books, or accounts.

History: En. Sec. 6, Ch. 125, L. 1935; re-en. Sec. 4749.6, R.C.M. 1935; R.C.M. 1947, 16-2506.

7-4-2312. Salary and bond of officer following consolidation. (1) When two or more offices are consolidated under a single officer, such officer shall receive as salary an amount to be determined by the board or boards of county commissioners, but which amount must not be more than 20% higher than the highest salary provided by law to be paid to any officer whose duties he is required to perform by reason of such consolidations.

(b) The board or boards shall, in June of each fourth year, adopt a resolution fixing the salary of such officer for the term beginning with the first Monday in January immediately following the adoption of such resolution.

(2) Such officer shall give a bond in an amount equal to the highest bond required by law of any officer whose duties he is required to perform by reason of such consolidation.

History: En. Sec. 7, Ch. 125, L. 1935; re-en. Sec. 4749.7, R.C.M. 1935; amd. Sec. 1, Ch. 107, L. 1937; amd. Sec. 1, Ch. 104, L. 1941; amd. Sec. 7, Ch. 458, L. 1973; R.C.M. 1947, 16-2507(part).

Cross-References

Bonds of county officers and employees,

Title 2, ch. 9, part 7.

Compensation of county officers, 7-4-2501.

7-4-2313. Deputies and personnel for consolidated offices. (1) Whenever county offices are consolidated, the officer of the consolidated office may appoint as many deputies as are approved by the board or boards of county commissioners.

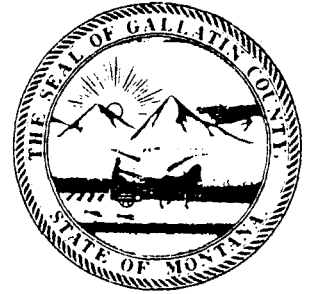
(2) The board or boards shall determine the number of deputies, stenographers, and clerks the officers may appoint.

History: En. Sec. 7, Ch. 125, L. 1935; re-en. Sec. 4749.7, R.C.M. 1935; amd. Sec. 1, Ch. 107, L. 1937; amd. Sec. 1, Ch. 104, L. 1941; amd. Sec. 7, Ch. 458, L. 1973; R.C.M. 1947, 16-2507(part); amd. Sec. 7, Ch. 443, L. 1979.

State of Montana

County of Gallatin

Bozeman



SENATE LOCAL GOVERNMENT

Chairman Ed Kennedy
Senate Local Government
Room 405
State Capitol

EXHIBIT NO. 2
DATE 2-2-93
BILL NO. SB 112, 243

Re: SB 112 & 243

My name is Shelley Cheney and my official title is Gallatin County Clerk and Recorder/Surveyor.

In 1985 the Commissioners of Gallatin County consolidated the Surveyor's office with the Clerk and Recorder. I was not the Clerk and Recorder then, but did work in the office as a deputy Clerk and Recorder.

It was decided to consolidate the surveyor with the clerk and recorder because all surveys and road petitions are filed in the Clerk and Recorder's office - "the official record keeper of the County".

The reason given to consolidate was to save money, but individuals working within the Courthouse know the consolidation was done due to conflicts between the newly appointed Surveyor and other elected officials and employees.

The Commission explained that any official survey work done by the County would be contracted to a registered land surveyor and/or professional engineer. In 1989, Gallatin County spent \$10,412.00 on contracted services, 1990 - \$23,621.00, 1991 - \$22,883.00, and 1992 - \$25,723.00. The salary of an elected county surveyor in 1992 would have been \$25,840.00.

According to 7-4-2312 (1) (a) MCA the commission shall determine a salary amount not to exceed 20% more than the higher of the two salaries to be consolidated. My commissioners determined the salary of the Clerk and Recorder/ Surveyor to be that of strictly the Clerk and Recorder which is currently \$26,925.00.

My duties as Clerk and Recorder involve recording and filing many various public documents such as deeds, mortgages, contracts, birth and death certificates, surveys, liens, etc., and I must maintain those public archives. I am clerk to the board of county commissioners and keep their journal and official minutes. I am responsible to keep a record of all financial transactions of the county and prepare the annual financial statement. I collect, compile, and assist the County Fiscal Officer in submitting all county budgets to the commission for review and approval.

As the Election Administrator I must maintain a current list of all registered voters, and prepare and conduct all elections except school elections. I must give public notice by publishing, and sometimes posting and mailing notices of many different actions under consideration by the Commission and others within the county.

My duties as surveyor, as directed by the Commission, require me to be a member of the viewing committee whenever a petition is received to establish, alter, or abandon a county road. The committee physically views the road in question and we submit our observations in writing to the Board of County Commissioners for their considerations. On the average, I view roads 1 day each month. I am also directed, as surveyor, to be a member of the zoning commission. Gallatin County currently has 12 zoned districts and 2 more districts which are in the process of being created within the next year. In 1985, there were 8 districts. The zoning commission has set aside 2 days each month to conduct hearings and consider requests. In the months of December and January, the zoning commission had 5 full day hearings. Hearings require research, study, and preparation beforehand and I average 2 days of preparation each month in addition to the hearing. That adds up to a minimum of 5 full days each month as the County Surveyor. Personally, I am overwhelmed by the extra responsibilities of this office in addition to the responsibilities as Clerk and Recorder.

Please do not misunderstand my testimony. I am not complaining. I would rather not be the County Surveyor because I am not qualified, but my love for the Clerk and Recorder's office and the duties required supersede my uneasiness as County Surveyor.

I just wanted you to be aware of what one county in Montana did with the consolidation of one office. I do believe it effects public service by placing so many duties on one person who is ultimately responsible.

We currently have elected officials in Gallatin County who work very well together and respect each other. That was not the case in 1985, and there is no guarantee that it will be the case in the future. Your support of SB 112 and SB 243 will help assure that the people make the choices of consolidation rather than a select few.

Respectfully submitted,



Shelley M. Cheney
Clerk and Recorder/Surveyor
Gallatin County, Montana

BROADWATER COUNTY
Board of County Commissioners

406-266-3443
P. O. Box 489
TOWNSEND, MONTANA 59644



RE; SENATE BILL 112 AND SENATE BILL 243

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 3

DATE 2-2-93

BILL NO. SB 112, 243

Mr. Chairman and Members of the Local Government Committee:

The Broadwater County Commissioners would like to go on record as adamantly opposing Senate Bill 112 and Senate Bill 243. Both of these bills are being sponsored by Senator Ethel Harding. SB 112 and SB 243 will remove the ability of the county commissioners to manage local government which the people have elected them to do. Who knows and understands local government better than the local county commissioners who deal with all aspects of the government. For these reasons we urged you to give both of these bills a Do Not Pass recommendation.

Thank you for your consideration.

Robert L. Davis
ROBERT L. DAVIS, CHAIRMAN

James V. Hohn
JAMES V. HOHN

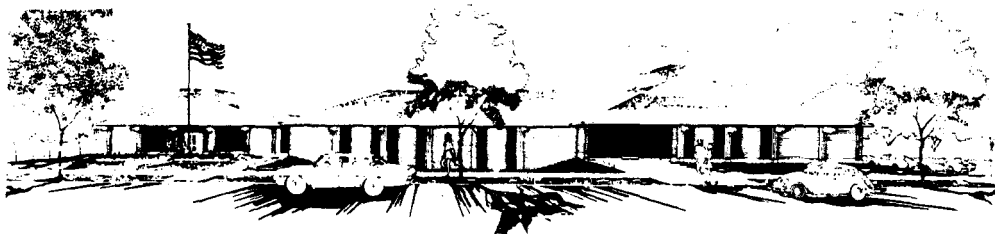
Steven E. McCullough
STEVEN E. MC CULLOUGH

COMMISSIONERS
846 - Phone 778-2883
Ald D. Shepherd, Chairman
Ald Rieger, Ismay
n Rustad, Baker

CLERK & RECORDER
Mary Lee Dietz
846 - Phone 778-2883

COUNTY ATTORNEY
Neil R. Young
620 - Phone 778-2406

CLERK OF THE PEACE
Lies O. Larson
206 - Phone 778-2883



FALLON COUNTY

BAKER, MONTANA 59313

ASSESSOR
Curtis Huether
Box 499 - Phone 778-2883

CLERK OF COURT
Carol Wade
Box M - Phone 778-2883

SHERIFF
Leland Gundlach
Box 899 - Phone 778-2879

SUPT. OF SCHOOLS
Marlene A. Ferrel
Box 1117 - Phone 778-2883

TREASURER
Faye M. Koenig
Box 787 - Phone 778-2883

January 26, 1992

Senate Local Government Committee
Room 405 Senate
State Capital
Helena, Montana 59620

RE: SB112

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 4
DATE 2-2-93
BILL NO. SB 112

Honorable Committee;

Please support SB112 as I feel that consolidation of county offices should be a choice of the electorate not just the three County Commissioners. If the electorate is not in agreement they should be allowed this choice on the ballot in November 1994.

Thank you for your consideration.

Sincerely,

Mary Lee Dietz
Fallon County Clerk & Recorder

Rosebud County

Forsyth, Montana 59327

Commissioners:
Donald Bailey
Mark Pinkerton
Henry Stokke

Clerk & Recorder:
Geraldine Nile

Treasurer:
Sharon Lincoln

Clerk of District Court:
Collene Hill

Assessor:
Donna Kennedy

Attorney:
John Forsythe

Superintendent of
Schools:
Sharyn Thomas

Justice of the Peace:
David J. Polley-Forsyth
Ann Wagner-Colstrip

Sheriff:
Kurt Seward



SENATE LOCAL GOVERNMENT

EXHIBIT NO. 5

DATE 2-2-93

BILL NO. SB 112, 243

February 1, 1993

Ed Kennedy, Chairman
Local Government Committee
Room 450 State Capitol
Helena, Mt. 59620

Dear Senator Kennedy and members of the committee:

Please have this letter be entered as testimony for Senate Bill 112 and its companion bill Senate Bill 243. I am for this legislation because leaves the decision to consolidate in the hands of the voters, who upon consolidation give up their rights to an elected position. After talking to some smaller counties with consolidated offices, their feelings were it would have caused less hard feelings among the offices and the county commissioners if it would have been voted on. After being in county government for 14 plus years, I can see personality conflicts arise that cause decisions at the time that are regreted later. Also many times new commissioners are not aware of the duties of the offices and the system of checks and balances that must be maintained for internal control. If consolidation can be voted on, it gives time for both sides to present their cases and for time to think the decision through in a rational manner without personalities coming into the picture.

Thank you for the opportunity to express my opinion, and again I strongly support this bill.

Sincerely,

Geraldine Nile

Geraldine Nile
Rosebud County
Clerk & Recorder

OFFICE OF
RICHLAND COUNTY
CLERK AND RECORDER

ELMINA J. COOK
SIDNEY, MONTANA

February 1, 1993

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 6

DATE 2-2-93

BILL NO. SB 112

Senate Local Government Committee
Helena
Montana

Re: SB 112

This constitutional amendment is a result of a resolution
from the Clerk and Recorder's Association.

Please give favorable consideration to this bill.

Thank you for your help in this matter.

Sincerely,

Elmina J. Cook

Elmina J. Cook
Clerk and Recorder

Fax Transmittal Form

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 7DATE 2-2-93BILL NO. SB 112, 243

Sheridan County Clerk & Recorder
100 W. Laurel Ave.
Plentywood, MT 59254

Deliver to: Senate Local Government Committee

Attention: Ed Kennedy, Chairman

Fax Number: 1-444-4105

Transmitted on February 1, 1993

Message from: Milton E. Hovland, Clerk and Recorder

Comments: I would like to take this opportunity to ask for your support for SB 112
and SB 243. Thank you!

OFFICE OF
CLERK AND RECORDER

Coral M. Cummings

312 California Avenue

COUNTY OF LINCOLN

(406) 293-7781

Libby, Montana 59923

January 29, 1993

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 8

DATE 2-2-93

BILL NO. SB 112, 243

Senator Eleanor Vaughn
Helena, Mt.

RE: SB 112 and 243

Dear Eleanor;

You fully understand, I am sure, the circumstances of consolidation in Lincoln County and how it came to pass. First of all, our Appraiser was retiring, and the State and the Assessor approached the Board with a plan to "consolidate the duties of the two offices and apply a new name (job title) to the position". However, the office of Assessor needed to be dealt with, and they felt it could be combined with another office in the County, and the county would then not have the obligation of wages for the "Assessor" position. The positions of Surveyor and Auditor were not filled at that time, nor had ever been in Lincoln County that I am aware of, so the Board of County Commissioners felt it best to combine the combination of offices into one office, thus eliminating the possibility of someone running for positions that were not funded.

This all happened when I was very new in office, and I did not realize just what the impact would be to "freely elected offices" at that time. I still feel justification for the surveyor and auditor positions, however, I would have more opposition and questions on the Assessor position at this time, after two years in office.

I feel a "Vote of the Electorate" is the most proper way to approach this type of situation, and if the electorate by majority consolidates offices, so be it. However, they, the people, have the right to decide this issue.

I strongly support your SB's 112 and 243. I would be far more comfortable with my titles if consolidation had been decided by the electorate, especially the Assessor title, as that was the only office being held at the time of the consolidation. However, I feel it should apply to ALL elected positions.

Sincerely,

A handwritten signature, likely of Coral M. Cummings, is written over the word "Sincerely,".

Assessor/Auditor/Surveyor & Election Administration.

P.S. It is also too much and too long!

STATE LOCAL GOVERNMENT

IBIT NO. 9E 2-2-93NO. SB 112, 243PONDERA COUNTY
MONTANA

LEGISLATIVE FAX

TO: Ed Kennedy

_____DATE: Feb. 4 - 93

FROM: PONDERA COUNTY COMMISSIONERS

SUBJ: SB 112 + SB 243WE REQUEST YOU TAKE THE FOLLOWING ACTION
ON THE SUBJECT REFERENCED ABOVEWe The pondera county commissioners
wish to express opposition to these
bills, SB 112 + SB 243

PLEASE CONTACT OUR OFFICE USING THE FOLLOWING NUMBERS:

Phone (406) 278-7681 Ex 47 FAX 278-3565

Point of Contact

Pondera County Commissioners

LEGISLATIVE FAX

ACTION

REQUESTED

ANACONDA-DEER LODGE COUNTY

Courthouse - 800 South Main

Anaconda, Montana 59711

Telephone (406) 563-8421




February 3, 1993

~~SENATE-LOCAL GOVERNMENT~~EXHIBIT NO. 10DATE 2-2-93BILL NO. SB 112, 243

Memo To: Senate Local Government Committee Members

Ed Kennedy, Chair	Flathead County
Sue Bartlett, Vice-Chair	Lewis & Clark County
Dorothy Eck	Gallatin County
Del Gage	Glacier County
Ethel Harding	Lake County
John Hertel	Fergus County
David Rye	Yellowstone County
Bernie Swift	Ravalli County
Eleanor Vaughn	Lincoln County
Mignon Waterman	Lewis & Clark County
Jeff Weldon	Lake County

From: Gene Vuckovich, City-County Manager Re: Senate Bill 112
Senate Bill 243

Please be advised that the Commission of Anaconda-Deer Lodge County and myself as City-County Manager are opposed to Senate Bill 112 and Senate Bill 243. We ask that your committee give these bills a "Do Not Pass" recommendation. Furthermore, please be advised that Gordon Morris, Executive Director of the Montana Association of Counties, is the spokesman for the Montana Association of Counties and when he appears before the committee, he is speaking on behalf of the local government of Anaconda-Deer Lodge County.

Thank you for your consideration of this request.

GV:cg

cc Gordon Morris, MACo

Rosebud County

Forsyth, Montana 59327

Commissioners:
Donald Bailey
Mark Pinkerton
Duane C. Martens

Clerk & Recorder:
Geraldine Nile

Treasurer:
Sharon Lincoln

Clerk of District Court:
Marilyn Hollister

Assessor:
Donna Kennedy

Attorney:
John Forsythe

Superintendent of
Schools:
Sharyn Thomas

Justice of the Peace:
David J. Polley - Forsyth
Ann Wagner - Colstrip

Sheriff:
Kurt Seward



February 4, 1993

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 11

DATE 2-2-93

BILL NO. SB 112, 243

Mr. Ed Kennedy
Senate Local Government Chairman

Dear Sir:

We, the Commissioners of Rosebud County, would like to express our views on SB 112 and SB 243.

We would join in opposition to both of these bills because we feel that in the event of a limited budget situation it would seriously jeopardize the Commissioners ability to meet the budget demands.

We would also like to inform you that we are a member of MACo. We support MACo and Gordon Morris as the "spokesman" for this organization.

Thank you for your time and consideration on these bills.

Sincerely,

ROSEBUD COUNTY COMMISSIONERS

Mark Pinkerton
MARK PINKERTON, CHAIRMAN

(absent)

DONALD P. BAILEY, VICE-CHAIRMAN

Duane C. Martens
DUANE C. MARTENS, MEMBER

RCC/mw

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 12DATE 2-2-93BILL NO. SB 112, 243

Senate Local government Committee
Ed Kennedy, Chairman

RE: Senate Bill 112-Senate Bill 243

We oppose both bills for the following reasons:

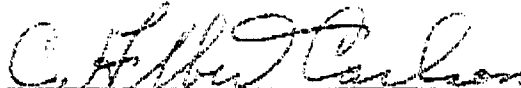
Commissioners trying to manage their counties will be restricted in their options to deal with budgeting and service to the public. We have to have options if we are to provide the needed services to our citizens.

We also feel that County Commissioners are aware of what their constituents want and will either try to fulfill these wants and needs or we won't be commissioners very long.

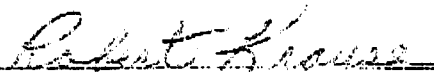
Sincerely,



Arnold Gettel, Chairman



Albert Carlson



Robert Krause

Teton County Commissioners

cc:Gordon Morris
MACO

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 13DATE 2-2-93BILL NO. SB 112, 243

Senate Local Government Committee.

Chair: Ed Kennedy.

we the Liberty County Commissioners
would like to be on record as
opposing Both Senate bills nos-
112 and 243.

law currently in place are adequate
to handle this situation

Liberty County Commissioners
Paul Johnson
Ray Standiford
Trudy Skarl

BOARD OF COMMISSIONERS

County of Carbon



Red Lodge, Montana
59068

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 14

DATE 2-2-93

BILL NO. SB 112, 243

TO: Senator Ed Kennedy, Chair Senate Local Gov. Comm.

FROM: Carbon County Commissioners

RE: SB 112 and SB 243

Carbon County wishes to inform you of our strong opposition to the above bills.

For years county commissioners have had the authority to consolidate county offices by due process. To my knowledge this practice has not been abused and has only been initiated in the best interest of an individual county.

Voters do not understand the scope of the various elected officials and should not be involved in this process.

Please be aware that Mr. Gordon Morris is the spokesman for MACO, our organization.

Vote NO for SB 112 and SB 243.

Mona Nutting

Carbon County Commissioner

February 3, 1993

Gordon Morris, Executive Director
Montana Assn Of Counties
2711 Airport Road
Helena MT 59601

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 15
DATE 2-2-93
BILL NO. SB 112, 243

Dear Gordon,

After a long discussion about not allowing the people to decide issues such as this, we decided to oppose SB112 and SB243. We are not sure that combining offices at local government levels is in the best interest of the people who pay the taxes in Phillips County. We feel that local governments need to have increased roles in service of the public along with the funding necessary to provide those services. State agencies need to be drastically pared to the levels of higher efficiency and responsiveness that local governments have already achieved. We oppose SB112 and SB243 because the effectiveness of local governments to "watch dog" the legislature and state government will be severely diminished.

Thank you,

PHILLIPS COUNTY COMMISSIONERS


EUGENE E COWAN, CHAIRMAN


WAYNE C STAHL, MEMBER

CAROL KIENENBERGER, MEMBER

cc: Ed Kennedy, Chair
Sue Bartlett, Vice Chair
Dorothy Eck
Del Gage
Ethel Harding
John Hertel
David Rye
Bernie Swift
Eleanor Vaughn
Mignon Waterman
Jeff Weldon

COUNTY OF RICHLAND

Office Of COUNTY COMMISSIONERS

201 West Main - Sidney, Montana 59270
406-482-1706 FAX 406-482-3731

DWIGHT E. THIESSEN, Chairman
WARREN E. JOHNSON, Vice Chairman
GLORIA PALADICHUK, Member

February 3, 1993

ELMTNA COOK, Clerk

Chairman Ed Kennedy
Senate Local Government
Legislative Fax 444-4105

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 16

DATE 2-2-93

BILL NO. SB 112, 243


Dear Chairman Kennedy:

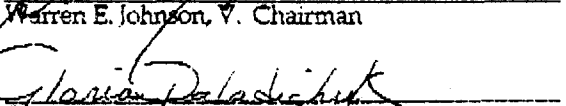
The Board of Commissioners from Richland County would like to go on record in opposition to SB 243 and SB 112. We feel that these bills would tie the hands of County Commissioners to take necessary and needed actions within their respective jurisdictions. County consolidation of offices can serve as a very viable option to a County. The idea of holding an election would in most cases hinder the effective management and decision making process in running County Government.

Thank you for your consideration.

Sincerely,


Dwight E. Thiessen, Chairman

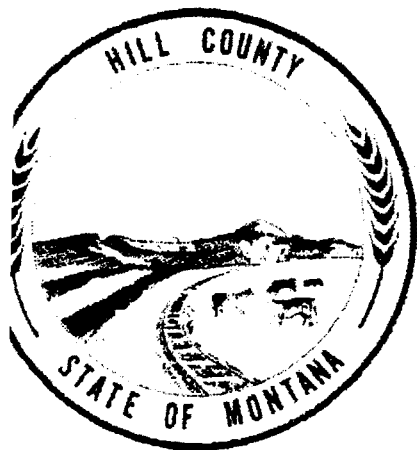

Warren E. Johnson, V. Chairman


Gloria Paladichuk, Member

COUNTY OF HILL

STATE OF MONTANA

Havre, Montana 59501



Kathy Bessette, Chairman

Nora Nelson, Commissioner

Lloyd Wolery, Commissioner

[406]265-5481 Ext. 27

February 3, 1993

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 17

DATE 2-2-93

BILL NO. SB 112, 243

Ed Kennedy, Senator
Local Government Committee Chair
Capitol Station
Helena, Montana 59620

Dear Mr. Kennedy:

We would like to go on record as opposing Senate Bills 112 and 243.

The Constitution was written with foresight and much thought, realizing the fact that someday a situation may arise where consolidation of offices would be in the best interest of the county. We feel that the Commissioners are qualified to make the decision of consolidation because of their knowledge of the budgets, office operations, and their awareness of the budget constraints we continue to face.

We urge you to oppose Senate Bills 112 and 243.

Sincerely,

Kathy Bessette
Kathy Bessette, Chairman

Nora Nelson
Nora Nelson, Commissioner

Lloyd Wolery
Lloyd Wolery, Commissioner

Flathead County

Board of Commissioners

800 SOUTH MAIN STREET

• KALISPELL, MONTANA 59901

• (406) 752-5300

February 3, 1993

Ed Kennedy, Chair
Sue Bartlett, Vice Chair
Eleanor Vaughn
Legislative FAX: 444-4105

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 18DATE 2-2-93BILL NO. SB 112, 243

RE: SB 112 / SB 243

It is our understanding that on February 2, 1993, MACo was the only organization present at the Senate Local Government hearing to oppose SB 112 and SB 243. Mr. Gordon Morris is the spokesman for our organization and as Flathead County Commissioners we all strongly oppose both of these bills.

Sincerely,
BOARD OF COMMISSIONERS
FLATHEAD COUNTY, MONTANA

Sharon L. Stratton, Chairman

not available - in Helena
Howard W. Gipe, Member

William R. Hedstrom, Member

FCBC:ecn

C. S. "CHET" HOLJE
PLENTYWOOD

GORDON C. KAMPFEN
RESERVE

ROBERT FRIEDRICH
ANTELOPE

MILTON E. HOVLAND
CLERK

OFFICE OF THE

County Commissioners

SHERIDAN COUNTY
100 W. LAUREL AVENUE
PLENTYWOOD, MONTANA
59254
(406) 765-1660

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 19

DATE 2-2-93

BILL NO. SB 112, 243

February 4, 1993

Attention Senator Ed Kennedy
Senate Local Government Chairman

In support of Gordon Morris' effort as our spokesman for the Montana Association of Counties, we are opposed to SB112 and SB243.

We do not feel they are in the best interest of county government procedure.

C S Holje
Chet Holje, Chairman

Robert Friedrich
Robert Friedrich

Gordon C. Kampfen
Gordon Kampfen

TO: Senator Ed Kennedy, Chairman
Senate Local Government Committee

FROM: Custer County Commissioners

DATE: February 3, 1993

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 20

DATE 2-2-93

BILL NO. SB 112, 243

This letter will advise you that the Custer County Commissioners agree with the MACO decision to oppose SB112 and SB243. Should the Commissioners make an unpopular decision regarding a consolidation, it would then become the voter's prerogative to vote said Commissioners out at their pleasure.

Conrad R. Berg
Duan Matheson

COUNTY COMMISSIONERS

MIKE W. HUTCHIN
District One

RAY HARBIN
District Two

GERALD L. NEWGARD
District Three

TREASURER
PATRICIA J. COOK

CLERK AND RECORDER
SURVEYOR
RUTH E. HODGES



ASSESSOR
LENORE A. ROAT

SHERIFF AND CORONER
JOE GELDRICH

CLERK OF COURT
KATHERINE E. PEDERSEN

SUPERINTENDENT OF SCHOOLS
JOYCE DECKER WEGNER

COUNTY ATTORNEY
LARRY J. NISTLER

JUSTICE OF THE PEACE
CHUCK WHITSON

LAKE COUNTY

PHONE 406/883-6211 • 106 FOURTH AVENUE EAST • POLSON, MONTANA 59860

Feb. 3, 1992

Senator Ed Kennedy
Chairman, Senate Local
Government Committee
Capitol Station
Helena, MT 59620

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 21

DATE 2-2-93

BILL NO. SB 112, 243

Dear Senator Kennedy:

Attached for your information is the letter the Lake County Commissioners sent to Lake County legislators, particularly Senators Harding and Weldon expressing our opposition to SB 112.

Please accept this as our opposition to SB 112 and SB 243. We feel these bills are not necessary, that the Commissioners of a county give a hard look at any consolidation consideration and a public hearing would bring out the people knowledgeable on either side of the consolidation question.

Thank you for your consideration of this letter.

Sincerely,

Mike Hutchin, Chairman
Board of Lake County Commissioners

jd

COUNTY COMMISSIONERS

MIKE W. HUTCHIN
District One

RAY HARBIN
District Two

GERALD L. NEWGARD
District Three

TREASURER
PATRICIA J. COOK

CLERK AND RECORDER
SURVEYOR
RUTH E. HODGES



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COUNTY ATTORNEY
LARRY J. NISTLER

JUSTICE OF THE PEACE
CHUCK WHITSON

LAKE COUNTY

PHONE 406/883-6211 • 106 FOURTH AVENUE EAST • POLSON, MONTANA 59860

Jan. 14, 1993

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 22

DATE 2-2-93

BILL NO. SB 112, 243

Senator Ethel M. Harding
Capitol Station
Helena, MT 59620

Dear Ethel:

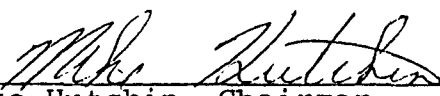
The Board of Lake County Commissioners respectfully oppose Senate Bill 112.

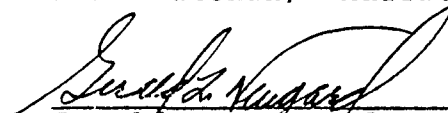
Under current statute we feel a decision of that nature is one that can fairly be decided by the County Commissioners. A public hearing is required and frankly Commissioners do not attempt consolidations "on a whim" or without consideration and a deep look at duties, requirements and financial concerns of the offices involved and the county at large.

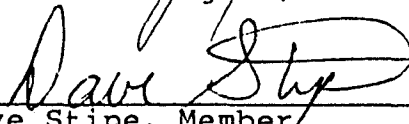
A constitutional amendment such as this simply is not needed. Local officials should be trusted to make decisions of this nature.

Again, we respectfully request that you oppose this bill or withdraw it from consideration.

Sincerely,
BOARD OF LAKE COUNTY COMMISSIONERS


Mike Hutchin, Chairman


Gerald L. Newgard, Member


Dave Stipe, Member

jd
cc: MACo

SUSAN W. HAVERFIELD

FLATHEAD COUNTY CLERK & RECORDER

800 South Main - Kalispell, Montana 59901

Phone (406) 752-5300

January 29, 1993

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 23

DATE 2-2-93

BILL NO. SB 112, 243

The Honorable John "Ed" Kennedy
Montana State Senate
Local Government Committee Chair
Montana State Capitol
Helena, Montana 59620

Dear Senator Kennedy:

I am writing in support of SB 112 and SB 243. SB 112 is a Constitutional Amendment calling for a vote of the people to consolidate county elected offices. SB 243 amends the statutes regarding county elected officials accordingly.

More and more in recent years elected positions have been combined in an effort to "save" money, or to streamline government. In fact, these consolidations have often cost more money and created larger government, while destroying the check and balance system provided for with separation of powers.

Consolidation of county offices results in disenfranchisement of the voter at the level of government he knows best, and deals with the most. SB 112 would still allow the voter to have his say by voting for or against the consolidation. Present law allows the county commission to consolidate offices, actually changing the form of the local government, without any approval or disapproval of the voters. Only attendants at the scheduled hearing would have a say.

Each ten years the voters may call for a study commission to study and recommend changes in local government. The recommendations are submitted to the voters for approval or rejection.

In supporting SB 112 and SB 243 we are asking that you as legislators keep the changes in local government in the hands of the people.

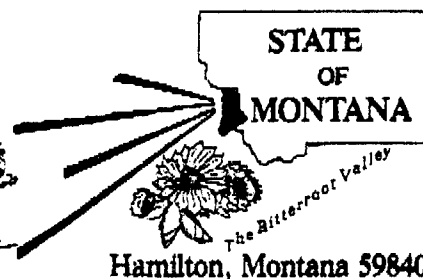
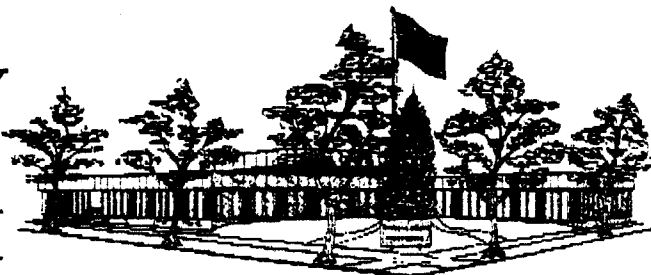
Thank you for your support of these bills.

Sincerely,



Susan W. Haverfield
Clerk and Recorder

COUNTY OF RAVALLI



February 3, 1993

Senator Ed Kennedy, Chair
Senate Local Gov't Committee
Capitol Station
Helena, MT 59620

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 24

DATE 2-2-93

BILL NO. SB 112, 243

RE: SB 112
SB 243

Dear Senator Kennedy:

We want to express our opposition to the two bills referenced above regarding the consolidation of county offices. In times of tight budgets as we're experiencing, it is important that County Commissioners maintain the ability to be flexible and innovative in organizing the County operations. Present law governing consolidation of offices permits the Commissioners to structure an efficient and effective operation while it also provides for valid public input into the process.

Please oppose SB 112 and SB 243.

Sincerely,
BOARD OF COUNTY COMMISSIONERS

Absent

Steven D. Powell, Chairman

Allen C. Horsfall, Jr.
Allen C. Horsfall, Jr., Member

Jerry L. Allen
Jerry L. Allen, Member

Blaine County
Fax # 357-2199

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 25DATE 2-2-93BILL NO. SB 112, 243FAX COVER PAGE

DATE: 2-3-93 FROM: Commissioners
TO: Sen. Ed Kennedy OFFICE: Blaine County
DEPT: Ch. Senate Local Gov. Comm. CITY/STATE: Chinook, MT
FAX #: 444-4105 PAGES (including this page) 1

REFERENCE: S.B. 112 & S.B. 243

COMMENTS: We would like to go on record opposing
S.B. 112 & S.B. 243 requiring consolidation of
County offices to go to an election of the
people. We would ask for a favorable
vote from you and your committee

Thank You
Blaine County Comm.

IF YOU DO NOT RECIVE ALL THE PAGES, PLEASE CALL BACK AS
SOON AS POSSIBLE

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 26DATE 2-2-93BILL NO. SB 112, 243

PLEASE SUPPORT

HONORABLE ED KENNEDY, CHAIR

I WOULD APPRECIATE YOUR SUPPORT TO VOTE FOR THE SB112 AND SB243,
AS I FEEL THE VOTER OF THE COUNTY SHOULD DECIDE THE CONSOLIDATION
OF THE ELECTED OFFICES. SUPPORT OF THIS BILL WOULD PROVIDE
FAIRNESS TO ALL INVOLVED PERSONS.

THANK YOU FOR YOUR TIME.

STILLWATER CLERK & RECORDER
JANET R. PARKINS

BOARD OF COUNTY COMMISSIONERS
MISSOULA COUNTY COURTHOUSE
MISSOULA, MONTANA 59802BCC-93-059
February 3, 1993

(406) 721-5700

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 27DATE 2-2-93BILL NO. SB 112, 243

Senator Ed Kennedy, Chair
Local Government Committee
Montana State Senate
Helena, MT 59620

Dear Senator Kennedy and Committee,

We are writing in opposition to SB 112, and SB 243, which require County Commissioners to obtain approval of the electorate to combine certain county offices, and amending certain other sections of the law pertaining to this issue.

These two bills remove County Commissioner's discretion to manage their own affairs. Missoula County has a number of consolidated offices: Sheriff/Coroner; Attorney/Public Administrator; and Clerk and Recorder/Treasurer. These consolidations were done many years ago, and have served Missoula County and its constituents well, besides proving to be a cost-effective way to do business.

We urge your committee to table these bills, and allow County Commissioners, who are elected by the voters, to manage the affairs of the County. We believe that being personally answerable to those who pull the levers in the voting booth will continue to assist us in making the best decisions for our constituents.

Thank you for your consideration of our viewpoint.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

Ann Mary Dussault, Chair

Barbara Evans, Commissioner

Fern Hart, Commissioner

County of Yellowstone



MERRILL H. KLUNDT
Clerk & Recorder

Billings, Montana 59101

January 29, 1993

Ed Kennedy, Chairman
Senate Local Government Committee
Room 405
Capitol Building
Helena, MT 59620

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 28

DATE 2-2-93

BILL NO. SB 243

Dear Chairman Kennedy and Members:

Senate Bill No. 243 is an act requiring an election for the consolidation of County offices.

This Bill does not prohibit consolidation of County offices by initiation of consolidation by County Commissioners under Section 7-4-2305, MCA or by the petition process as outlined in Section 7-4-2306, MCA.

This Bill is a companion bill with Senate Bill No. 112. Senate Bill No. 112 amends the Constitution and this bill amends the statutes relating to consolidation of County offices from Section 7-4-2301 through 7-4-2313, MCA. On page 3, line 12 under Section 4, paragraph 3, this section provides that the election on the consolidation of County offices must be held at the general election two years preceeding the expiration of the term of the officials to be consolidated.

With the election held at a regular general election, the costs will be practically nil. The cost of the two publications of the order calling for the election is about the only expense incurred; there will be no additional Judges of Election costs, printing costs, or ballot counting costs, etc.

With the election conducted two years preceeding the expiration of the term of the offices to be consolidated and, if approved by the electorate, will provide adequate transitional period.

Usually the first words always mentioned is that consolidation saves money!!

In Yellowstone County, the office of County Coroner was consolidated with the County Sheriff. The budget for the year 1986-1987 was \$62,002 actual expenditure and the 1992-1993 budget adopted is \$163,900. This is a 264% increase in five years.

The public administrator was consolidated with the County Attorney's office. The budget for the first year went from \$250 per year to \$10,000.

Under the present statutes, the Board of County Commissioners can consolidate County offices and change the form of government without a vote of the electorate, yet under Article XI, Section 9 of the Montana Constitution, a vote of the electorate is required on the question of undertaking a local government review every 10 years.

The consolidaton of County offices is a very important issue. The issue should be studied very carefully and thorough to see if there will be a savings to the taxpayers that the check and balance system in government is not destroyed.

Under the present system, this is one way to remove an Elected Official from his position by consolidating offices when personalities and politics get involved.

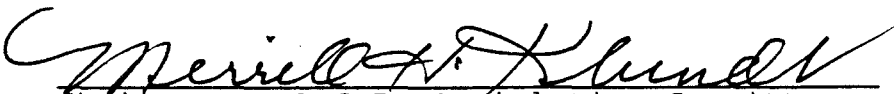
We have the best form of government in the world and let's not destroy it.

We have a government of the people, by the people, and for the people.

If we don't have the electorate involved in this very important issue, we will have a government of the people and for the people, not by the people.

Your support and passage of this bill will be greatly appreciated.

Respectfully Submitted,



Chairman, M.A.C.R. Legislative Committee
and Clerk and Recorder, Yellowstone County

DATE 2 February 1993

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY: SB 112 - Harding ; SB 243 -
Harding ; HB 109 - Barnett

Name	Representing	Bill No.	Check One	
			Support	Oppose
Clara Hilbreath	Clerk's District Court	243 112	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gordon Morris	MACO	HB 109	<input checked="" type="checkbox"/>	<input type="checkbox"/>
" "	" SB	243 112	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bonnie Ramey	Clerk & Recorder	112	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Don Byrd	MT. ASSOC. CLERKS & RECORDERS	S.B. 112 S.B. 243	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Minell G. Kunkel	Clerk & Recorder	SB 112 SB 243	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Shelley Cheney	Clerk & Recorder	SB 112 SB 243	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe TROPILA	CASCADE CO. & MACR	SB 112 SB 243	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WILLIAM D. BECKER	CLERK OF DIST. CT. MOLA	SB 112 SB 243	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY