

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

January 8, 1985

The first meeting of the Local Government Committee was called to order at 1:00 p.m. on January 8, 1985 by Chairman Dave Fuller in Room 405 of the Capitol Building.

ROLL CALL: All members were present.

Chairman Fuller explained the organization of the Committee. The Committee will meet on Tuesdays and Thursdays at 1:00 p.m. The Committee will meet on Saturdays only when extremely busy. If members need to be excused, they are to let Chairman Fuller know so that the minutes will reflect it. The Chairman will call for a voice vote. If the vote is unanimous, it will be reflected that way in the minutes. If eight members vote yes and two vote no, it will be reflected as "all members voted yes, with the exception of Senators Jones and Smith, voting no." Committee members are asked to show appropriate courtesy to witnesses.

Traditional procedure will be followed for bills. The sponsor will be asked to introduce the bill. Proponents, opponents, and questions from the Committee will follow. The Sponsor will then close.

CONSIDERATION OF SENATE BILL 1: Senator Chris Christiaens, District #17, is the sponsor of this bill. The bill was requested by the Coal Tax Oversight Subcommittee. It was introduced to specify allowable uses of County Land Planning funds.

PROPOSERS

Robert McCracken, representing the Department of Commerce, stated that the Department supports the bill because it would more precisely define how counties are using the funds. It would also increase the budgeting flexibility for counties by liberalizing the use of the funds and it would be good for economic development purposes.

Gus Byrom, representing the Montana Association of Planners, stated that he supports the bill because it does clarify to the public what the land planning funds are about.

Gordon Morris, representing the Montana Association of Counties, stated he was in favor of the bill and would like to propose a possible amendment to the bill stating that counties would be allowed to carry the revenue over from one year to the next.

OPPONENTS

There were no opponents to SB 1.

Questions from the Committee were called for.

Senator Crippen wanted to know what amount of money was being talked about here. Robert McCracken said about ten to thirty thousand dollars a year was reverted.

Senator McCallum stated the money was not only used for the County but for the City also and that it seemed like there would have to be a cap put on the dollar amount.

Chairman Fuller asked Senator Christiaens to draft an amendment to the bill and get it to Karen Renne, the legislative researcher for the Committee.

The hearing was closed on SB 1.

CONSIDERATION OF SENATE BILL 31: Senator Matt Himsl, District #3, is the sponsor of this bill. It was introduced to provide for the waiver of county surveyor qualifications when the office of county surveyor is consolidated with another county office and to provide for contracting with a person who meets those qualifications to perform the duties of county surveyor. Senator Himsl's written testimony is attached as Exhibit A to these minutes.

PROPOSERS

There were no proponents for SB 31.

OPPONENTS

C.R. Hanson, County Surveyor for Lewis and Clark County, stated that the bill would allow county commissioners to eliminate the office of county surveyor and that he opposed the bill on that basis. His main concern is that the bill would erode the professional qualifications in the public sector and that if you can waive the qualifications of the county surveyor, you could also waive the qualifications of the county attorney, etc.

Senator Himsl stated he thought Mr. Hanson had misunderstood the bill and that it had nothing to do with the qualifications of county surveyors.

Questions from the Committee were called for.

Senator Eck asked how many counties now had county surveyors and if they had trouble filling those positions. Mr. Hanson said there were about twenty-six positions and, although they are low paying positions, they are able to fill them.

Senator Crippen said there was an almost identical bill for the County Superintendent of Schools and wanted to know how that was working.

Richard Trerise, representing the County Superintendent of Schools Association, was called upon and stated they were having some problems. They have several county positions across the State that have been consolidated. The offices that the positions have been consolidated into have interpreted this to mean that they can simply hire someone on their staff with the qualifications and then they work in the county office seven and a half hours a day and maybe get a half hour to try to perform the duties of the county superintendent.

They have had more success where an office was consolidated and that person contracted for the service with another county superintendent in an adjoining county and therefore had someone who know the job perform it.

Senator Regan asked Senator Himsl if counties already have the power to consolidate if they wish to. Senator Himsl said they do.

Senator Himsl stated that in the case of Flathead County, which had consolidated, the Clerk and Recorder contracts with a licensed land surveyor to do the job. This is fine, but the auditors say the Clerk and Recorder does not have the authority to contract. Therefore, this always gets noted in the audit report.

The hearing was closed on SB 31.

CONSIDERATION OF SENATE BILL 38: Senator Joseph Mazurek, District #23, is the sponsor of this bill. The bill was requested by the Department of Revenue and the Revenue Oversight Committee. It was introduced to clarify the time at which a county clerk and recorder or assessor must make changes to the assessment book. Anytime court decisions are appealed or changed in any way, the assessment book has to be changed. The purpose of this bill is to not make any changes in the assessment book until there is a final decision. This has financial impact on the clerk and recorders, the taxpayers, and the county. Senator Mazurek also submitted a proposed amendment to SB 38. The proposed amendment is attached as Exhibit B to these minutes.

PROPONENTS

Gregg Groepper, representing the Department of Revenue, stated they support this bill because to constantly make changes in the assessment book is a lot of work for nothing and nobody wants to make a change until the matter is final. This bill would save some work for the clerk and recorder and the assessor's office and hopefully reduce the cost of government.

Mike Stephens, representing the Association of Clerk and Recorders, stated he supports the bill for similar reasons.

OPPONENTS

There were no opponents to SB 38.

Questions from the Committee were called for. There were no questions from the Committee on SB 38.

The hearing was closed on SB 38.

CONSIDERATION OF SENATE BILL 50: Senator Bob Brown, District #2, is the sponsor of this bill. The bill was requested by the Revenue Oversight Committee and the Department of Revenue. It was introduced to eliminate the requirements for a county clerk and recorder to submit a delinquent taxpayer report and a copy of the county budget to the Department of Revenue.

PROPONENTS

Gregg Groepper, representing the Department of Revenue, stated that they support the bill. They do not need the information and can go to the Department of Commerce if they need the information.

Mike Stephens, representing the Association of Clerk and Recorders, stated the bill would eliminate unnecessary work.

OPPONENTS

There were no opponents to SB 50.

Questions from the Committee were called for. There were no questions from the Committee on SB 50.

The hearing was closed on Senate Bill 50.

ACTION TAKEN ON SENATE BILL 50: Senator McCallum moved that the Committee recommend a DO PASS on SB 50. The motion passed unanimously.

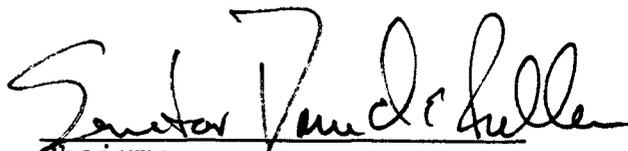
ACTION TAKEN ON SENATE BILL 38: Senator McCallum moved that the Committee recommend a DO PASS on SB 38.

Senator Regan mentioned the proposed amendment to SB 38. Senator Regan then made a substitute motion to adopt the amendment submitted by Senator Mazurek to SB 38. The substitute motion passed unanimously.

January 8, 1985

Senator McCallum moved that the Committee recommend a DO PASS on SB 38 as amended. The motion passed unanimously.

The meeting adjourned at 2:10 p.m.


Chairman

ROLL CALL

1:00 p.m.

LOCAL GOVERNMENT

COMMITTEE

49th
~~XXXX~~ LEGISLATIVE SESSION -- 1985

Date 01-08-85

SENATE
CAT

NAME	PRESENT	ABSENT	EXCUSED
3 Senator Crippen, Bruce	✓		
18 Senator Eck, Dorothy	✓		
11 Senator Harding, Ethel	✓		
47 Senator Hirsch, Les	✓		
Senator McCallum, George	✓		
8 Senator Mohar, John (V.Chair)	✓		
4 Senator Pineseault, Dick	✓		
9 Senator Regan, Pat	✓		
11 Senator Story, Pete	✓		
3 Senator Fuller, Dave (Chair)	✓		

Each day attach to minutes.



The Big Sky Country

EXHIBIT A
LOCAL GOVERNMENT COMMITTEE
January 8, 1985 1:00 p.m.

MONTANA STATE SENATE

SENATOR MATT HIMSL
DISTRICT NO. 9, FLATHEAD COUNTY
305 4TH AVE. E.
KALISPELL, MONTANA 59901

COMMITTEES:
FINANCE & CLAIMS, CHAIRMAN,
PUBLIC HEALTH

Re: Surveyor status

Intro: Mr. Chairman and members of the Committee:

I am Senator Matt Himsl, Senate District 3, and the principal sponsor of Senate Bill 31.

~~The~~ Flathead county---and there must be several other counties---does not elect a county surveyor the duty is assigned to the office of the Clerk and Recorder. The auditors have repeatedly criticized the county for assigning such office without statutory authorization where the job calls for specific qualifications.

This amendment would, in effect, waive the title of COUNTY surveyor in the case of consolidation of offices but would allow and require the assigned officer, with the approval of the governing body, to employ a qualified person to perform the duties of a surveyor.

A similar provision, with the same language, is found in Section 20-3-201 (3) MCA relating to the office of county superintendent of schools.

I urge your approval of the proposed amendment.

PROPOSED AMENDMENT TO SB 38

Page 1, line 22:

Following: expired,

Insert: or at such time as a final judgment is entered on judicial
review,

Submitted by Senator Mazurek

STANDING COMMITTEE REPORT

January 8

85

19.....

MR. PRESIDENT

We, your committee on..... **Local Government**

having had under consideration..... **Senate Bill** No. **50**

_____ reading copy (**white**)
color

**Remove Requirement that County Budget and Tax Delinquencies
be Sent to DOE**

Senate Bill

50

Respectfully report as follows: That..... No.....

~~DO PASS~~

DO NOT PASS

.....
Dave Fuller

Chairman.

STANDING COMMITTEE REPORT

January 8

19 85

MR. PRESIDENT

Local Government

We, your committee on.....

Senate Bill

38

having had under consideration.....

No.....

first

white

reading copy ()

color

A BILL FOR AN ACT ENTITLED:

**"AN ACT CLARIFYING WHEN CHANGES TO THE ASSESSMENT BOOK
MUST BE MADE"**

Senate Bill

38

Respectfully report as follows: That.....

No.....

be amended as follows:

1. Page 1, line 22:

Following: "expired,"

Insert: "or at such time as a final judgment is entered
on judicial review."

AND AS AMENDED

DO PASS

~~DO NOT PASS~~

[Signature]
.....
Chairman.

(This sheet to be used by those testifying on a bill.)

NAME: Gus Byrom DATE: Jan. 8, '85

ADDRESS: 1514 Boulder Ave.

PHONE: 443-0677

REPRESENTING WHOM? Montana Assoc. of Planners

APPEARING ON WHICH PROPOSAL: SB #1

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENT:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet to be used by those testifying on a bill.)

NAME: Robert McCracken DATE: 1/8/84

ADDRESS: Mt. Dept of Commerce, C.D. Division

PHONE: 444 4479

REPRESENTING WHOM? Mt. Department of Commerce

APPEARING ON WHICH PROPOSAL: SB 1

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENT:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.