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## STATE CORRECTION OF VALUATION ERRORS and RECERTIFICATION OF LEVIES

### DEPARTMENT OF REVENUE Recent Change in Northwestern Energy's Property Value

The Department of Revenue is concerned that a recent adjustment to NorthWestern Energy's property value was characterized in the media as a "settlement." The Department would like to clarify that NorthWestern Energy's property value was changed to correct an error made by the company when it filed its property tax return. There has been no settlement.

NorthWestern Energy made a mistake in filing their centrally assessed return that did not become apparent until they entered the Department of Revenue's informal review process, a process which often occurs after the certification of values to counties. The company missed an item that, clearly and legally, reduced their property value. Once NorthWestern's error was discovered, Department staff corrected the value. Failure of the Department to do so would have resulted in the filing of an appeal by Northwestern over that single error. The adjustment translates into roughly a \$2 million tax reduction statewide.

It should be noted that NorthWestern pays more than \$67 million a year in property taxes.

NorthWestern Energy has filed an appeal with the Department of Revenue's Office of Dispute Resolution, an appeal that challenges an

additional \$10 million in their tax liability. The Department of Revenue believes that the appeal is without merit. The Department believes that the values it has placed on NorthWestern's properties are sound, conservative and conform to the professional appraisal standards. The Department plans to defend these values vigorously.

The Department also notes that the values on NorthWestern's property as of January 1, 2005--values the company contends are too high--are lower than the amount that five Montana cities have offered to purchase the property, but which the NorthWestern's officers have rejected as too low.

MACo thanks Dan Bucks, Director  
Department of Revenue  
for this article.

### DEPT. OF ADMINISTRATION Recertification of Levies

With the recent reduction in the taxable valuations for centrally assessed properties, there is some concern and confusion over what should be done with the tax levies and the already-passed budgets.

The Department of Revenue, through its agents in the counties, has notified every taxing jurisdiction of the reduction in taxable values on Form AB-72, "Taxing Jurisdiction Change in Valuation". This form provides for a taxing jurisdiction to

*Continued on next page*

## RECERTIFICATION OF LEVIES and STATE CORRECTION OF VALUATION ERRORS CONTINUED

request recertification. Recertification is necessary if the taxing jurisdiction intends to recalculate their maximum levy under Section 15-10-420, MCA.

Whether the newly calculated levies, which normally would be higher than the original levies, are actually levied depends on the reduced amount of revenue and whether or not changing the levies is possible. Regardless, the newly calculated levies must be based on a certified value obtained through recertification.

***Recalculating the levies also serves to properly establish the maximum tax revenue limitation, which is used as a starting point for the mill levy calculation for next year.***

If the newly calculated levies are not put on the rolls, the taxing jurisdiction will not realize as much revenue from current taxes as was anticipated. The difference between the original levies and the recalculated levies then becomes carry forward mills as provided for in Section 15-10-420, (1)(b), MCA. In the case of permissive or voted mills, if the levies are not changed for the tax rolls, those operations dependent on the permissive levy may be negatively impacted.

In some counties, the tax statements are

ready to be or have been issued. It is not likely that anything can be done to change the taxes that will be placed on the rolls for collection. The levies assessed will have to remain as they were submitted earlier and they will generate less revenue than anticipated.

In summary, each taxing jurisdiction should analyze the impact of the reduced taxable value to determine the monetary impact it has on their

tax revenues. ***It makes sense to apply for recertification of the taxable value so that any recalculated levies are supported by a legally certified taxable value. This will also establish an accurate base for the computation of the mills next year*** and provide documentation for any carry forward mills resulting from the recalculation. If the newly calculated levies do not make the tax rolls, any levy not assessed becomes carry-forward mills under Section 15-10-420. MCA and the taxing jurisdiction will realize less tax revenue than anticipated.

MACo thanks Norm Klein  
Department of Administration  
for this article.

*Recertification and recalculated levies will establish an accurate base for next year's computation of mills and for carry-forward mills.*



## FROM PRESIDENT KAERCHER

When I was putting the final touches on this, it struck me that I should be writing thank you notes instead. I was blessed in 1996 to be elected county commissioner, but it has been a bigger honor to serve you through the chairs and now as your president.

I have a few people I need to recognize. First Carol Brooker, for her confidence in me when she appointed me 2<sup>nd</sup> VP, and John Prinkki, for picking up my slack last year and in the coming year. Last year the Association had some big ups and downs and one person remained strong in his belief in counties. Please help me show our gratitude to Bill Kennedy for his dedication and diligence in making Montana counties heard across the state.

I don't believe that anyone who starts this process in MACo leadership realizes the time commitment. Without the support and encouragement from my other commissioners, Kathy Bessette and Mike Anderson, this would be extremely hard. When one commissioner is missing, the work load increases substantially on the others, and they have covered me without a single complaint. I thank them with the most heartfelt gratitude.

This will be a very exciting year for the Association. Only a couple of you were here the last time we switched executive directors and only a couple of us will be here the next time. I believe the Board of Directors made an excellent choice in Harold Blattie, as he has the experience and dedication to move counties in a positive direction. In the next couple of months we will have a new associate director on line. So, I have asked Harold to plan for a Board retreat early next year to start the outline of our future.

Our responsibilities have broad reaching ramifications to the success of our Association. If we are willing to work together and speak in a single voice, we can send a clear message to the State and Federal levels that we are united in our efforts to supply good government to the people.

I ask you to keep me or any of the Board informed of your concerns and your ideas. I thank you for the confidence you have placed in me. It is my great pleasure to serve as your president.

## FOR YOUR CALENDAR

November 2-3	Associate Director Interviews; MACo
November 11	Veterans Day Holiday
November 16	Impact Fee Meeting
November 24	Thanksgiving Day Holiday

### UPCOMING EVENTS

December 1-2	JPA / JPIA Board Retreat; Helena
December 26	Christmas Holiday follows Christmas Day
January 18-20	Loss Control Conference; Fairmont
February 13-17	MACo Midwinter Conference; Great Falls
March 4-8	NACo Legislative Conference; Wash. DC

## SHERIFF - CORONER POSITION OPEN

Petroleum County is currently accepting resumes for the full-time, permanent position of County Sheriff/Coroner. POST certifiable candidates are preferred.

Negotiable starting salary is \$25,000.

For further information and/or the job description, phone 429-5551.

Deadline to mail cover letter and resume is Monday, November 14, 5:00 pm.

Stephanie Downs, County Manager  
PO Box 226  
Winnett, MT 59087

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# FY 05 HOMELAND SECURITY GRANTS

Montana Disaster and Emergency Services (DES) is the state administrative agency for the US Department of Homeland Security grants. The FY05 total grant allocation to Montana is \$15,317,765. All grant funding must be tied to goals and objectives in the State Homeland Security Strategic Plan and should be completed by December 2006.

The FY05 Homeland Security grant consists of four programs, each with specific grant guidelines.

## 1. The EMPG PROGRAM (\$1,624,359)

is the traditional funding source for emergency management and DES has the responsibility for that program. 100% of EMPG funds are obligated to the State Emergency Management Agency.

## 2. STATE HOMELAND SECURITY PROGRAM \$9,949,207

(80% local and 20% state)

State Funding Distribution - \$1,989,841

**Goal 2** Establish a statewide, interoperable public safety system that will link the independent wireless voice and data systems (incl. 9-1-1 and public safety radio systems) used by federal, state, local, tribal, and private sector responders.

**Goal 3** Enhance the abilities of local, state, tribal, federal, and private critical infrastructure within Montana to prevent, protect, prepare for, respond to, and recover from a WMD terrorism incident.

**Goal 4** Coordination among all agencies' activities relating to preventing, planning, mitigation, response, and recovery from a WMD terrorism incident.

**Goal 9** Develop and enhance advance response teams and capabilities to respond to the consequences of a WMD terrorism incident where local resources are not available or are inadequate.

**Goal 10** Enhance the capabilities to detect, protect, respond to, recover from and mitigate incidents of WMD terrorism involving plants, livestock, other animals and associated industries.

**Goal 11** Enhance information technology capabilities of state and local agencies to detect, prevent, deter, mitigate, respond to, and recover from terrorism and WMD incidents.

Local Funding Distribution - \$7,720,584

**Goal 2** Establish a statewide, interoperable public safety system that will link the independent wireless voice and data systems (incl. 9-1-1 and public safety radio systems) used by federal, state, local, tribal, and private sector responders.

## 3. LAW ENFORCEMENT TERRORISM PREVENTION \$3,617,894

(80% local and 20% state)

State Funding Distribution - \$723,578

**Goal 1** Detect and mitigate WMD terrorism incidents with a multi-jurisdictional coordinated effort.

**Goal 2** Establish a statewide, interoperable public safety system that will link the independent wireless voice and data systems (incl. 9-1-1 and public safety radio systems) used by federal, state, local, tribal, and private sector responders.

**Goal 3** Enhance the abilities of local, state, tribal, federal, and private critical infrastructure within Montana to prevent, protect, prepare for, respond to, and recover from a WMD terrorism incident.

**Goal 15** Enhance jurisdictions capabilities to provide for public safety during special events.

Local Funding Distribution - \$2,807,485

**Goal 2** Establish a statewide, interoperable public safety system that will link the independent wireless voice and data systems (incl. 9-1-1 and public safety radio systems) used by federal, state, local, tribal, and private sector responders.

## 4. CITIZEN CORPS- Total \$126,305

**Goal 13** Increase the awareness and preparedness of the citizens of Montana.

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**Fire Department Integrated Risk  
Analysis and Management  
November 7-11**

**Symposium Will Examine Approaches to  
Improving Community Safety and  
Reducing Firefighter Injuries**

*Free Program Conducted on Web Site and  
via Email, Week of November 7-11*

**About the Symposium**

In recent years, fire departments have begun to employ a more holistic operational approach aimed at improving community safety while reducing firefighter injuries. The approach to safety is known as integrated risk analysis and management.

The symposium will bring together authors and experts from the United States and United Kingdom to discuss the integrated risk management approach.

Each day specially commissioned "Issues and Ideas Papers" from these authors will present aspects of the integrated risk management approach for discussion. You can read the papers at your convenience and also make copies to distribute to colleagues. You can also participate in an online discussion in PERI's Symposium Center, exchanging ideas, posting comments, and asking questions about the topic.

**Sign Up for the Program At No Charge**

The program is free. You can sign up to receive the daily Issues and Ideas Papers via email by completing the online Symposium Signup form found in the Symposium Center of PERI's Web site at:

[www.riskinstitute.org/test.php?pid=page&tid=10](http://www.riskinstitute.org/test.php?pid=page&tid=10)

You may also go directly to the signup form at:  
<http://marketing.riskinstitute.org/symposiumsignup/>

The program will be valuable to all local fire officials, no matter what size jurisdiction, as well as all elected and appointed officials in any community or district.

**NACo PURCHASING:  
HOMELAND SECURITY and FIRST  
RESPONDER PRODUCTS**

The NACo U.S. Communities program is pleased to announce that Hagemeyer North America, Inc. has become the newest supplier under its Governmental Purchasing Alliance. The Hagemeyer contract provides first responders and other public agencies across the country access to a broad range of security, safety, law enforcement and fire equipment without the need for additional solicitation.

The contract provides for highly favorable pricing and products that can be purchased with either local or Department of Homeland Security grant funding. In addition to products, the contract also offers technical services, training, and a unique Grant Tracking capability.

The Homeland Security contract was awarded and became available to public agencies for use on October 7, 2005.

For more information on the Homeland Security contract, go to  
<http://www.uscommunities.org/hss/index.html>

U.S. Communities registered participants can request a direct contact from Hagemeyer North America, Inc. through  
[https://secure.cacommunities.com/uscommunities/reg/contact\\_supp.asp?vn=hgm](https://secure.cacommunities.com/uscommunities/reg/contact_supp.asp?vn=hgm)

To register to use any U.S. Communities contracts, to go  
<http://www.uscommunities.org/register/>

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## ASSOCIATE DIRECTOR EIGHTEEN APPLICANTS

During the recent Annual Conference in September, delegates approved MACo By Laws amendments to change the Assistant Director position to an Associate Director. The Amendments included oversight by the MACo Executive Committee who, in turn, updated the job description to reflect the gradual shift in duties and functions, which occurred over the past few years.

Shortly after the Conference, in order to respond to the September 30 deadline, eighteen applicants submitted application forms, resumes and samples of writing for the new Associate Director position.

A Screening Committee reviewed the applications on Friday, October 14, and scheduled half-hour interviews for Tuesday, November 2. Eight applicants have been invited to interview with the Executive Committee and Executive Director. Three will be chosen to go on to the next round of interviews to be held on the next day.

The eight people selected for interview offer a wide range of titles and experience from a county administrator to a former county commissioner to a city council member to private business employees.

MACo Executive Director Harold Blattie commented, "We formed a screening committee that utilized a structured scoring process. Each committee member scored each application on several items with the cumulative score determining those who would be interviewed.

Generally speaking we are looking for applicants with a strong local government background or particular expertise in our core services.

Due to the number of responses, we could not interview all applicants, so we needed to use a screening process for the written applications."

## COMMISSIONER CERTIFICATION

With three sessions completed for County Commissioner Certification, 40 candidates are on track for certification. The trainees represent 30 of the 56 counties.

Beaverhead Mike McGinley	Musselshell Mike Kilby
Broadwater Elaine Mann	Park County Jim Durgan Dick Murphy Larry Lahren
Butte-Silver Bow Wally Frasz	Petroleum Chris King
Carter Bill Loehding Steve Rosencranz	Phillips Lesley Robinson
Chouteau Harvey Worrall Ken Evans	Pondera County Cynthia Johnson Joseph Christiaens Sandra Broesder
Custer Jack Nesbit	Powell Rem Mannix
Fallon Dennis Afrank	Richland Mark Rehbein
Fergus John Jensen Carl Seilstad	Roosevelt County Gary Macdonald Vickie Delger
Flathead Joe Brenneman	Rosebud Dan Watson
Gallatin Joe Skinner	Sheridan Bill Nyby
Glacier Michael DesRosier	Stillwater Maureen Davey Dennis Hoyem
Golden Valley Leslie Burroughs	Sweet Grass Phil Hathaway
Granite Suzanne Browning	Teton Joe Dellwo
Hill Doug Kaercher	Yellowstone Bill Kennedy
Jefferson Ken Weber	
Lewis and Clark Mike Murray Ed Tinsley	

# COUNTY NEWS

## COUNTY OFFICIALS

**PRAIRIE COUNTY** hired Erin T. Inman to complete the term of Dale M. Hubber as county attorney, effective October 1, 2005. Inman's contact information is: PO Box 215, Terry, MT 59349 etinman@bresnan.net; 635-4529

**PARK COUNTY** appointed Kevin Larkin to fill the term of retired Treasurer Randy Holland. Holland retired after serving 18 years. Larkin's grandmother, Virginia Larkin, was the Park County treasurer for 15 years while he was growing up.

**CARTER and FALLON COUNTIES** have agreed to combine their County Attorney offices. Carter County Attorney Richard Harkins will resign effective December 31. Fallon County Attorney Albert Batterman will assume duties of the combined office.

## FACILITIES

**GLACIER COUNTY**, through a cooperative effort of county officials, city of Cut Bank, the electric cooperative, hospital and private land owners, constructed a helipad for the local hospital.

**MADISON and GALLATIN COUNTIES** received requests for regulation of helicopter use in the Big Sky area. Resort owners use helicopters to fly in equipment and patrons; land owners are concerned with "preserving serenity and tranquility".

**CASCADE COUNTY** is one of ten governmental entities selected to receive free solar electric systems through NorthWestern Energy's Sun4Communities project.

**POWDER RIVER COUNTY** accepted bids to construct a weed control building.

**HILL COUNTY** received a two-year Healthy Communities Access Planning Grant to expand county health department offices and add fourteen positions.

**POWDER RIVER COUNTY** raised per unit landfill fees to \$110 per year to help offset the cost of constructing a lined landfill cell with a leachate collection system.

**GLACIER COUNTY** received informal word that the ACLU is in the process of taking action to close the county jail.

**GALLATIN COUNTY** narrowly rejected a bond issue for a new county jail by 546 of 23,000 votes. The vote was by mail, with a 55% return rate. This was the second vote for a jail bond issue.

**CASCADE COUNTY** raised its regional jail rates for sentenced inmates waiting to be transferred to the state prison from \$47.79 to \$67.43 per inmate per day.

**GALLATIN COUNTY** has acquired its first vehicle that operates on biodiesel, a soy-based fuel blended with diesel. "It's environmentally friendly, it uses a product grown in the United States, it's going to give me better mileage and it's going to clean up my engines," said Road Foreman Dave Fowler. Biodiesel sold in the Bozeman area is transported from Iowa by rail.

## NATURE

**DAWSON COUNTY** opened bids for reconstruction of roads, bridges and culverts destroyed in a June thunderstorm. Glendive Creek went from 6" deep and 12' wide to 12' deep and 100' wide.

**GALLATIN COUNTY'S** open lands program is a national model of public and private cooperation, according to US Department of Agriculture Undersecretary Mark Rey.

**CARBON, STILLWATER, PARK GALLATIN, SWEET GRASS MADISON AND BEAVERHEAD COUNTIES** are discussing a proposed resolution for Fish, Wildlife and Parks calling for better dissemination of wolf location information, following passage of SB 461 in the last Legislative Session.

## GROWTH & DEVELOPMENT

**MISSOULA COUNTY** approved a new building inspection program that will affect new construction and remodels. Owners who occupy their single-family homes have the option of asking for permits and inspections.

**LAKE COUNTY** unanimously approved the State's first dwelling-density limits.

**GALLATIN COUNTY** may have close to 6,000 new residential lots for review over the coming year.

**RAVALLI COUNTY**, with an unprecedented backlog of 90 subdivision applications and 5 family transfers per week, closed the Planning Office to the public during the mornings to allow the staff to work on the current backlog.

# SMOKING BAN IN PUBLIC PLACES

Part two of two parts

by Harold Blattie, MACo Executive Director

Next comes the question about smoking in county owned vehicles. Using the following definition of an "Enclosed Public Place" it can be easily determined that smoking is also banned in county vehicles. The bill does not specifically address whether or not the vehicle is leased or owned, but it is reasonable to conclude that the ban applies in either case.

*"Enclosed public place" means an indoor area, room, or vehicle that the general public is allowed to enter or that serves as a place of work, including but not limited to the following:"*

A vehicle that serves as a place of work for one or more employees is, by definition, an "Enclosed Public Place", therefore smoking is prohibited in all county vehicles.

The next question that arises is: "Is smoking prohibited while operating county "equipment"? Equipment is not defined in the bill, leaving this question open to interpretation. Is a piece of equipment a "vehicle"? If so, then the answer is yes, smoking is prohibited. If however, a piece of equipment is not a "vehicle" the answer is maybe, maybe not. It would appear that a piece of equipment is not a "place of work", as defined in the bill, because it is not an "enclosed room" where one or more employees work and it is obvious that it is not an indoor area or room that the public is allowed to enter. A conservative approach would be to assume that the Legislature's intent was to ban smoking in all places where the public may enter or that serve as a place of work. While a piece of equipment does not fit in the definition of a place of work, it is very hard to argue that it does not serve as a place of work, therefore smoking may be prohibited.

Also the legislature made it clear that no distinction can be made between employees and the general public, so you cannot exempt employees from the ban while imposing it on members of the public.

*"Restrictions contained in this section and imposed by the governing body apply uniformly to the employees of the political subdivision and the public."*

The final issue I would like to address is enforcement, which is addressed in Section 5 of the bill:

*"The provisions of this part must be supervised and enforced by the department and the department's designees, local boards of health, and the boards' designees under the direction of the department."*

The primary enforcement responsibility lies with the Department of Public Health and Human Services which is granted rulemaking authority in Section 9 of HB 643. Local Boards of Health and their designees are also required to enforce the "provisions of this part", under the direction of the Department. The Department adopted the new rules adopted and posted them on the Secretary of State's website at:

<http://sos.state.mt.us/css/ARM/MAR2005.asp>

(Click on "Issue 20" and scroll down to page 139)

The Department is working with some local health officers to help provide direction to local Boards of Health to follow in their enforcement responsibilities.

This review has only attempted to look at the bill from a county perspective, not as the provisions of the bill may apply to the private sector. We urge you to consult with your County Attorney about the applicability of this bill, and in particular as it relates to county equipment. You should begin considering the signage that must be in place prior to January 1, 2006.

"Perhaps more important than anything else is the desire of the bulk of the population for peace and their fear of trouble. This is something an administration can lose sight of and it is easy for them to imagine that a few outspoken individuals or a forceful minority represent the people who are actually standing quietly by, waiting to see what will happen and hoping not to get in trouble with either side."

The Governing of Men by Alexander Leighton

## State GIS Framework Project Transportation and Addressing

Geographic Information Systems (GIS) Bureau of the State Department of Administration introduced the new Transportation Framework and Address Model projects at the recent MACo Conference. The Transportation Framework project seeks to standardize and compile all of the existing roads GIS datasets in the state. The project applications will benefit enhanced emergency response, resource management, road maintenance, economic development, wildfire mitigation, and community growth planning.

The Transportation Framework project includes all the roads in the state and is a **maintainable** database that will allow for the tracking of changes to the roads datasets. The maintenance is made possible by the creation of two ID fields in the original dataset--an EntityID field and a UniqueID field. Basically every single road from each provider is given its own unique "serial" number. The UniqueID allows the provider to use their data as they normally would or to link in to the larger State database. This also allows for the GIS Bureau to track changes occurring in a given dataset. This maintenance will be accomplished via periodic data releases by the provider to the GIS Bureau.

The GIS Bureau will soon release a Memorandum of Understanding (MOU) that will formally outline the process. The Bureau will provide eventual support in the form of training and tools to promote GIS use and implementation of the model at the local level. The MOU packet will include a sample copy of the map and, following receipt of a signed agreement, the Bureau will send a full-sized wall map.

Future IT applications, like the Montana Address Model, will be based on the roads in the Framework. The Address Model will integrate all of the local address databases, many of which are still under development with the rural addressing E 9-1-1 initiative. Following completion of the Addressing Model, the GIS Bureau will await funds to become available to design / build custom tools that will support the receipt and assimilation of so many varying datasets.

Questions, comments, or ideas?  
Please contact Eric Eidswick at 444-2793 or Stu Kirkpatrick at 444-9013

## DIGITAL FLOODPLAIN MAPPING from D.N.R.C.

The Department of Natural Resources and Conservation (DNRC) Floodplain Program is modernizing current Flood Insurance Rate Maps (FIRMs) across the state. The DNRC Floodplain Program will create digital flood hazard maps on a county-by-county basis. These new digital maps will be based on current paper-copy flood hazard maps and will include new flood hazard information. The new maps will be called Digital Flood Insurance Rate Maps or DFIRMs.

Affected landowners will be notified by mail if a new flood study will be located in their area, and public information meetings will be held prior to and during the study.

Each countywide project is expected to take two years to complete.

Currently, the Missoula County project has three small areas of new mapping, and the Flathead County project has one area. Projects slated for 2006 include Lewis & Clark County and Yellowstone County. If there is sufficient funding in 2006, Lake County, Ravalli County and/or Cascade County will be addressed next.

Further information will be made available at the DNRC website

<http://dnrc.mt.gov/wrd/home.htm>

and at the soon-to-be-released Montana Map Mod Website

[www.montanadfirm.com](http://www.montanadfirm.com)

If you would like additional information about this process, please contact Laura Pfister, Map Mod Program Manager, at 444-6656 or via email at [lpfister@mt.gov](mailto:lpfister@mt.gov).

## MACo Risk Management and Training

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and  
**Emelia McEwen**

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**FAX (406) 442-5238**



# NACo INFORMATION



## ENVIRONMENT, ENERGY and LAND USE

2005 NACo Annual Conference  
Art Kleinjan, Blaine County  
Oil, Gas and Coal Counties Representative

The Environment, Energy and Land use Committee hears a lot of problems that are not necessarily something we are directly concerned with. This was the case in some of the sub-committee workshops--Air Quality, Solid and Hazardous Waste, Water Quality, Watershed Management, Land Use and Growth Management. The sub-committee of most concern to me was Energy, with alternatives to gas & oil such as wave power, wind, land fills, etc. When the full committee met with the resolutions, it was a different story. I cannot do full justice on all the resolutions but I will give you the titles and a line or two about them and if anyone has any questions please call me and I will visit with you.

### 1. Regulating Natural Gas Drilling

We made enough changes to ensure that it will work. We took the government out of it and left local control.

### 2. Reducing Greenhouse Air Pollution--Simple

### 3. Supporting National Public Lands Day--OK

### 4. Funding the Leaking Underground Storage Tank Fund--good one

### 5. Clarifying "Waters of the United States"

This one is very important to us as some people would like every irrigation ditch, drainage ditch and every other body of water to belong to the United States.

### 6. Liquefied Natural Gas Platform Close-Loop Heating--Open loops harm marine life.

### 7. Siting Liquefied Natural Gas Terminals

The 108<sup>th</sup> Congress is discussing preempting the states' rights of oversight of the terminals.

### 8. Supporting Historical Easement Tax Credits and Conservation Easement Programs

I am not in support of this one totally. If some legislation comes out of this, we may want to watch.

### 9. Expanding Eligibility for Congestion Mitigation Air Quality

There were more resolutions that did concern us that we managed to eliminate. It was a good conference and, as always, there is a lot to be learned.

## FINANCE and INTERGOVERNMENTAL AFFAIRS

2005 NACo Annual Conference  
Allan Underdal, Toole County

One topic for our committee is the looming deadline for Help America Vote Act or HAVA. We attended a joint session with the National Association of County Recorders, Election Officials, and Clerks to hear from Gracia Hillman, Chair of the Election Assistance Commission, on the January 1, 2006 deadline. She said, "HAVA was not passed to make our jobs easier, but to help restore voter confidence". HAVA hopes to achieve voter standardization and good access and service across the nation.

Many states are not going to meet the January 1 deadline. The Federal Government was slow to get the process started and standards that were supposed to be issued by January 1, 2004 are still being enacted. The general session passed our resolution for deferral of the deadline until January 1, 2010, and 1) for full appropriation of the authorized level of funding, 2) that counties should not be held liable for a state's failure to provide for compliance, 3) for restraint in any further federal legislation that would impose mandates, 4) for a federal study of the long-term costs to states and counties, and 5) for ongoing federal funding for the maintenance of mandated equipment and the local costs in administering federal elections.

Other resolutions that passed are:

To preserve and strengthen tax-exempt bonds as a tool for county budgeting;

To intercept federal tax refunds to pay outstanding court-ordered obligations, such as restitution, court fines, penalties, public defender fees, probation costs, incarceration costs, investigation costs and drug testing;

For indexing the alternative minimum tax for inflation;

To authorize states to require retailers to collect sales taxes on remote sales;

To support the Economic Development Act of 2005.

Also, a symposium on the Meth Epidemic in America was very enlightening and sobering, when we consider this big problem in rural areas in this country.



# NACo INFORMATION



## Transportation 2005 NACo Annual Conference Jamie Doggett, Meagher County

Resolutions passed in Committee and by the Conference included:

- 1) Reauthorization of the Transportation Equity Act for the 21st Century (TEA-21, now SAFETEA-LU--Safe, Accountable, Flexible and Efficient Transportation Equity Act - A Legacy for Users) states that NACo supports the program at a higher funding level.
- 2). Support of Railroad Competition Act  
NACo supports the requirement for railroads to quote rates to their customers, to provide arbitration for certain rail rates, services and other disputes and for the Surface Transportation Board to identify areas that lack adequate rail competition. MACo representatives on the Agricultural Committee, Transportation Committee and WIR proposed this resolution.
- 3). Support of Funding for Essential Air Service This resolution urges full funding to subsidize air carriers providing passenger service to small and rural communities.

Since the NACo Conference, Congress did pass SAFETEA-LU with a multi-year re-authorization for funding for highways, transit and safety at a 38% increase. The TEA 21 basic structure remains intact and the core highway programs for county projects fared well. The off-system bridge program did not raise above the 15% already in place, but the cap for off-system investments was removed. The new High Risk Safety Improvement Program mandates an high-risk rural road safety program. Additionally the new Highway Safety Improvement Program is available to be spent on all public roads, making it a new source of funding to counties.

Since the hurricanes hit the Gulf area, some members of Congress are recommending transportation programs be cut to offset the hurricane costs. At the top of the list is money that funds about 6,000 highway and transit projects contained in SAFETEA-LU. Other suggestions are to eliminate Essential Air Service to small and rural communities, to eliminate the federal subsidy to Amtrak, and/or to cut the transit new-starts program to plan and build rail projects.

## Human Services and Education 2005 NACo Annual Conference Doug Kaercher, Hill County

Three Sub-Committees (1. Aging, 2. Education, Children and Families, and 3. Welfare, Social Services and Immigration) met jointly to discuss several issues ranging from Social Security Reform Legislation and Local Costs of No Child Left behind to TANF Reauthorization and the recently introduced Immigration Legislation.

The Steering Committee as a whole met and discussed several interim resolutions. These Resolutions covered areas of interest to counties starting with Head Start, Crack Cocaine and Meth, and TANF reauthorization. The most discussion went to proposed resolutions on Social Security Reform and Legal Immigrants, Migrants, Refugees and Undocumented Immigrants.

These programs are of mostly great interest to us in Montana. A large amount of money is either expended or received to help correct these problems and need to continue to be watched.

**CHANGES IN THE NUCLEAR FAMILY**  
Percentage of children under 18 years of age who live with a single, never-married parent:

	1970	1980	1990	2002
<b>White</b>	2.6 %	7.0 %	19.2 %	30.9%
<b>Black</b>	14.1	28.7	51.8	63.0
<b>Hispanic</b>	n/a	19.8	32.6	46.1

Governing Magazine, March 2005, "Father Time"



**Nationwide Retirement Solutions**  
a Nationwide Financial company



**NACo** National Association of Counties  
Counties Save for Retirement  
1415 11th St. N.W., Washington, D.C. 20004

The National Association of Counties (NACo), in partnership with Nationwide Retirement Solutions (NRS) and state associations of counties, provides county employees with a Section 457 Deferred Compensation Program.

Since its inception in 1980, NACo's 457 Deferred Compensation Program has grown to become the largest supplemental retirement income program available to county employees. The program assets exceed \$6.0 billion.

**NACo's New Radon Program  
Earn 200 Free Radon Test Kits!**

Radon is responsible for about 21,000 lung cancer deaths every year. 2,900 of these deaths occur among people who have never smoked.

Radon is an elusive radioactive gas that is invisible and odorless. It can seep through any crevice and can enter any type of building - new or old, with or without a basement.

NACo's competitive program could award your county 200 free radon test kits. Simply submit a 1-2 page summary of innovative activities planned to educate county residents on radon throughout National Radon Action Month in January.

**Qualifications / Selection**

- ▶ NACo Member County
- ▶ Outreach, education and mitigation efforts in low-income housing areas
- ▶ County Radon Zone
- ▶ Number of residents to be educated
- ▶ Number of potential mitigated homes
- ▶ Planned follow-up activities

**Application Deadline**

**Friday, December 9, 2005 5:00 pm EST**

National Association of Counties

Attention: Kelly Zonderwyk, Community Services  
440 First Street NW Washington, DC 20001

**2005 MONTANA GOVERNMENT  
INFORMATION TECHNOLOGY  
CONFERENCE**

Most of us can remember the days before computers, e-mail, the Internet, cell phones and fax machines. But, Montana government must continue to embrace advances in information technology to meet the needs of its customers, the citizens of Montana. We must move forward.

Not only must we move forward, we must move forward **together**. State agencies, federal government, local governments, the education community and the private sector must work together to share IT resources to reduce costs and reduce duplication.

The Montana Government Information Technology Conference has been developed to enable and foster the sharing of ideas, products, services and experiences.

The 2nd Annual Montana Government Information Technology Conference will take place from Wednesday through Friday, December 7 -9, 2005 at the Red Lion Colonial Inn in Helena.

To register, go to <http://discoveringmontana.com/>

**MACo NEWS**

Phone (406) 444-4380

Fax (406) 442-5238

Email: [macopb@maco.cog.mt.us](mailto:macopb@maco.cog.mt.us)

ARTICLES ARE WELCOME

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