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## Brown leaves Carbon County with reluctance

By Mike Harbour, MACo Communications Officer

After just more than a decade as Carbon County commissioner, there's only one regret Albert Brown has about his time in office: he would've liked to stay around a little longer.

Brown, 56, recently announced his retirement, due to health issues, and will step down on April 30. First elected to the position in 1997, the Montana native said he'll miss everything about being commissioner, from the complaints to the praises.

"We do have people stop by and say 'good job,'" he said. "I think that's one of the greatest compliments you're going to get because you'll always hear the other side."

When Brown was first elected as commissioner, he already had political experience, serving as Carbon County sheriff and coroner from 1986 to 1990. That role definitely prepared him for certain aspects of his new job.

"I didn't have near the learning curve on budgets that someone coming in would have," said Brown, who also served as a police officer and county deputy before becoming sheriff. "I think the biggest learning curve I had was on subdivisions."

Thanks to fellow commissioner and former MACo President John Prinkki, Brown said he got up to speed on that important facet of county business quickly. As a newcomer to the board, he also learned to develop good relations with his counterparts and enjoyed being alongside them.

"Working with my fellow commissioners has been the greatest pleasure I've had," Brown said. "That's a serious statement; we have some excellent people serving in public office in the state of Montana and it's a pleasure knowing all of them."

He also recognized the role MACo has played in his career, where he served on the association's resolutions committee.

"I think MACo has been a blessing for the counties," Brown said, "because it gets all the other counties together so good decisions can be made for the benefit of all."

Brown was part of the effort to have county inmates moved out of the 1800s-era jail, as its condition presented liability issues. Now the facility is only used as a holding cell; county inmates are sent to Yellowstone County.

Once Brown, a fifth-generation Carbon County resident, retires at the end of the month, he'll relocate with his wife to Seymour, Tenn., near Knoxville, to be close to his children and grandchildren.

Doug Tucker, a long-time county resident and owner of a welding and repair shop in Fromberg, will replace Brown and has assumed the remainder of his term. Tucker will stand for election this year if he continues to serve in the office.

Tucker is a member of the Fromberg School Board, the Carbon County Fair Board, the Bridger Ditch Co., and the Fromberg Volunteer Fire Department.

## HCT Services relocates to MACo campus, Lewistown office established

MACo's staff serving the Health Care Trust (HCT) moved into new offices at the campus on Skyway Drive in late March.

"We're glad to be located with the rest of the MACo staff," said Owen Voigt, the trust's administrator. "Our new space will enable us to better serve our customers."

HCT's new address is now 2715 Skyway Drive, Helena, 59602. Phone numbers

and e-mail addresses remain the same.

MACo's newest employee, HCT Marketing/Member Services Representative Pam Walling, also has a new office in Lewistown, where she's based.

Walling can be reached at 207 W. Main, Suite 1, Lewistown, 59457, or (406) 535-6893. Her e-mail address is pwalling@macohct.com.



## Three terms that make health insurance simple

By Owen Voigt, MACo Health Care Trust Administrator

Have you ever been confronted with something you knew little about and, for the most part, really didn't care about, like when your Mom tells you in detail about cousin Ethyl's marriage problem? She is talking and you are thinking, "I don't know cousin Ethyl, I will never meet her and I sure will never talk to her about her marriage issues," so you say, "Mom why are we talking about this?"

It sounds a lot like discussing the three ugly insurance terms; deductible, co-insurance and maximum out of pocket. Throw in the fact different insurance companies call them different things, like co-payment rather than co-insurance and maximum member liability compared to maximum out of pocket, and it's less than fun to sort out.

Is your head spinning yet? Imagine you go to the hospital for a medical problem and you incur \$10,000 in bills; how much do you pay? How much (if any) does the health benefits company actually pay? The amount paid varies greatly from one company to another as each one determines the amounts differently. And then some companies penalize you if you don't go to a member preferred provider organization. How's your head doing now?

The best way to look at it all is to check these three things:

- 1) What is the deductible?
- 2) What is the co-insurance and/or co-pay amount?  
Co-insurance is usually a percentage and co-pay may be either a flat dollar amount or a percentage.
- 3) What is the maximum out of pocket?

The most important item in the whole picture is the maximum out of pocket amount. So now we know our maximum out-of-pocket amount, the next piece to figure is what you pay when you incur medical bills. The average American has three distinct different expenses associated with their health care:

- 1) Premiums
- 2) Out-of-pocket amounts
- 3) Non-reimbursable medical expenses

Your health care premiums may be paid in full or partially paid by your employer. You earn the premium contributions through your work so you actually pay for them by reduced salary or other reduced benefits, so the premiums are still a cost to you. Out-of-pocket amounts are items you pay which include deductibles, co-insurance and co-pay amounts. They are the portion of the incurred medical expenses you pay and are not paid by your insurance. Non-reimbursable medical expenses are those items not covered by insurance such as Band-Aids, over-the-counter medicines, and other such types of expenses.

So you ask how it all works. If you incur medical bills you will have to deal with all three of these. Say your stomach hurts, no, say it hurts a lot and you go the doctor, he listens to your belly with his cold stethoscope, then

runs some lab tests. He says to you, "Yep, you have a belly ache." He tells you to buy some pink over-the-counter medicine and you will be fine.

Here is what it looks like: your doctor charges you \$150 for the visit, the lab tests are \$80 and Wal-Mart charges you \$8 for the pink medicine. Out of the \$230 total, you pay a \$100 deductible, then you pay 20 percent of the remaining \$130, or another \$26 since the dang insurance will not pay anything for the pink medicine at Wal-Mart, so you pay that \$8 because it's a non-reimbursable medical expense. You have now paid \$134 of the \$238 in bills. The \$134 you paid does not include the \$400 per month health insurance premium "Big Sky County" paid for you as an employee. The deductible \$100 and co-insurance of \$26 are your out-of-pocket medical expenses. The \$8, as we figured is a non-reimbursable medical expense. Your premium is \$400, all three of these combined are your personal health care costs.

If you had no health insurance, all your bills would be non-reimbursable expenses. If you have a high out-of-pocket plan, the premium should be low, the out-of-pocket amounts high and the non-reimbursable medical expense amounts the same. If you have a plan which has very poor coverage but a low out-of-pocket maximum, your premiums should be low, the out-of-pocket amounts low but your non-reimbursable expenses could be very high.

This is where it seems the game of health benefits and cheap premium plans is played. There is no silver bullet with health care. A doctor bill is a doctor bill; if you go, the doctor needs to be paid. Health care is very expensive. The best you can do is when you look at selecting a plan, take these three things into account and try to select a plan that fits your individual health needs. Pick a health benefits organization you trust and handles your premium dollars in your best interest, not its own.

The MACoHCT is heads and shoulders above all other benefit providers in this area. We offer to each of our member groups a minimum of three different plans. The three plans allow employees to individually select a plan by taking the three cost factors into account and pick the plan that fits them the best. No other carrier out there does that, because the best you get from other carriers is different deductible levels, not different plans. Imagine if your 22-year-old road department employee drove the same vehicle as your 64-year-old female employee. That would be pretty funny to see. The same is true of health insurance: do not require all your employees to have the same type of plan, because they have different health care needs.

If you liked this article please let me know. If you thought it was really boring and a waste of space let Mike, our communications guy, know! See you next month.



# County News

## Commitment costs survey results available

The results from the involuntary commitment costs survey recently conducted by MACo will be presented at the April 10 Law & Justice Interim Committee meeting in Helena. The survey, developed as part of the HJR 50 study requested by the 2007 state legislature, was created to identify, among other things, how many civil involuntary commitment petitions are filed, what the itemized costs are in these proceedings, and transportation costs.

Once compiled, the results will be posted on the committee's Web site at [http://leg.mt.gov/css/committees/interim/2007\\_2008/law\\_justice/default.asp](http://leg.mt.gov/css/committees/interim/2007_2008/law_justice/default.asp), as well as MACo's site at [www.maco.cog.mt.us](http://www.maco.cog.mt.us).

## PERB seeks retirement bill proposals

The Montana Public Employees' Retirement Board (PERB) is requesting MACo and other organizations to present retirement legislative concepts at its April 10 meeting. If your county would like to submit a proposal, please send it to MACo Associate Director Sheryl Wood at [swood@maco.cog.mt.us](mailto:swood@maco.cog.mt.us) or MACo's postal address.

As always, counties are invited, and encouraged, to attend. For more information, visit [mpera.mt.gov/eventsCalendar.asp](http://mpera.mt.gov/eventsCalendar.asp).

## Harold DeMers, 1923-2008

Harold DeMers, 84, passed away in Whitehall on March 18. He served as Jefferson County sheriff from 1975 to 1982.

DeMers, a Montana native, was born in Boulder, moving with his family throughout the state as he grew up. He eventually settled in Boulder and in the late 1960s, left the logging industry to become a Jefferson County sheriff's deputy. He served as sheriff for two terms.

### Health Care Trust Calendar of Events

Apr. 11	July renewal rates mailed
Apr. 18	July open enrollment notice mailed to counties and groups
May 1-June 15	July open enrollment period
May 13	July renewal rates deadline
Oct. 10	January renewal rates mailed



## MACoHCT

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## Spring MACo district meetings set

The Spring 2008 MACo District Meetings have been scheduled as follows:

- May 6 Districts 4 & 5  
Choteau, Stage Stop Inn, 1005 N. Main  
Arnie Gettel, (406) 466-2151
- May 7 Districts 1, 2, & 3  
Malta, Tin Cup, 1652 U.S. Hwy. 191 South  
Richard Dunbar, (406) 654-2429
- May 8 Districts 6 & 7  
Columbus, Rural Fire Hall, 944 E. Pike  
Jerome Kolar, (406) 566-2277, ext. 106
- May 14 Districts 10 & 11  
Polson, Public Health Conf. Room, 802 Main  
Paddy Trusler, (406) 833-7204
- May 15 Districts 8,9, & 12  
Whitehall, Town Hall, 2 N. Whitehall  
Tom Lythgoe, (406) 225-4025

District chairs are responsible for agenda setting and distribution to the district membership. Additionally, the district chair is responsible for the minutes and for lunch arrangements. If the lunch is no-host, please let the members know the cost so they can plan accordingly.

If any agencies, organizations, or individuals would like to present at any or all of the district meetings, please contact the district chairs noted above to make the request.

## DES summit to address emergency issues

The business of emergency management has changed since 9/11 and county commissioners play a critical role regarding public safety and protection of the citizenry before, during, and after an event, so don't miss the 2008 Governor's Emergency Preparedness Summit at the Holiday Inn Grand Montana in Billings in April 22-24.

The summit will bring together all the disciplines involved in incidents, emergencies, or disasters.

For more information, contact Dan McGowan, Disaster and Emergency Services administrator, at (406) 841-3911 or [dmcgowan@mt.gov](mailto:dmcgowan@mt.gov).

## Riparian group available for seminars

The Governor's Task Force for Riparian Protection is an interagency group convened to provide information and coordination for responsible development along Montana's riparian corridors. The task force is working to provide a framework to help local governments address the social, economic, biological, and public safety issues related to building near Montana waterways.

To schedule the Headwaters team for a presentation, contact Jeff Erickson or Mary Vandenbosch at (406) 449-3229, or [headwaters@q.com](mailto:headwaters@q.com). For more information on the initiative, visit <http://water.montana.edu/setback>.



# MACo News

## Following resolution guidelines vital to proper process

For MACo district meetings, resolutions can and should originate at the county level for presentation at either the spring or fall district meetings. In addition, MACo committees may prepare resolutions reflecting committee actions and positions being recommended for the entire association.

Each resolution should be accompanied by a statement of the problem being addressed and the proposed solution. The statement should include statutory references and language revisions where possible. Other affiliated elected official associations are encouraged to participate in the resolutions process.

To ensure communications on legislative issues, MACo sponsors a meeting of the Council of County Officials specifically to share and discuss these topics.

The Resolutions and Legislative Committee, working with the MACo staff, shall attempt to consolidate similar resolutions with the consent of the originating sponsor(s). It should be noted the committee may propose resolutions

based upon inquiries from members and/or affiliates.

A summary of the various resolutions shall be printed in *MACo News* and distributed to all member counties prior to MACo's Annual Conference.

Late, urgent, or extraordinary resolutions may be considered at the Annual Conference if approved by the board of directors at its annual meeting before the conference for presentation on the floor of its general session. Such resolutions must be presented in writing, in easily read and understandable form and in adequate numbers for general circulation. These resolutions may be mailed to MACo for submission to the board of directors prior to the annual conference.

Any resolutions submitted to the board will be considered and comments and recommendations will be made for presentation to the general assembly. In addition, the board may, at any meeting with a quorum present, adopt resolutions pertaining to the policy or position of the association. For an example, see the model resolution below.

### RESOLUTION 2006-02

#### INTERIM STUDY OF SPECIAL PURPOSE DISTRICTS

It is the intent of the Montana Association of Counties to seek legislation to conduct a legislative interim study to look at laws concerning the creation, alteration, dissolution, rights of protest and operation, funding and structure of special purpose districts and authorities.

**WHEREAS**, current laws related to special purpose districts are not uniform as to the creation, alteration, dissolution, rights of protest, operation, funding and structure of special purpose districts and authorities, and;

**WHEREAS**, this lack of uniformity creates confusion and lack of consistency resulting in numerous bills being introduced each legislative session to modify some aspect of special purpose district laws to address disparities, differences and specific situations, and;

**WHEREAS**, having a single set of statutes governing the general creation, alteration, dissolution, rights of protest, operation, funding and structure of special purpose districts and authorities would simplify and streamline all processes related to special purpose districts and authorities.

**NOW, THEREFORE, BE IT RESOLVED** that the Montana Association of Counties seek legislation authorizing the legislature create a special interim committee to:

- (1) conduct a comprehensive review of all statutes related to special purpose districts; and,
- (2) review all statutes related to authorities such as airport and trade port authorities; and
- (3) make recommendations to the 61st legislature to provide uniform processes related to the creation, alteration, dissolution, rights of protest, operation, funding and structure of special purpose districts and authorities; and,

**SPONSOR:** Resolutions Committee

**RECOMMENDATION:** Do Pass

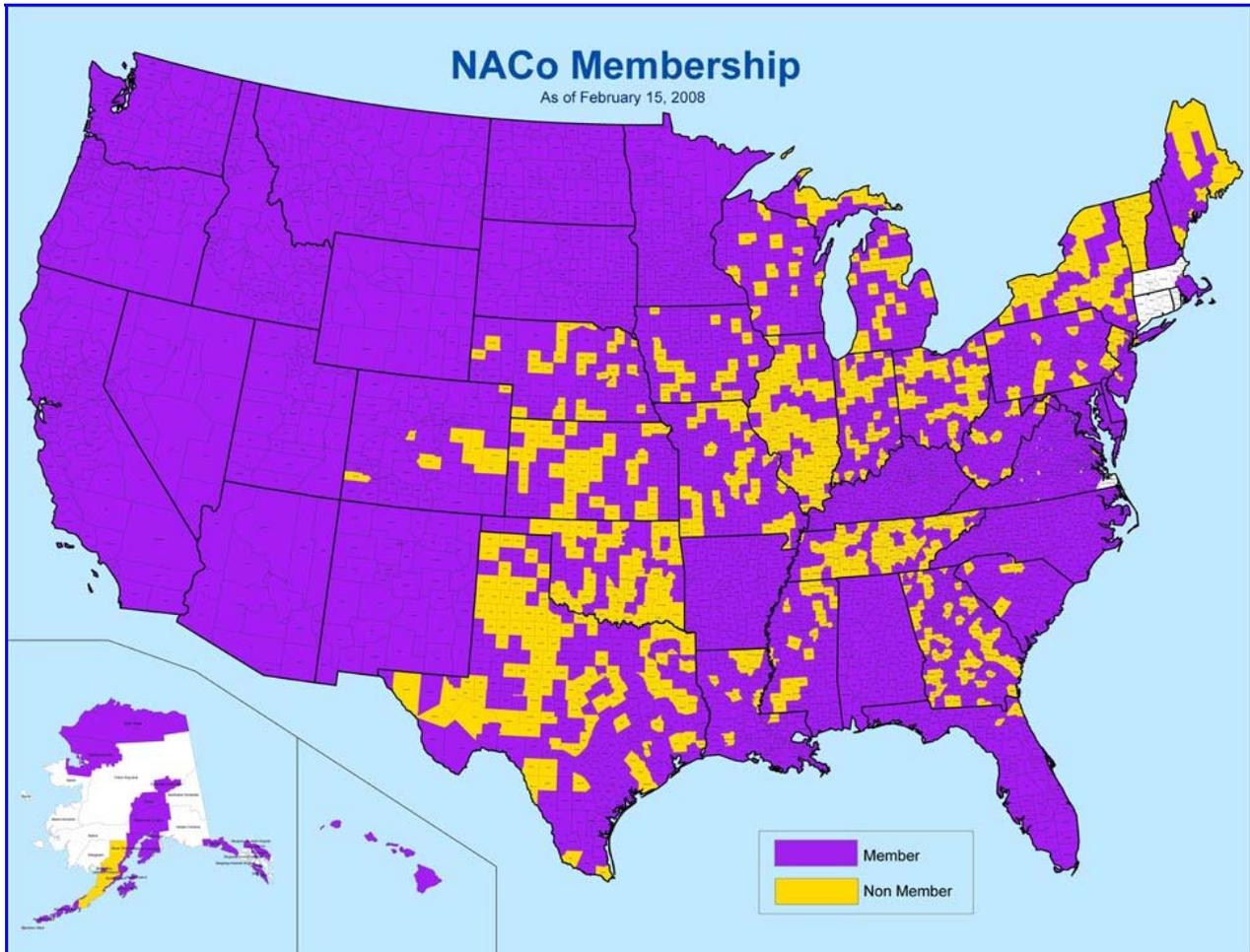
**PRIORITY:** High

**REFERRED TO:** MACo Taxation, Finance & Budget Committee,  
Clerk & Records Association

**ADOPTED:** MACo Annual Conference, Bozeman, MT  
September 27, 2006



# NACo News



*NACo's membership includes counties from across the United States and represents three-quarters of all counties and more than 85 percent of the nation's population. Membership is an investment in your county's future because the association works to ensure that counties have the resources, skills and support needed to successfully lead their communities into the future. Montana became a 100-percent NACo state in 2003.*

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### After



## NACo committee report: Public Lands Steering Committee

By Alan Thompson, Ravalli County Commissioner and NACo Public Lands Steering Committee member

This committee's chairman is Chuck McGrady from North Carolina and he was appointed to take Commissioner Eissinger's place since she retired from the board. The first presenter was Randy Phillips, U.S. Forest Service (USFS) liaison to NACo. He talked about working with NACo to give information to Congress as to how important SRS is to U.S. counties. RACs are pulling together and accomplishing many tasks on federal lands and without the reauthorization of SRS, those RACs will be disbanded and their work will no longer be done. Phillips said the intent of Congress has always been to compensate counties for federal lands and projects within

those counties.

We also looked at inflation factors and how most programs in the U.S. Department of Interior have decreased. There was only one resolution presented in this subcommittee: Prairie County (Montana) Commissioner Todd Devlin's effort to get a change in PILT funding. Discussion included how this is the wrong time to ask for changes in the formula since Congress also is considering full funding. A vote was taken and the motion to pass to the full committee was approved by a narrow margin. All Montana attendees supported the motion.

The Federal Lands Management Subcommittee, whose vice-chair is our own Mike Murray, Lewis and Clark County commissioner, also met. The first presenter was Cynthia Moses-Nedd, the U.S. Bureau of Land Management (BLM) liaison with NACo. The BLM has a new initiative entitled "Take it Outside" aimed at getting our young people involved with the outdoors. One statistic she gave was very troubling: young people between the ages of 8 and 18 spend more than six hours daily with electronic media, including 3 hours watching TV, yet only have a half-hour of unstructured free time to enjoy the outdoors. The BLM will be bringing this program to the various states this year, starting with Montana.

The next report came from Commissioner Linda Matthews who chairs the Off-highway Vehicle Task Force. Her report was brief and of no real substance.

We then moved to the resolutions of which there were eight. Two resolutions were proposed by the Oregon Association of Counties and addressed the Northern Rockies Protection Act and Management of Inventoried Roadless Areas. Both called on Congress to allow more input from local government and not to adopt a top down approach; both passed with a few nay votes. A second resolution from Utah addressed the same thing and passed unanimously.

A resolution to increase payment from the federal government to counties for the proper amount of monies for federal mineral leases was proposed from Colorado and received unanimous support. A second resolution from Colorado asked Congress to allow forest work that would remove biomass and remove associated fire risks. After some debate, a motion was made to remove the language that would apply only to Colorado and make the necessary changes to include all forest counties. There was a resolution presented to stop the federal government from taking private property for expanding military bases. A government attorney spoke against the resolution and was asked to present information before the full committee so we could make an informed decision. I presented my resolution; it received broad-based support.

### NACo committee report: Rural Action Caucus, Health Steering Committee

By Bill Kennedy, Yellowstone County Commissioner and NACo Rural Action Caucus and Health Steering Committee member

The Rural Action Caucus (RAC) and the Health Steering Committee met during the conference and discussion focused on top priorities for rural counties across the country.

The Health Steering Committee adopted a resolution to oppose the presidential administrative rules limiting Medicaid coverage and children's health insurance coverage. Through the administrative rules process, this will hinder reimbursement to states and affect reimbursement to county hospitals. NACo, along with the National Governors Association, opposes any type of cuts to Medicare and medical reimbursement. The Rural Hospital Association, NACo Health Steering Committee and RAC have supported rural development dollars and the Farm Bill.

The RAC met and laid out its priorities for the conference and also for congressional visits on Capitol Hill on March 5. We had more than twelve commissioner representatives from various states and counties. We contacted key senators and representatives who will be conferring on the Farm Bill. The good news is the Senate, House and Administration are in talks to put forward the bill this year. Thanks to U.S. Sen. Max Baucus for his persistence. We hope to have it passed soon.

The caucus also spoke to members about a rural development piece left in the bill, along with priorities such as passing the Secure Rural Schools Safety Act and PILT funding. In addition, RAC opposes administrative cuts to the CDBG Program. Being an election year, along with dollars being tight, it's hoped a funded Farm Bill will be passed before recess.

What a great week and, under the leadership of MACo President Cindy Johnson, Montana commissioners made a lot of headway in Washington, D.C.

*Please see "NACo..." on page 7*



Public Entity & Scholastic Division

Arthur J. Gallagher Risk Management Services, Inc.

## Cybersecurity: An Overview of Key Issues

First in a series

To an unprecedented degree, the topic of security is on everyone's mind. All levels of the enterprise are grappling with issues ranging from physical access to recovering business operations in the event of a disaster.

A major driving force for what local government does and how we do it, is public expectation. We are being scrutinized on these issues more than ever.

*In a recent survey by the International Technology Association of America and Tumbleweed Communications Corp., more than 70 percent of those surveyed expressed fears that their personal information on the Internet could be stolen or used for malicious purposes. An equal number said they are concerned that cyber-attacks could target critical infrastructure assets like telephone networks or power plants.*

Seventy-eight percent were very or somewhat concerned that their personal information, held by the government, could be misused.

Added to that is the pressure for agencies to keep up with and adopt new and emerging technologies. Many of these are virtually untested, from a security standpoint, when they hit the market and are fraught with vulnerabilities. Problems are often discovered the hard way - they get exploited.

Securing the network infrastructure and the crucial data

it supports, is now the biggest blip on IT's radar screen. Using technology to secure technology is a component of what should be a well-balanced choreography of policy-making, technology, innovation, training, and common sense.

Your survey of the issues has revealed, or is about to, this unsettling thought: Fully securing the enterprise is not an achievable goal. It is a moving target traveling as fast as technology itself.

It's a little like repairing a leaky dam. If the dam simply has a bunch of small leaks, you identify the biggest leak and work down from there. Eventually you'll be working on the pesky little seeping cracks. If the dam is hemorrhaging, you had better scramble to fix it fast or the dam will fail. The job of repairing leaks, large or small, will never end - every dam has always leaked - always. Where the dam analogy fails is, with security issues the biggest leaks are not always the most apparent.

So, if it cannot be fully achieved - what can you accomplish? Where should you start?

In upcoming articles, we'll examine key issues; discuss some of the most common practices and solutions available; and bring to the surface issues you may not have thought much about. *by Randy Land and John Krusemark, City of Scottsdale*

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## NACo committee report: Public Lands Steering Committee

*Continued from page 5*

My resolution would allow governors in each state with excess biomass in their forests to declare an emergency situation and move forward with an expedited NEPA review and do something about our fire situation. The resolution passed.

This committee had so much to do we went through everything fairly quickly and tried to stay within our time period. Most of the time, the subcommittees were not well attended, but this year we had more people than I have ever seen at these meetings. There are so many critical issues facing public lands, there was great participation.

The Gateway Communities Subcommittee, chaired by Dorothea Farris of Pitkin County, Colo., heard — for the second straight year — about problems with Pitkin County and mainly Aspen, the county seat. The main presentation focused on second homes in Aspen and how they affect the economy. This committee is supposed to look at issues facing counties bordering public lands where people hunt, fish and recreate. Many of our Montana counties fall into this category and I'm disappointed so much time was spent on Aspen's problems instead of a broad range of issues affecting all of us. I didn't think the subcommittee accomplished much again.

The full Public Lands Steering Committee, chaired by Supervisor Archuleta of Arizona, also met and, for the first time, the table was full and it was standing room only. Ryan Yates, our NACo liaison, gave an overview of our legislative priorities.

The two biggest issues, he said, are Secure Rural Schools and PILT. President Bush's budget shows funding for PILT at \$229 million which is a drop from last year. NACo is committed to getting a reauthorization of SRS and full funding of PILT. It has been close to getting a funding proposal into various bills but have fallen short each time. The final chance to get either before the Congress will be in late March or early April in the supplemental war funding bill. Ryan asked us to spend time with our representatives in Congress and explain how important these programs are to rural counties.

Yates also addressed briefly the work of the Wildland Fire Leadership Council as the chair of that committee was absent. The council is continuing to work with Congress to address the fire dangers that exist on federal lands and mainly in the wildland-urban interface areas.

We were addressed by NACo President Eric Coleman, who talked about the program it has started called Restore the Partnership. This program is asking members of Congress to work effectively with local leaders and not make everything top down from Washington.

We also heard from USFS Chief Gail Kimball. She said the agency has entered into a collaborative agreement with NACo to both fund and work toward solutions in the wildland urban interface to address fire dangers. The

Forest Service has presented a budget for 2009 through 2012 for funding of SRS and it continues to feel it is an important program that needs to be funded, she said. To date, there has been 4,400 projects done by RACs on federal lands and the working relationship with those RACs is exemplary. She then spoke about global warming and climate change and how that affects our forests; our forests require more management than in the past.

Kimball also said the top priority of the president is national security; most other programs have suffered, including the Forest Service. About half of its budget now goes to fight fires; USFS spent \$1.37 billion fighting fires last year. This year, the Forest Service anticipates spending close to \$2 billion this year fighting fires and have had to remove \$500 million from other programs for fire suppression.

Chris Risbrudt, director of the USDA Forest Products Lab, talked about the work being done with small-diameter woods and invited us to a workshop in Wisconsin that will focus on those products. He also addressed research into converting biomass to energy. The lab is focused on making everything from the forest useable.

We then had subcommittee reports and discussion of the various resolutions. We went through each resolution and the full committee followed the recommendation of the subcommittees in adoption of them. The resolution from Commissioner Devlin dealing with PILT and the resolution dealing with takings for military bases were both tabled until the NACo annual conference.

My resolution had an amendment proposed to do away with the requirement for a 10-percent bond on any lawsuit against timber harvest. After discussion, the amendment was defeated and the resolution passed.

We met with U.S. Sen. Baucus and Tester because we were told they'd have time to hear our concerns. NACo President Cynthia Johnson had about 15 items to discuss, but we only addressed a quarter of them before we were told the meeting was over. I did get to address both SRS and PILT before we left. I'm disappointed in the way commissioners are received by our senators. I hope their aides received enough information about our concerns that something positive will happen.

Finally, I met with U.S. Rep. Denny Rehberg and once again went over how important SRS and PILT were to Montana's counties. I prepared some documents for all our representatives in Washington and I hope their staffs will go over the information provided and convince each to help forest counties of Montana.

I appreciate the trust placed in me to be your representative and hope I have represented you well. This will be my last year on the committee. I've enjoyed the work immensely, but the travel and time away from home gets a bit tiring.



# NACo News



## NACo committee report: Transportation

By Jamie Doggett, Meagher County Commissioner and NACo Transportation Steering Committee member

Most of the Transportation Steering Committee discussion centered on the work done by members at a policy planning session in Tarrant County, Texas, last October. Since SAFETEA-LU highway funding and policy concerns will change in the near future, the committee determined it important to prepare our own county-based policy and try to incorporate our needs into what Congress eventually writes. The Tarrant County work sessions resulted in a series of bullet points, which were discussed at our meetings with full committee participation and input. We feel the federal transportation policy future needs to be addressed. The system must be improved and counties must play an important leadership role.

We considered and discussed the following:

**HIGHWAYS/HIGHWAY SAFETY:** The subcommittee met jointly with the Railroads/Mass Transit Subcommittee to discuss policy items developed at the Tarrant County meeting held last year by steering committee members.

**AVIATION:** The federal airport and aviation programs expired last September without final Congressional action. Much of NACo's focus is on the Airport Improvement Program (AIP), Essential Air Service (EAS) and the Small Community Air Service Development Program. Because Congress failed to act, there have been four extensions of the aviation programs. The House passed HR 2881, a bill reauthorizing the Federal Aviation Administration, continuing funds for AIP, EAS, and increased the passenger facility charge ceiling to \$7. The Senate Commerce and Finance committees (the latter chaired by U.S. Sen. Max Baucus) are in talks about funding, but haven't resolved their differences. Finance wants to finance upgrades to the air traffic control system with an increase on general aviation jet fuel from 21.8 cents to 36 cents and some other minor additional increases. We voted unanimously in support of Sen. Baucus' version of the funding mechanism and will convey that support to other senators.

**AMTRAK:** The Senate last October passed a six-year, \$11.4 billion reauthorization of Amtrak. This bill will probably pass the House and will provide \$1.9 billion annually in appropriations for Amtrak, of which \$300 million is available to states for capital grants. Funds were included for rail security, and restructuring for Amtrak debt.

**TRANSPORTATION FUNDING:** President Bush recently submitted his FY 2009 budget to Congress. Most transportation programs of importance to counties were cut. The federal highway program was cut four percent and below the funding level authorized by ASFETEA-LU. The president's budget does not include the extra \$1 billion for bridges added to the current budget. Like previous Bush budgets, aviation programs were cut: AIP, EAS, and small community air services. As we have seen, Congress historically adds to these budgets.

## NACo committee report: WIR board

By Lesley Robinson, Phillips County Commissioner, and Mike Murray, Lewis and Clark County Commissioner, WIR Board of Directors

"Waters of the U.S." legislation was discussed at the Western Interstate Region (WIR) board meeting at NACo's 2008 Legislative Conference. The pertinent bills were HR 2421 (see John Prinkki's report on page 10), introduced by U.S. Rep. Jim Oberstar, D-Minn., and S 1870, introduced by U.S. Sen. Russ Feingold, D-Wis. The purpose of these bills is to remove "navigable" from the definition of "Waters of the U.S." within the Clean Water Act. MACo passed a resolution opposing these bills. Individual counties might want to consider passing a similar resolution. It's very important this legislation does not pass as written. The repercussions could be immense.

The transition to digital TV was another topic we discussed. Counties should be educating everyone that as of February 2009, TV transmissions will be digital. For more information, call 1-888-DTV-2009.

We also had speakers from the Bureau of Land Management and the U.S. Department of Energy on the West-wide Energy Corridors.

Our next board meeting will be May 21-23 in St. George, Utah.

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# NACo News



## NACo committee report: Environment, Energy & Land Use

By John Prinkki, Carbon County Commissioner and NACo Environment, Energy, and Land Use Steering Committee member

I had the opportunity to again represent MACo on the Energy, and Land Use Committee. As usual, there were several resolutions that would have affected Montana counties and our constituents, including No Child Left Inside, Lands Taken Into Trust, Carbon Tax, Limit Federal Takings, Environment Block Grants, and Water Infrastructure Trust fund.

The No Child Left Inside resolution was presented by Pam Newton of Chicago, Ill., to encourage federal funding of environmental education programs through HR 3036 and S 1981. The resolution background described a lack of knowledge across the country of environmental and land use issues. It seems many of our large urban cousins have little knowledge of what goes on outside their homes and cities, and what effects their habits have on their environment. They also clearly do not understand how the food chain works or that farmers and ranchers practice good environmental stewardship to preserve their heritage and way of life. Funding for this program would be included in No Child Left Behind. The resolution to support No Child Left Inside did pass.

The two separate resolutions, Lands Taken Into Trust and Limit Federal Takings, were merged as their intent was very similar. In some counties across the West, the Bureau of Indian Affairs (BIA) has taken actions to add private, non-Indian lands to the reservations without consideration of impacts to local government. The intent was to encourage BIA to work more closely with local governments before allowing more private property to be taken into trust lands. This is becoming an issue where the gaming industry works with various reservations to expand gaming opportunities. The resolution was tabled until the annual meeting to have more time to understand the intent and effect on various counties.

Alan Gardner, a commissioner from Washington County, Utah, and Western Interstate Region board president, submitted the Carbon Tax resolution, which was intended to raise the issue of the cost to state and local

governments and our constituents of the implementation of a carbon tax or a cap and trade program. Gardner presented a report that stated a tax or cap and trade program in the mid-range area of \$30 per ton of CO<sup>2</sup>, could increase the cost of electricity to Utah residents by \$1,461 annually. This resolution was also tabled until the NACo Annual meeting. It will be re-written to state NACo supports the need for a cost-benefit ratio study of any CO<sup>2</sup> tax before implementation.

The Environmental Block Grant resolution was presented in support of the Energy Efficiency and Conservation Block Grant Program. This program is similar to the CDBG program, but is intended to assist local governments in placing renewable energy systems on local government facilities, such as solar panels or small wind turbines. This resolution did pass. I voted against the resolution because I felt it would compete for CDBG funds, and subsidize higher-cost energy resources.

The resolution Urging Enactment of a National Clean Water Trust Fund was introduced to create a \$10-million annual trust fund for matching grants to advance the achievement of national clean water goals at the local, state, and national levels. This resolution did not make it out of committee. It was not introduced in time, and though the goals are admirable, it is very expensive.

The Waters of the U.S. Task Force met to try to reach a consensus on language to improve the Clean Water Act. The task force was created due to the controversy over the Oberstar Bill, HR2421, which would add authority to the U.S. Army Corps of Engineers over all waters of the U.S., not just navigable streams. It would also give the corps authority under the All Powers Clause of Congress. The corps now operates under the Commerce Clause. In 2007, the EELU Committee voted by a two-to-one margin in opposition to the Waters of the U.S., HR 2421. The EELU also voted in favor of defining navigable streams more clearly and limiting the authority of the corps by a two-to-one margin. Montana and many other states have

*Please see "NACo..." on page 11*




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# NACo News



## Stricter EPA regs to affect more counties

By Julie Ufner, NACo associate legislative director

The U.S. Environmental Protection Agency recently announced tighter air quality standards for ozone, a primary component of smog. Smog is blamed for higher health care costs for bronchitis, acute asthma, hospital and emergency room visits, non-fatal heart attacks and premature death.

The eight-hour "primary" ozone standard will be tightened to a level of 0.075 parts per million (ppm). The previous standard, set in 1997, was 0.08 ppm.

Under the most recent air quality data (2003–2005), 104 out of 639 monitored counties violate the current standard of 0.08 ppm. Using the same data, 398 of 639 monitored counties violated the new 0.075 ppm standard.



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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 program available to county employees.

## NACo committee report: Justice/Public Safety

By Jay Bell, Yellowstone County Undersheriff and NACo Justice and Public Safety Committee member

All but one of the proposed 2008 resolutions passed through the Justice and Public Safety Committee.

The failed proposal came from Florida, whose delegation sought support for creating a natural disaster fund. States could volunteer to contribute to the fund, and if a disaster struck in one of those contributing states, that state could draw monies from the fund. Florida, with its hurricanes, and California, with its wildfires, seemed to be behind this legislation. It was the hope of the Florida delegation this type of legislation would bring back large insurance carriers to insure its residence. This proposal did not generate enough support to pass through committee.

Several other issues were discussed. Because of the numbers of people in the prison system, the federal government is going to look at re-entry programs in county jails. A study will be conducted on the subject and there should be monies available for the programs in the near future. There also will be a presentation at the U.S. Department of Justice's National Institute of Justice conference to discuss the direction this concept is headed.

The U.S. Department of Homeland Security (DHS) is hoping to develop more partnerships with local law enforcement. The only problem I see is the federal government would like to utilize local resources without any funding. Sheriff Chuck Maxwell was approached a short time ago by DHS to see if a deputy could be on a DHS "task force," but the sheriff declined because it would take that deputy off the street. If funding would replace the loss of that deputy, we would be more than willing to get involved. Without it, I do not see many, if any, sheriff's offices in Montana willing to sacrifice a deputy from the streets and assign him or her to a task force.

Timothy Murray, director of the Pretrial Justice Institute, gave a short presentation; his office is working on a book that will be a "guidebook to pretrial services" for county commissioners. It will be available soon.

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## NACo committee report: Agriculture/Rural Affairs

By Kathy Bessette, Hill County Commissioner and NACo Agriculture Subcommittee Chair

### Agriculture Subcommittee

The speakers were Robert Stumberg, law professor, and Christian Davis, policy analyst, for the Harrison Institute for Public Law and Georgetown University Law Center. The speakers were asked to bring the committee updates on U.S. trade policy as well as their thoughts regarding the benefits of biofuels.

Professor Stumberg began by discussing the World Trade Organization stance on U.S. commodity subsidies and he didn't win any friends with his comments! To become free of sanctions, Stumberg said the U.S. must phase out farm subsidies. Someone has to make huge concessions and, he said, it must be the American farmer. He said the final Farm Bill could make trade policy harder for U.S. negotiators, thus more future trade disputes are likely to follow.

Stumberg discussed a controversial report written by Timothy Searchinger that utilized the GREET model, which shows the comparison of corn ethanol and gasoline greenhouse gases with and without land use change by stage of production and use. The report also stated most studies have found substituting biofuels for gasoline will reduce greenhouse gases because biofuels sequester carbon through the growth of the feedstock. The report stated these analyses have failed to count the carbon

emissions that occur as farmers worldwide respond to higher prices and convert forest and grassland to new cropland to replace the grain (or cropland) diverted to biofuels. Using a worldwide agricultural model to estimate emissions from land use change, the study found corn-based ethanol, instead of producing a 20-percent savings, nearly doubles greenhouse emissions over 30 years and increases greenhouse gases for 167 years.

Needless to say, much discussion followed his remarks – after the shock of the contents of his presentation subsided! Many committee members stated their counties are involved in biofuel production or are actively working on construction proposals from biofuel companies.

Davis reported on a study made by Michael Wang of the U.S. Department of Energy's Office of Biomass. Wang, whose research was a response to the Searchinger study, disagrees with the conclusions reached by Searchinger. He states his analyses prove production of corn-based ethanol in the United States results in moderate greenhouse gas emissions reductions. He also said it isn't clear what land use changes could occur globally as a result of U.S. corn ethanol production.

To learn more, go to [www.sciencexpress.org](http://www.sciencexpress.org) (Searchinger) and <http://awakeatthewheel.net> (Wang).

Please see "NACo..." on next page

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# NACo News



## NACo ag/rural affairs committee report

Continued from previous page

### Rural Development Subcommittee

Steve Pelham, acting director, Legislative and Public Affairs, U.S. Department of Agriculture (USDA) Rural Development, spoke about the programs available through his agency. There are 40 programs delivered by USDA Rural Development and many of those programs could be in jeopardy depending upon the Farm Bill. There is \$1.6 billion in the budget specifically dedicated to renewable energy.

Pelham noted 95 percent of all rural income is non-farm income but when asked how much of this figure is used in farming operations, he didn't have the data. He mentioned 60 million Americans are considered rural residents but 58 million are not actively involved in a farming operation.

### Food Safety Subcommittee

Dr. Jodi Williams, program specialist for Food Science and Food Safety, spoke about some of the programs she administers that could assist local governments when addressing food safety.

The National Incentive for Food Safety supports projects that primarily address food safety as the number one priority and encourages collaboration with various agencies. An excellent resource as well as partner could be county extension agents. There is a national support system that has a large data base, DVDs and films.

Grants are available from the Cooperative State Research Education and Extension Service (CSREES). To learn more, visit [www.csrees.usda.gov](http://www.csrees.usda.gov).

### Ag/Rural Affairs Steering Committee

Erik Johnston, NACo associate legislative director, gave the committee a short legislative update. The main topic was the Farm Bill and what wasn't happening with its progress. Johnston said it appears as though the bill wouldn't pass until April. President Bush has presented his budget and this has been met with much criticism and debate.

The American Wind Energy Association's Laurie Jodziewicz spoke about the benefits of wind power in Nolan County, Texas, where 2,150 megawatts is produced from wind. The tax base of the county doubled, revenue for the property owners increased drastically, there is no unemployment in the area and the spin-off businesses are unbelievable. Texas has its own transmission lines and state officials are thinking of doing a wind energy zone.

Richard Bender, senior legislative assistant for U.S. Sen. Tom Harkin, D-Iowa, chairman of the Senate Agriculture Committee, spoke about the Farm Bill. The message was the same: many cuts to existing programs. Bender is concerned about newly elected Congressmen not understanding rural issues and the negative impact that could have on the final decisions regarding the Farm Bill. He urged the committee and the Rural Action Caucus to spend time educating those individuals from their area in Congress.

The committee passed one resolution opposing cuts in Rural Development funding.

## Online registration open for NACo conference

Attendees of NACo's 2008 Annual Conference & Exposition, to be held July 11-15 in Jackson County (Kansas City), Missouri, can register online and receive a \$25 discount on registration fees.

The registration fee includes entry to all workshops, symposia, and mobile workshops, as well as general sessions. The deadline to register online is July 3.

To register, visit [https://www.exposoftevents.com/secure/shows/naco\\_an08/public/RegFull.asp](https://www.exposoftevents.com/secure/shows/naco_an08/public/RegFull.asp).

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## 'Protecting Our Children' is theme of National County Gov't Week

A great opportunity for counties to show the communities they serve the ways county government works to protect and enhance the health, welfare and safety of children is through NACo's National County Government Week (NCGW).

Scheduled for April 6-12, NCGW's theme, "Protecting Our Children," coincides with NACo President Eric Coleman's two presidential initiatives: The Campaign Against Sexual Exploitation, which NACo is conducting in partnership with the National Center for Missing and Exploited Children, and Aging Out of Foster Care, which seeks to raise public awareness about the challenges faced by children leaving the foster care system.

"I encourage all counties to celebrate National County Government Week to show their pride in county government services," Coleman said. "This year's theme is a great opportunity to communicate what counties are doing to protect children and families and reach those who are in need of services but aren't aware help is available."

First celebrated in 1991, NCGW was created by NACo to raise public awareness and understanding about the roles and responsibilities of the nation's counties. The activities held during the week help citizens better understand how counties respond to their needs and serve the community.

For more information or ideas and suggestions on how to observe NCGW, call NACo's Public Affairs Department at (202) 393-6226 or visit [www.naco.org](http://www.naco.org) and click on "Public Awareness Campaigns" from the "County Resource Center" menu.

## NACo committee report: EE&LU

*Continued from page 10*

adopted rules supporting states rights authority for regulating the Clean Water Act. Many states have not, and this is where much of the problem lies. The majority of the EELU Committee agrees the corps is not able to regulate, and provide a timely permitting process with the authority they have now. In some states, there is a five-year wait for permit approval. The task force will try to work on language defining corps authority. I would like to know if any counties have had difficulty with the corps in determining if it has jurisdiction over a project.

The Water Quality Subcommittee learned about innovative water infrastructure financing mechanisms from the EPA. One solution to save on plant operation costs was to provide conservation incentives to homeowners.

The Air Quality Subcommittee heard from Terry Dinan of the Congressional Budget Office, and David Doniger of the Natural Resource Defense Council in regards to policy options for reducing CO<sup>2</sup> emissions. The CBO prefers a carbon tax, and the NRDC prefers a cap and trade program. The cap and trade program has the better chance of actually reducing CO<sup>2</sup> emissions, but will provide a revenue stream for those involved in commodity trading. Bjorn Lomborg, adjunct professor with the Copenhagen School of Business and author of several books on climate change, said, "the typical cost of cutting a ton of CO<sup>2</sup> is currently about \$20, yet the damage from a ton of CO<sup>2</sup> in the atmosphere is about \$2. Spending \$20 to do \$2 worth of good is not smart policy. It may make you feel good, but it's not going to stop global warming."

Robert Cope, Lemhi County, Idaho, commissioner, is the chair of the EELU Committee this year. Cope is a retired veterinarian and Rhodes Scholar who brings a lot of credibility to the table. Cope has been very effective in bringing logic and common sense to resolving issues on this committee, which has, in the past, used a very emotional and less than pragmatic approach to developing policy. It is critical we have representation on this committee to support other commissioners like Cope. It is difficult to assess the value of policy development at this level, but I feel strongly that having a seat at the table is important.



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# Around Our Counties

## Law Enforcement

PHILLIPS COUNTY has a new deputy: Kevin Metcalf. A former military policeman who served in South Korea and Texas, Metcalf has been a reserve officer in Chinook, and also worked for the Glendive Police Department. He will be based in Malta

PONDERA COUNTY has brought on two new deputies in January to serve Valier and Dupuyer. Ross Drishinski and Travis Alexander both worked for city police departments before joining the sheriff's office. In related news, Valerie Adamson retired from Pondera County after 20 years of service as a dispatcher.

DANIELS COUNTY sheriff's deputies soon will be donning body armor courtesy of small grants from Wal-Mart and the federal government. The sheriff's office also received more than \$20,000 from the state to enforce underage drinking laws.

## Personnel

PRAIRIE COUNTY Attorney Erin Inman left her position in March to join the Montana Law Enforcement Academy as an instructor. Inman was first appointed as county attorney in 2005, then ran unopposed the following year to serve a four-year term.

ANACONDA-DEER LODGE COUNTY hired Connie Terres Daniels, a former commissioner, as its planning director in February. Daniels was the former Butte field director for U.S. Senator Jon Tester, and previously worked for the Headwaters Resource Conservation and Development District.

RAVALLI COUNTY Administrative Director Skip Rosenthal last month resigned to pursue other career opportunities in Missoula. Rosenthal, who served the county for almost seven years, was responsible for the finance and payroll of more than 200 employees as well as budgeting and personnel matters.

## Miscellany

BUTTE-SILVER BOW COUNTY has been awarded \$11,239 from the National Emergency Food and Shelter Program to supplement emergency food and shelter assistance. A local board will determine how the money is to be distributed, but food, shelter, and utility assistance are priorities.

GALLATIN COUNTY will apply for a \$267,206 grant to fund an early warning system for the Middle Creek Dam in Hyalite Canyon. The high-tech system monitors abrupt water flow increases around the dam, then sends

data, via satellite, to state and county officials. The federal grant would cover most of the \$323,000 project tab, with the rest paid for by state grants and in-kind services.

LINCOLN COUNTY Weed District won the 2007 Outstanding Weed District Award from the Montana Weed Control Association in February. The win is the first time the district, led by Director Dan Williams, has received state recognition.

JEFFERSON COUNTY water wells tested last fall had high concentrations of uranium, according to the federal agency that did the work. The U.S. Geological Survey, in a report to commissioners in February, found more than 10 percent of the 40 private wells tested exceed federal drinking water standards. In general, most of the wells with high uranium concentrates were near Clancy.

TETON COUNTY commissioners will put a levy on the ballot in June to fully fund the Montana State University Extension office there. With an Extension levy, other county funds now used to pay the program's local overhead and part-time employees' wages and benefits could be put to work in other county departments.

FERGUS COUNTY residents, according to the results of a recent survey, voted 331 to 234 in favor of an additional tax to support county libraries. Most of the favorable votes came from Lewistown residents, while the no votes came mainly from the smaller towns.

BROADWATER COUNTY accepted in March a Montana Airport of the Year for 2008 for improvements it helped make to the Townsend City-County Airport. The airport was recognized also for its hosting of aviation programs. The award is given by the state Aeronautics Division each year. Great Falls International Airport also received the honor.

CASCADE COUNTY commissioners in March gave final approval, in a 2-1 vote, to an industrial zoning change to property where the proposed coal-fired Highwood Generating Station would be built. The vote essentially was a repeat of a previous meeting, where the vote was the same. Financing still remains a hurdle for the \$720-million project.

STILLWATER COUNTY commissioners in February held an orientation seminar for private and public board members. Attendees learned how make the most of their time during board meetings.

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# Announcements & Reminders

## Mark Your Calendars

### April

- 10-11 Law and Justice Interim Committee\*
- 17-18 Revenue and Transportation Interim Committee\*
- 22-24 Gov.'s Emergency Preparedness Summit, Billings
- 22-23 HCT Trustee 2008-2009 Renewal meeting\*
- 23 JPA Trustee 2008-2009 Renewal meeting\*
- 24 JPIA Trustee 2008-2009 Renewal meeting\*
- 25 State-Tribal Relations Interim Committee\*
- 28-29 Fire Suppression Interim Committee, Hamilton
- 28-20 State Admin./Veterans' Affairs Interim Committee\*

### May

- 1-2 Energy & Telecommunications Interim Committee\*
- 6 Spring Meeting—Districts 4 & 5, Choteau

### May

- 7 Spring Meeting—Districts 1, 2, & 3, Malta
- 8 Spring Meeting—Districts 6 & 7, Columbus
- 7-8 Ec. Affairs Int. Committee, Bozeman or Missoula
- 8 District 6 & 7 Spring meeting, Columbus
- 12-13 Environmental Quality Council\*
- 14 Spring Meeting—Districts 10 & 11, Polson
- 15 Spring Meeting—Districts 8, 9, & 12, Whitehall
- 16 Fire Suppression Interim Committee, Lewistown
- 12-21 JPIA/JPA Agent 2008-2009 Renewal meetings, various locations
- 30 Fire Suppression Interim Committee, Miles City

\*All meetings are held in Helena unless noted.

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#### AFFILIATE MEMBER

MT County Road Supervisors (MACRS)

#### MACo NEWS

Phone: (406) 444-4360

Fax: (406) 442-5238

E-mail: [macopb@maco.cog.mt.us](mailto:macopb@maco.cog.mt.us)