



# Montana Association of Counties

*Serving Montana Counties Since 1909*

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www.mtcounties.org

## DISTRICTS 4 & 5 MEETING MINUTES

Shelby, MT – Comfort Inn

June 8, 2017

### **District 4**

Blaine  
 Chouteau  
 Hill  
 Liberty

### **District 5**

Cascade  
 Glacier  
 Pondera  
 Teton  
 Toole

**MACo Staff:** Harold Blattie, Executive Director; Sheryl Wood, Associate Director; Eric Bryson, Assistant Director; and Shantil Siaperas, Legislative Analyst & Communications Specialist

**MACo President & Officers:** Todd Devlin, Prairie County Commissioner, MACo President; Bill Barron, Lake County Commissioner, MACo 1<sup>st</sup> Vice President; Joe Briggs, Cascade County Commissioner, MACo Past President (2013-2014)

**Guests:** Sandi Boardman, Blaine County Clerk & Recorder; Sarah Converse, Sweetgrass Development/MEDA

### **Pledge to Flag**

**Roll Call & Introductions:** Ron Ostberg, Teton County, welcomed everyone and called the meeting to order; everyone introduced themselves in place of roll call.

**Approval of Previous Meeting Minutes:** August 22, 2016 Minutes

- MOTION: Larry Hendrickson, Liberty County, moved to accept the August 22, 2016 minutes. Mike Wendland, Hill County, seconded the motion. Motion carried unanimously.

### **District Chair/Vice Chair Nominations:**

- District 4: 2-Year Terms
  - Chair
    - NOMINATION/ELECTION: Mark Peterson, Hill County, nominated Larry Hendrickson for Chair. Mike Wendland seconded the nomination. With no further nominations, Commissioner Hendrickson was re-elected via acclamation.
  - Vice Chair
    - NOMINATION/ELECTION: Larry Hendrickson nominated Charles Kulbeck, Blaine County, for Vice Chair. Maureen Wicks, Liberty County, seconded the nomination. With no further nominations, Commissioner Kulbeck was re-elected via acclamation.
- District 5: No elections until the August 2018 meeting

**Next MACo Districts 4 & 5 Meeting:** May 2018

- District 4 will host the next meeting: Liberty County, Chester at the fire hall or senior center

**MACo Officer Nominations:** 2<sup>nd</sup> Vice President

Harold Blattie announced that Shane Gorder, Richland County, was nominated as MACo 2<sup>nd</sup> Vice President at previous district meetings.

- 2<sup>nd</sup> Vice President
  - There were no nominations for 2<sup>nd</sup> Vice President. Nominations remain open until the floor session at the Annual Conference.

**Announcement:** Joe Briggs, Cascade County Commissioner

- Montana Military Open House/Airshow: July 22-23, 2017 in Great Falls International Airport – MANG Ramp
- 70<sup>th</sup> anniversary of Airforce and 75<sup>th</sup> anniversary of Montana National Guard

**MACo FY 2018 Proposed Budget:** Harold Blattie & Sheryl Wood

**Revenues**

- Budgeted Revenue: \$628,473 in contrast to last year's budgeted revenue of \$634,239; projecting to make \$21,649 in revenue over for a total of \$655,888 by June 30; we are conservative in our revenue estimates
- Conferences & Workshops: Significant revenue generators; driven by registration; estimates based on history
  - Annual Conference: About the same as previous year
  - Elected Officials Training: Phase 2—smaller group, so less money
  - Midwinter: Higher, because it's combined with DES
  - Workshops: Budget & Land Use in July
- Dues
  - Associate Members
  - Member Dues: According to Bylaws, the Board of Directors can increase dues up to CPI (1.3 % this year) without approval of membership; anything above that requires member approval; this has been done every year; keeps increases low; the MACo Tax, Budget & Finance Committee has met and made the recommendation to do the 1.3% increase
    - Dues Driven by Taxable Value/Mill Tiers (put in place in 2002): As your taxable value changes, you can move from one tier to another; an asterisk means that a county has moved up or down the tiers
    - The 1.3% increase and the tier changes equals a dues' increase in total of \$6,364
  - PILT Dues – Special Assessment in MACo Bylaws
    - PILT Assessment: Assessment of  $\frac{3}{4}$  of 1% based on previous year's PILT payments; this is used to defray the costs of participation in the NACo WIR
  - NACo Dues: For convenience, we bill and collect your dues and remit to NACo on your behalf; Montana is 100% membership state, which gives us two board members on the NACo Board of Directors, Beaverhead County Commissioner, Mike McGinley, and Cascade County Commissioner, Joe Briggs
- Interest Income: Bank & QCI Interest Income—projecting \$26,063 in revenue by June 30; budgeting \$20,000 for FY 2018
- NACo Programs/Marketing Revenue: Caremark Rx Card (free prescription discount card); Correction Risk Services (CRS) Inmate Medical (catastrophic medical insurance for inmates in county jails—used to be through NACo, but isn't anymore—we have a contract with them); Nationwide Deferred Compensation (retirement 457 program); US Communities (cooperative purchasing program; Amazon Business is now available through the program)
- Pooled Investment Income: MACo Finance Officer Manages investments of the three risk sharing pools
  - Currently, MACo receives 5% of investment income (interest & dividends) in exchange for the CFO's daily service; however, this past year, the trustees of the three pools approved of moving 25% of investment portfolio into the equity market mutual funds; the value of the portfolio has gone up, but it doesn't generate interest thus negatively affecting the investment income; MACo, therefore will be losing revenue (about \$10,000), because there is no investment income, so we are thinking of restructuring to show the value of the portfolio to achieve approximate revenue neutrality (changing the

formula model to a percentage of the investment portfolio value;  $\frac{1}{10}$  of 1%—trustees make final decision)

- Rent Income: Building I is jointly owned by MACo and the PCT/WCT; We rent the conference room in Building I, which brings in additional revenue; PCT/WCT own Building II—HCT pays rent to the PCT/WCT for the space they use in Building II

## Expenditures

- 100-Admin Column: \$615,242
  - MACo administration is 12% of the overall budget (overall budget is \$5.5 million); admin costs for running the association is split four ways—example, our salaries are paid four ways by MACo and the four Trusts, as we wear four different hats
  - Contracted Services: Commissioners' Handbook (last updated in 2002); compilation of all the laws; interpretations and how to apply them; we budget for this every year; need someone with extensive legislative and local government knowledge to update it
    - There is a possibility that this number may increase—updating the tax deed/lien manual cooperatively with the Treasurers
  - Conventions & Workshops: Elected Official Workshop—smaller this year—off cycle, phase 2
  - Dues: WIR—collect PILT dues and pay to NACo (Approximately \$10,000 goes to WIR)
  - Health Insurance: We are under the Lewis & Clark County health plan; \$100 increase per employee; MACo pays 100% of premium
  - Member Travel: Travel expenses for the Executive Committee, Board of Directors, and committees
  - NACo: Travel expenses for our NACo delegation, \$86,250, which is a large budget item; however, they have four meetings a year (Legislative Conference, Annual Conference, WIR, Presidents & Execs); Montana has a great amount of influence; we seem to be a favorite of the staff, especially the executive director
    - Example of Influence: John Prinkki, former Carbon County Commissioner, came forward with an emergency resolution; during the membership meeting I was segregated out and Commissioner Prinkki got up and spoke to it saving the resolution; this enabled NACo to advocate against the rule; therefore, that rule never came to be (had to do with particulate matter and air quality)
  - Miscellaneous: Investment fees, bank charges, credit card fees
  - Payroll: Built with 0% increase for salaries; we had a comprehensive salary survey done; just got the results and will have a proposal for the board in June to get some salaries up to market
  - Professional Services: We had a personnel issue and hit our stop-loss level; we hit the deductible for risk retention, so it will be a little higher; we also pay the trusts for the use of Brian Hopkins' services; this was increased this year due to his extra work with MACo personnel
  - Staff travel: For us to travel (example: district meetings)
  - Server System: Our servers are reaching “end-of-life;” we moved our email to the cloud; however, we cannot do this with our files because of the bandwidth, so the equipment will need to be replaced
- 200-Legislative Column: \$1,200
  - This year is an off-year with the Interim; last year we budgeted a higher amount because it was a legislative year (travel, midwinter lunch at the Capitol, Monday conference calls); this year it's less because it's the interim
- 300-Annual Conference & 400-Midwinter Conference Column: \$55,600 & \$33,050
  - Annual will be in Bozeman at the Best Western GranTree Inn—can't negotiate specifics until meeting grows closer

- Midwinter: Higher as we are with DES this year; will be in Billings at the Red Lion Convention Center
- 950-Building I Column: \$44,917
- Supplemental Items
  - Infrastructure Coalition Membership: They really were integral in the passage of HB 473 (gas tax bill); we are going to request a full membership with them, \$5,000
  - Space Feasibility Study: We are out of space in our office, so if we keep growing we need to figure out where to put employees; we have one employee working in the law library; looking at options for future growth
  - Salary Market Study: We have a very diverse staff; hired a company looked at MACo's position descriptions; they surveyed 41 entities, and came back with a comprehensive report; we aren't that far off, but we are under-market on some, so we will be making a proposal to the board on how to get those salaries up to market value, so we can be competitive; we're putting in a pay ladder as well (with added experience and education, our employees can know that there is chance for growth in the organization)
  - Building: Back decks crumbling—got quote from an engineering firm for a skybridge, \$100,000, which is high, so we've asked the contractor for a Plan B; may have to close stairs
  - Security System for Buildings: We rent the conference room, so we have no idea how many keys are potentially out there; also, we've had physical threats to the staff; card swipe/tap entry and cameras, \$25,000-\$30,000
- Board will meet June 21<sup>st</sup> to adopt the budget and discuss the supplemental items. If you have any questions, give us a call; if you have any concerns, talk to your District Chairs to bring forward at the board meeting.

**MACo Updates from MACo Staff:** Harold Blattie, Sheryl Wood, Eric Bryson, Shantil Siaperas

- Staffing Updates
  - Jonathon Siaperas: Shantil's brother; Member Services Representative for the risk sharing pools
  - Jerry Spears: Trust Operations Director; manages the pools
  - David Payne: Senior Claims Administrator for the Property & Casualty Trust
  - Dennis Jupka: Former Claims Administrator (retired); Returned as Senior PCT Claims Adjuster
  - Eric Bryson: Assistant Director; worked for Lewis & Clark County
  - McKenzie McCarthy: Associate General Counsel; worked for Lewis & Clark County
  - Taylaur Nordhagen: Wellness Coordinator for the Health Care Trust
  - Deanne Cooney: Part-time defense work
  - Tom Beneventi: Retiring as our Facilities Director; Eric Bryson is in charge of finding his replacement
  - Internal Re-organization of Staff: Chief Financial Officer and Accounting Tech are over-burdened; we will be moving some people around to help
- Health Care Trust: Three new member counties; doing well and continues to grow
- Property Casualty Trust: Had a bad claims year; frequency and severity are both high
- Workers' Compensation Trust: The costs for work comp claims continue to rise; a lot is medical, and medical costs consistently go up over the years; indemnity payments tied to state weekly wage; changes made by 2011 legislature have not had the positive effect the legislature thought it would
- LTAP (Local Technical Assistance Program): New Executive Director, Matt Ulberg; HB 473 had a provision that \$50,000 of the new gas tax dollars annually go to LTAP—now the executive director won't have to search for grants to keep the program going, which means more training for your employees
- Upcoming Trainings
  - Budget & Land Use Training: Two in July; first one in Helena and a second one in Miles City; register on our website

- Department of Administration Budget Trainings: 8 regional trainings across the state; June 7<sup>th</sup> in Lewistown, June 8<sup>th</sup> in Kalispell, June 12<sup>th</sup> in Billings, June 13<sup>th</sup> in Missoula, June 19<sup>th</sup> in Butte, June 21<sup>st</sup> in Wolf Point, June 23<sup>rd</sup> in Miles City, and June 23<sup>rd</sup> in Great Falls
- Urge you to attend both the MACo budget training and the DOA budget training; we will get more in depth and focus on non-levy revenues, particularly federal revenues
- Federal Payments
  - SRS Forest Payments: Not reauthorized; payment in March was reverted back to the 25% share if congress passes it with a retroactive provision, it will be in your next year's budget, and we will help you budget it
  - PILT Payment: You will receive in June or July; has not been reauthorized as of yet; there is talk of doing a 10-year average
  - Federal Mineral Royalty: On track as normal
- Regular Gas Tax Allocations: Emailed the spreadsheet last Friday that has the amount you will receive
- Floating Mills/Floating Mill Calculation Form: After the floating mill concept was created in 1999, you were given the authority to carry forward unused mills into subsequent years, and the spreadsheet you use was created; as of 2001 it has been incorrect; the law says you can carry forward mills, but the form has been carrying forward dollars; the form has been fixed so it carries forward the mills rather than dollars
- RMIS: Claims department uses a system called "Risk Master," which is outdated; we are getting a new system from Origami that will make our staff more efficient; the schools also use this system; it will be in place in December; you will get a portal with a dashboard that shows how many claims and what types of claims you have to help you better manage your claims and therefore your premiums; there will be better member contact and service; filing claims will be easier; the policy management system will be integrated via a bridge
- Annual Conference: September in Bozeman at the GranTree Inn
- Annual Survey will be sent late August/early September: Let us know what we're doing well, what we can do better, any new ideas, etc.
- Committees: Set our policy and review resolutions which turn into legislation; urge your involvement; fill out the biographical questionnaire that is handed out at the annual conference; helps the president make the committee appointments as well as aids in updating our *Directory of County Officials*

### **MACo President's & Officers' Report**

#### **Todd Devlin, Prairie County, MACo President**

- Synopsis of Last Year: WIR retreat in Ashland, OR; Execs & Presidents meeting Washington, DC and a Northwest Execs & Presidents Round Table in Seattle to discuss key issues for our region; NACo Midwinter Conference; WIR Conference in Bend, OR two weeks ago; district meetings all this week; NACo Annual Conference in Columbus, OH in July
- Currently chairing the NACo Land Payments Subcommittee
- Wilderness Characteristics Inventory: Working with Alaska
- Eric Bryson was hired as Assistant Director in February; very professional, well-prepared; good feedback at the Capitol; great asset
- Legislative Session: Was at the Capitol for about three weeks total this session; mail ballot bill (SB 305) was a fiasco; gas tax bill (HB 473)—nobody likes new tax, but we have failing infrastructure; you guys had a great amount influence; sexual abuse awareness bill, carried by Representative Greef, flew through as there is no fiscal impact, because OPI has all of the information available to give to the districts
- Important to start building relationships with legislators

### **Bill Barron, Lake County, MACo 1<sup>st</sup> Vice President**

- First time making the tour of district meetings around the state
- Important that you all understand how important and necessary MACo is to counties; MACo is our voice in Helena; a united county voice is more powerful when dealing with the state; it's a bargain for what we pay
- NACo: Montana is highly thought of at the national level; one commissioner from Montana changed federal policy
- Want to try and strengthen relationships between commissioners and other elected officials; Immediate Past President, Maureen Davey, initiated this proposing a change in the Bylaws to give each association a vote on the BOD (this bylaw passed at last year's annual conference)
- If you have questions, comments, and/or issues, want to hear them

### **MACo Legislative Report: Harold Blattie, Sheryl Wood, Eric Bryson, Shantil Siaperas**

- Interim Committee Member Assignments: Pay particular attention to the Local Government Interim Committee; this used to be combined with the Education & Local Government Interim Committee, but often local government issues would take a backseat to education; SB 151, which was shepherded through the session by the League of Cities & Towns, split this interim committee up; if you have any suggestions on issues you'd like the new Local Government Interim Committee to look at, let us know
- Interim Studies: The studies have been polled, ranked, and recommendations have been made by staff to the interim committees; this is what we will be doing over the interim
- Land Use Bills: Tara DePuy, MACo Land Use Attorney, will be doing Land Use Workshops that coincide with our Budget Workshops; encourage your attendance—you can register on our website
- HB 305, Allow counties to set bounties on predators: Allows you to set the dollar amount of bounties to be paid on predatory animals; revises the term of the livestock fee (it will remain in effect until a subsequent petition is submitted to modify or eliminate the fee); and the bill revises the appointment of bounty inspectors (you can appoint bounty inspectors in addition to the sheriff, undersheriffs, and deputy sheriffs)
- HB 447, Authorize cancellation of local uncontested general elections by municipalities: Had a resolution to support this bill brought forward by the League of Cities and Towns; if the number of candidates is equal to or less than the number of positions to be filled, the election can be cancelled
- SB 274, Revise and clarify special purpose district election laws: Current law allows an election on creation of a county water and sewer district to be combined with the election of its first board of directors, so this bill extends that flexibility to other special purpose districts.
- SB 194, Revise state secondary highway system funding laws: We had this bill pulled; the intent was to allow secondary funds to be used for surface preservation, as many roads in counties are not paved; came to find out from Lynn Zanto, MDT, that it would have required additional resources and cost counties more money, as each county would have to do an asset management system (which is basically a routine condition inventory of your entire gravel secondary highway system) and submit that info to MDT before the feds would allow MDT to use the secondary funds on gravel surface management that is outside of paved secondaries; also MDT had concerns that this legislation detracts from paved secondary roads that the program was set up for--basically preservation on gravel secondaries would be done at the expense of paved secondaries.
- HB 61, Revise and update 9-1-1 laws (ETIC bill from Stakeholder Working Group & 9-1-1 Advisory Council): Came from the "Next Generation 9-1-1 Study" that we talked about last interim; this bill updated/modernized the language in statute; it also set up ways to use the "stranded fund" dollars: \$5 million is to be used for completing the ESINet, \$350,000 for 9-1-1 Systems Plan, and \$80,000 for GIS Assessment; the rest of the money goes into the grant fund, where the providers have the priority and the 9-1-1 Advisory Council makes the final decisions on the projects that receive grants. The advisory council met about 2 weeks ago and will be drafting the rules for grants; regarding the 9-1-1 fund distribution, the mechanism stays the same until the next census
  - Side Note: SB 294, Generally revise laws related to state government pay plans, was amended in conference committee to take \$2 million from the stranded fund for university buy-outs. We lobbied against this in the halls, as there was no way to do it in conference committee, and we were reassured

time and again that this would not affect any federal grant dollars for 9-1-1. It does set an example that using tax payer dollars that are set aside specifically for one purpose can be used for another. We are now on the FCCs “bad boy” list for using 9-1-1 dollars for something other than 9-1-1, which MACo has always opposed.

- **HB 83, Generally revise election laws:** The bill’s purpose was to cleanup and clarify election laws after the statutes were considerably revised in the 2015 session; after our mail ballot bill was tabled in the House Judiciary Committee, the Governor tried to amend this bill with the special mail ballot election language; the Senate did not concur on the amendments, and the House never took action on it; the bill was returned to the Governor’s office, and it was signed without his amendments; as a side note, it would have been too late had the amendments passed.
- **HB 103, Generally revise election laws - administrative cleanup:** Minor changes and administrative cleanup, carried by former Clerk & Recorder Rep. Geraldine Custer on behalf of both the previous SOS and new SOS
- **HB 126, Generally revise the Montana pesticides act:** Department of Ag bill; increases fees on pesticide licensing, permitting, and registration fees; a portion of the money goes to the pesticide program for training; a large amount of the money goes to the recycling of pesticide containers so they don’t end up in the county landfills; some money also goes to the statewide weed coordinator (Dave Burch) who helps county weed coordinators immensely.
- **HB 225, Funding of maintenance for paved paths:** This will now appear on vehicle registrations as an “opt in” for \$5; we expect them to be back for an “opt out” next session, as it is projected that this will not even collect the \$50,000 necessary to pay for the reprogramming of MERLIN; this bill is effective July 1, 2017; Ronda Wiggers (Treasurers Association) is checking with DOJ to see how they intend to have this implemented.
- **HB 286, Allow livestock loss reimbursement for mountain lion predation:** Allows the livestock loss board to reimburse livestock producers for losses from mountain lion predation; however, the board has to prioritize grants for prevention of wolf and grizzly bear predation over those for mountain lion predation.
- **HB 287, Revise absentee ballot list confirmation laws:** An address confirmation is not required for electors on the absentee ballot list for future elections unless their address changes.
- **HB 370, Revise laws regarding the recording of public meetings:** This prohibits anyone from being excluded from an open meeting and allows anyone to record public meetings; makes clear that this is not a right afforded just for the press/media; many public entities already allow this, but now the law explicitly states it; brings the language up-to-date with the digital age we live in—people can record and take pictures with their phones.
- **HB 604, Generally revise public safety communication laws:** Moves interoperability (statewide public safety communications system) under the DOJ, where they will implement, maintain, and sustain the system; this bill came out of the Statewide Interoperability Governing Board (SIGB) as a “step one” as the funding for the system as not yet been figured out—made sense to put this under DOJ, because it’s statewide and the highway patrol uses it extensively.
- **HB 622, Generally revise laws related to invasive species:** Has to do with the invasive mussels that were detected in Montana in October 2016; the purpose of this bill is set up mechanisms to control this situation; sets up an invasive species council; establishes the Missouri River Containment and quarantine program; sets up an upper Columbia pilot program; and allows counties located within the Columbia river basin to adopt ordinances and resolutions regarding the prevention or control of the mussels
- **SB 363, Generally revise aquatic invasive species:** This is the funding mechanism for HB 622; sets up the invasive species account in the state special revenue fund; the revenue comes from a new electrical energy fee on hydroelectric facilities in the state (pay a quarterly invasive species fee of \$795.76 per megawatt of the facility's nameplate capacity); an invasive species fee for utilities receiving more than 50% of its annual electricity supply from the hydroelectric generation (supplied by a federal power marketing administration. The fee does not apply to any facility assessed the invasive species electrical energy fee. The fee is based on the utility’s total retail sales for the quarter); and aquatic invasive species prevention passes—anglers are required to purchase a pass annually when applying for a fishing license or a combination license that includes a fishing license; it’s retroactive, so if you’ve already purchased a fishing license, you still need the AIS pass; the fee for this prevention pass is \$2 for residents and \$15 for nonresidents and will result in approximately \$3.2 million annually.

- SB 39, Repeal notification of county commission re: organization of conservation district: This was an agency bill from DNRC; the old law required that the notice be provided to the county commission after the organization was already certified as an organization by the SOS following the referendum; the notice was redundant, as the county is pretty involved in the process; side note—there are not likely to be very many new ones—there are currently 58.
- SB 73, Revise laws related to livestock loss: Extends sunset to June 2023 for the appropriation that reimburses livestock owners for losses from predation of wolves and grizzly bears (and now mountain lions).
- SB 123, Revise marriage license laws to allow nonresidents to get licenses in any county: Nonresidents may obtain a marriage license from any county in the state.
- SB 163, Revise election judge qualifications: Election judges must be registered electors of the county in which they serve; no election judge may be a candidate or related (a spouse, ascendant, descendant, brother, or sister of a candidate or a candidate's spouse or the spouse) to—even through marriage—a candidate in an election precinct where the candidate's name appears on the ballot. However, this does not apply to candidates for precinct offices (current law); if a polling place for a precinct is located in the same venue as one or more other precincts, relatives—even through marriage—of any candidate whose name appears on any ballot being voted on within the venue may not serve as election judges within the venue (additional qualification)
- SB 178, Revise when a primary must be held for county nonpartisan offices: If there are two or more candidates running for a county nonpartisan office, there must be a primary election.
- SB 281, Revise use of fire suppression account funds: This bill expands the use of how fire suppression account funds may be used; on July 1 at the end of each odd-numbered fiscal year, if the balance in the account exceeds \$40 million, the excess, up to \$5 million, must be used for fuel reduction and mitigation; forest restoration; grants for the purchase of fire suppression equipment for county cooperatives; forest management projects on federal land, and/or road maintenance on federal lands; no more than 5% of what is left over can be used for the support for collaborative groups [that include at least one representative of an affected county commission] that are engaged with a federal forest project and for local governments engaged in litigation related to federal forest projects
- HB 101: MPERA's "Generally Revise" bill—we included our "independent contractor" issue into this; as long as don't hire an independent contractor that is in PERS, you're good to go; if you bring back retired employees, they must be in a non-reportable positions and each position is less than 480 hours in a calendar year, you don't have to pay contributions; clarifies that the county superintends of schools are not in the public employees retirement system, but they are in the teachers retirement system
- HB 383: SRS bill: Attempt to get the system actuarially sound; counties have permissive levy authority for the new 3% contribution; take your June 30 and the 3% of the next year and permissively levy that by doing a public hearing under 7-21-21; employees will be paying 1.25% more; there are triggers—once the system reaches actuarial sounds, the contribution goes away
- Air Ambulance Bills: Out-of-state air ambulance services balance billing patients thousands of dollars; these organizations are protected under the national Airline Deregulation Act—their rates and routes cannot be regulated; on the national level, NACo trying to get these airlines out of the deregulation act; we've met with the Montana congressional delegation and their staff; Senator Tester has a bill, but we had no traction with Congressman Zinke or Senator Daines
  - SB 44: Came out of Economic Affairs Interim Committee; patient protection and dispute resolution act; patients are protected from the balance billing; shifts costs to insurers; legislative intent is to protect the public
  - HB 73: Effort to control memberships that these organizations are selling through transparency and disclosure of the plans and what they contain
  - SB 292: Protects constituents from collection agencies and credit reports
- Health & Human Services
  - HB 293: MACo bill that died; brought forward by the MACo HHS Committee; our focus was on the aging population; pharmacies only have to retain records for 7 years, and they get to decide if they want to send information to DPHHS; this would have required them to send this information to DPHHS; we are one of the only states with an opt-in; the focus got switched to children, and some committee members thought this was too much oversight



- Mental Health
  - HB 328: The crisis intervention and jail diversion grants put into place during the 2015 session; currently you have to apply annually, but now you can apply biannually; they also added it to make tribes eligible
  - HB 387: Keeps open the 12-bed unit for individuals with a developmental disability who are in need of intensive treatment because of continuous or repeated behaviors that pose an imminent risk of serious harm to self or others
- HB 302: MACo bill that died; this was MACo's attempt to educate legislators; this would have made it so convicted felons under community supervision in one of your communities goes back to jail, DOC would pay; it would also make DOC pay for felony offenders who plead guilty from the time of when they plead and the time of incarceration; these noncompliant felony offenders often sit in county jails for 123 days before they are transferred; if DOC were to pay for these offenders at the current rate of \$69/day, they would have to compensate counties \$21 million to counties annually. The purpose of the bill was to show how much money this cost property tax payers and open up the discussion. You've basically adopted them; you pay their medical, their food, etc. This will be on ongoing discussion with the legislature.
  - Legislature told DOC that they will only pay them 250 inmates across the state; there are over 400 in county jails
  - Some counties are saying they just won't take them—not their responsibility; counties are being sued by the ACLU for this overpopulation
- HB 459: MACo bill that died; this was not intended to give counties authority to set speed limits; counties can already can set reasonable speed limits on county roads under county jurisdiction; this would have allowed counties to do just that without waiting for or spending money on traffic studies; members of the Senate Transportation Committee said that MDT does the speed studies, which they do on their own roads (they will help counties, but since they have their own roads, it takes a long time), and they said it was too much new authority and needed sideboards; they seemed to misunderstand the bill
- HB 473: Gas tax bill; no way this bill would have passed without county support; beginning on March 1, 2018, and every year thereafter new gas tax money will go into new Bridge & Road Safety Account (BrRSA); the money will be marked for your county; this requires you to submit a resolution to MDT for the money (we provided examples of the 3 resolutions):
  - Resolution 1: Request that the money be distributed and obligate
  - Resolution 2: Request that the money be reserved for your county; they will hold the money for up to two years; if you do nothing after 2 years, they will distribute it back through the fund
  - Resolution 3: If you've asked it to be reserved, but now you want to obligate it, you do a resolution requesting that it be distributed and obligated it
  - 4<sup>th</sup> Option: You don't have to use the funds, and the unused funds will cycle back through the fund after 2 years for distribution to counties
  - For every dollar of BrRSA you must match with county dollar (can't use existing gas tax money as match money); have to annually submit a report back to the state showing what you spent your money on; the fund will grow over the next few years—in 2023 it will be fully implemented increasing to \$0.06; some money will backfill funds for the MT highway patrol as well as the HSRA account which is used to match federal dollars for roads across the state; MDT does not act as supervisory authority over these projects; don't use this money for buying machinery or paying salaries; use for roads, bridges, culverts, etc.
  - If you use the new gas tax dollars, you will set up a separate fund; they will provide the number for the new fund
- HB 258: Detention centers have to allow inmates to make free calls to their attorneys as needed and subject to the policies of the facility; not unlimited, unfettered access
- SB 278, Revising local government selection procedures for professional services: Allows counties to create SOQ list (statement of qualifications list) through an RFP process; state has been doing for years; if you're going to look for an architect, land surveyor, or engineer for less than \$50,000 you can negotiate with them; have to keep the list up-to-date
- HB 152: MACo bill; counties can have a junk vehicle capital reserve account up to \$200,000
- HB 156: MACo bill; extends sunset on appropriation to Hard Rock Mining Trust Account

- HB 373: MACo bill; separates the process of disposal of personal property from real property
- HB 405: MACo omnibus bill; generally revise, cleanup bill without policy decisions in it; got hijacked and became a local option sales tax bill (a 1% resort sales tax to fund workforce housing and a 4% local option sales tax for mineral impacted areas); amendments did not pass, but the bill did
- HB 410: MACo bill that died; would have added \$2 to new vehicle registrations, \$1 for older and off-road vehicles to be used for noxious weed management; many saying “no” to tax increase voted “yes” to HB 650 to put 9.6% surcharge on all motor vehicles, which goes to fund the highway patrol, which has previously been funded using the HSRA, so the HSRA is freed up for federal match funds for roads; a bunch goes to highway patrol to manage the motor vehicle division; Treasurers take the heat for the large increase
- HB 11: TSEP; is supposed to use up to 20% of money for bridges; they had it written so only 10% was being used; they listened to us and added a few more projects
- HB 18: Interim working group to clean up the statutes regarding tax deed/lien process and make it more understandable; Treasurers are doing a training for treasurers—clerk & recorders are invited as well—on June 28<sup>th</sup> at the MACo office, which will also be a webinar
- HB 261: This bill is a normal statutory appropriation; the bill was to extend the statutory appropriation to libraries; sat in Senate Finance & Claims for weeks; in the end, they passed it with triggers; if the revenue estimates come in at certain levels, the money can go out to libraries—these thresholds can’t be met. The state library is doing layoffs of 12 FTEs, which is 28% of their employees; you will likely be approached for help by your local libraries
- HB 422: Hammer bill; there is a county that hasn’t remitted money to DOR in a year or submitted a budget; the only way to get what DOR needs, which is required by law, is to withhold any money that flows through the state to the county; if a county is behind on remitting money to the state and has a delinquent report (budget/annual), then DOR can hold money going to the county—this is a targeted bill
- HB 434: Utilizing some Pittman-Robertson money for noxious weed management through habitat improvement
- HB 565: We originally opposed this bill, but came to find out it wasn’t going to die, as the legislature and the administration worked together on this bill; it reduces the growth rate to ½ of 1% this year and 1.87% next year; we did get this changed to one-time-only
- HB 650: Puts a 9.6% surcharge on top of all motor vehicles; a portion goes to highway patrol, which helps remove them from HSRA, which is gas tax, which is used to match federal money; we and the Treasurers vigorously opposed this bill from the beginning; when someone comes after July 1<sup>st</sup> to register their vehicle, the clerk is going to tell them that their registration is MUCH higher than the previous year, and the person is going to be frustrated with the person at the window (and the county);
  - Put a cap on regional prisons; the county is operating the prison, which is NOT a county jail; the cap went on because “everyone else is getting capped”
  - The property tax payers are not going to be happy because the legislature had a bill that shifted the burden of education funding to the property tax payers
  - This bill as well as SB 95 (companion bills) had lots of coordinating language and very significant policy decisions including discontinuing the boot camp as well as eliminating the Executive Director of the Board of Crime Control and moving the board from the Department of Justice to the Department of Corrections (DOC);
    - Now there is no one at DOJ to administer the grants for funding in your communities, as these federal grants must stay with a law/justice department, which DOC is not; so even though the funds remain with DOJ, there isn’t a staff to manage and distribute the grants; best case scenario is that there is a three-month gap in funding; by January 1<sup>st</sup> the board must be transferred
    - Marsy’s Law: Board of Crime Control was working on database, don’t know if this work can be completed now.
  - These decisions were made in conference committees where the bills were amended and acted on immediately and there was no public comment.
- SB 2: Quorum requirements; you as commissioners can ride in a car together or be here together and just report on it at your next meeting on what was discussed or heard; two letters, one from Brian Hopkins, MACo General Counsel, and one from MNA—follow Brian’s and be aware of MNA’s

- Marsy's Law Bills: victims' rights bills; 2 bills; HB 600 & SB 250; one attempted to put sideboards and guidance on this constitutional change (CI-116: everything goes to restitution until it's paid); one granted the county attorney prosecutorial immunity
- SB 372: Ties the audit threshold to the federal level (currently \$750,000), which we just got this decoupled last session; we believe that it is not good public policy to have  $\frac{3}{4}$  of a million public dollars without an audit
- HB 198: Died; last session there was a bill to increase death certificate fees with \$3 going to the Board of Funeral Directors, and it also put into law that county death certificate fees would be the same as DPHHS; clerks didn't receive any pushback; this new bill removed the sunset and added a provision to limit the money to the funeral directors and the rest would go to veterans' cemeteries. The Governor vetoed it; therefore, the county certificates go back to \$3.
- HB 341: Died; would have tied meal per diem rates and lodging reimbursements to the federal rates; current rates have been in place for 20 years.
- SB 330: Died; Property Assessed Clean Energy (PACE); DEQ loved it but wouldn't do it because they said they didn't have the staff to do it; it was a Governor priority in his state of the state speech; would have allowed county to become a bank to do loans for these clean energy upgrades and then collect on them; mechanically and technically it wouldn't work
- SB 106: Died; reincarnation; would have phased out mag-chloride as deicer on roads
- SB 332: Died; would have put the car in jail if you have any unpaid fines; you get pulled over, license number gets run through system, you have any unpaid fine, the car can be immediately impounded for 60 days; the bill didn't address what happened next; sponsor thought this bill would cause collection of unpaid fines

#### **Matt Arno, Local Government Forest Advisor, DNRC**

- Position created by HB 510 (2015); funded again in 2017
  - Liaison between counties and US Forest Services
- Montana Forest Counties Summit: May 1-2, 2018 at the Holiday Inn in Missoula
- Mass Timber Workshop: June 28, 2017 in Columbia Falls
- Fire funding issues; and other issues

#### **Other District Business**

- No further business

#### **Secondary Roads Program, FLAP & STIP:** Wayne Noem, Montana Department of Transportation

- Statewide Transportation Improvement Program (STIP)
  - Programming document (isn't planning document): Helps plan out programming of each phase
    - Pie Chart: Shows where money is being spent, projects, phases
    - Map: Construction
    - 5-year document
    - Preliminary engineering, right-of-way, utility moves
- TransPlan MT: Final draft will come mid-June on the MDT website
  - Types of projects that will be prioritized
  - MDT mission and plan
- Federal Lands Access Program (FLAP)
  - New projects selected
  - Western Federal Lands has not sent out project agreements or MOAs
  - Do not do anything until WFL says it's okay; any you do before won't count

#### **Meeting Adjourned**

