

MINUTES

MONTANA HOUSE OF REPRESENTATIVES  
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Chairman Norm Mills, on April 8, 1997, at 3:00 P.M., in Room 104.

ROLL CALL

**Members Present:**

Rep. Norm Mills, Chairman (R)  
Rep. Chris Ahner, Vice Chairman (Majority) (R)  
Rep. David Ewer, Vice Chairman (Minority) (D)  
Rep. Ellen Bergman (R)  
Rep. Matt Brainard (R)  
Rep. Bill Carey (D)  
Rep. Matt Denny (R)  
Rep. Charles R. Devaney (R)  
Rep. Tim Dowell (D)  
Rep. Jon Ellingson (D)  
Rep. Antoinette R. Hagener (D)  
Rep. Sam Kitzenberg (R)  
Rep. Deb Kottel (D)  
Rep. Bob Lawson (R)  
Rep. Linda McCulloch (D)  
Rep. Daniel W. McGee (R)  
Rep. Wes Prouse (R)  
Rep. Liz Smith (R)

**Members Excused:** None

**Members Absent:** Rep. Loren L. Soft (R)  
Rep. Sylvia Bookout-Reinicke (R)

**Staff Present:** Bart Campbell, Legislative Services Division  
Debbie Thompson, Committee Secretary

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HJR 33 - 4/3  
Executive Action: HJR 33 PASS AS AMENDED  
SB 280 PASS AS AMENDED

HEARING ON HJR 33

**Sponsor:** Rep. Matt Denny, HD 63 {Tape: 1; Side: A; Approx. Time Count: 1.8-6.3; Comments: concerns power of local government; need for a conference committee to deal with overlap in statute.}

**Proponents:** Rep. David Ewer {Tape: 1; Side: A; Approx. Time Count: 6.3-8.4; Comments: gave examples of outdated laws in Title 7.}

Rep. Toni Hagener {Tape: 1; Side: A; Approx. Time Count: 8.4-9.3; Comments: gave examples of negative restrictions on county government such as dealing with rabies, drought, fire; antiquated laws should be revised.}

Alec Hansen, League of Cities and Towns {Tape: 1; Side: A; Approx. Time Count: 9.3-13.4; Comments: imposition of state authority over something that is a local issue; need to provide effective services at lowest cost.}

**Opponents:** None

**Informational Testimony:** Mary Phippin, former Glacier County Clerk and Recorder {Tape: 1; Side: A; Approx. Time Count: 14; Comments: When statutes pertain to the duties of elected officials, their input is necessary for the study committee.}

**Questions From Committee Members and Responses:** Rep. McGee pointed out the need for private citizen representation. Rep. Denny agreed the bill should be amended to include interested citizens.

**Closing by Sponsor:** Rep. Denny closed. He pointed out the need to update the statutes and cited the example of Rodent Control Districts.

#### **EXECUTIVE ACTION ON HJR 33**

**Motion:** Rep. Devaney moved DO PASS.

**Discussion:** {Tape: 1; Side: B; Approx. Time Count: 0-6.2; Comments: Ewer-Problems self evident, a lot of work to clean up nuisance stuff that has been on the books since 1901.}

**Amendments:** Rep. Hagener moved a conceptual amendment regarding citizen participation.

**Motion/Vote:** The question was called on the amendment. The motion PASSED unanimously.

**Motion/Vote:** Rep. Devaney moved HJR 33 AS AMENDED. The question was called. The motion PASSED with one no vote by Rep. Prouse.

#### **EXECUTIVE ACTION ON SB 280**

**Motion:** Rep. Kitzenberg moved SB 280 from the Table {Tape: 1; Side: B; Approx. Time Count: 10.4-12.6; Comments: misconception during the hearing that a pay increase was being financed;

*instead using dollars paid by the users of the court system; discussed out of pocket expenses.}*

**Discussion:** *{Tape: 1; Side: B; Approx. Time Count: 15.7-22.3; Comments: judge approves raises.}*

**Vote:** The question was called on taking the bill off the Table. The motion PASSED 14-4 with Reps. Smith, Brainard, Prouse and Hagener voting no.

**Motion/Vote:** Rep. Kitzenberg moved SB 280 BE CONCURRED IN.

**Discussion:** Rep. Hagener discussed the unresolved problems. She pointed out that it was unclear whose employees they were. She said there was still a question when court reporters are paid in one county and substitute in another county are they paid by both. She said there was the question of whether they were using their own equipment or using county time and equipment. She pointed out that clerk and recorders haven't had a raise since 1902.

Rep. Devaney commented that the bill only set a salary window and that individual salaries were set by the judge. Rep. Mills asked who should furnish the equipment. Peter Funk clarified that the court reporters were hired and fired by the judge of the district court who also set the salary. However, the pay comes through the county and there are contributions towards the pay through two sources.

*{Tape: 2; Side: A; Approx. Time Count: 0-18; Comments: discussed funding of district court budget, revenue sources; doubled fee earmarked for salary.}*

**Amendments:** Rep. Brainard pointed out that since the bill was not a pay raise but a ceiling cap then he would move to amend the bill on page 1, line 12, to strike \$23,000 and raise it to \$28,000. *{Tape: 2; Side: A; Approx. Time Count: 18-25.4; Comments: Rep. Devaney pointed out that this would appear to force the judge to raise the pay if the minimum salary were higher. Rep. Brainard said it would be a test of court reporters value and the difficulty of the job; they seek a raise for performance; cap only raises the potential to get a raise and since the fee would be doubled then they should get a raise.}*

**Vote:** The question was called on the amendment to raise the lower level of the minimum salary to \$28,000. The motion PASSED 10-9 on a roll call vote.

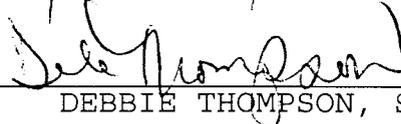
**Motion/Vote:** Rep. Dowell moved DO PASS SB 280 AS AMENDED. The question was called. The motion PASSED 16-3.

ADJOURNMENT

Adjournment: 4:32 P.M.



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REP. NORM MILLS, Chairman



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DEBBIE THOMPSON, Secretary

NM/dt