

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

March 8, 1979

The meeting of the Local Government Committee was called to order by Chairman George McCallum on March 8, 1979, at 12:40 in Room 405 of the State Capitol Building.

ROLL CALL: All members were present with the exception of Senator Peterson, who was excused.

Dennis Taylor, staff researcher, was also present.

Many visitors were in attendance.

CONSIDERATION OF HOUSE BILL 399: Representative Hal Harper, of District 30, chief sponsor of House Bill 399, gave a brief resume. This bill is an act to authorize the board of county commissioners to establish compensation for coroners. Mr. Harper stated the coroners salaries do not have any relationship to the present salaries of today. These salaries should have been put with the board of county commissioners.

Mike Meloy, of Helena, stood in support of the bill. He stated that HB 399 would change from the old method of compensation for coroners and put it in the hands of the county commissioners.

Micky Nelson, Lewis and Clark County Coroner, stated his support of the bill. Mr. Nelson stated that the present system must be changed if we are going to keep coroners in Montana. It should be a pay status instead of a donation. 1949 was the last time coroners in first class counties were given a raise.

With no further proponents, Senator McCallum called on the opponents. Hearing none, Representative Harper made the closing remarks. He stated that this will move the coroners from a fee basis to a salary basis and put them under the jurisdiction of the county commissioners. Coroners are on call all of the time.

The meeting was opened to a question and answer period from the Committee.

CONSIDERATION OF HOUSE BILL 442: Representative Darryl Meyer, of District 42, chief sponsor of HB 442, gave a brief resume on the bill. This bill is an act to increase the minimum and maximum salaries of district court reporters.

Laurie Diemert, a court reporter for Judge Bennett, stated her support of the bill. Ms. Diemert explained the duties of her job. Court reporters are required to make verbatim record of proceedings in court, to act as an aid, assistant and secretary to the district judge. Court reporters are paid by the county which he or she

serves. Ms. Diemert stated that the work load of the reporters is increasing all the time. (See attachment.)

Tom Cavanaugh, a court reporter from Missoula, stated the court reporters need a pay increase to cover the cost of living and because the work load has increased significantly. Many other county employees have received a cost of living increase. The last wage increase of a court reporter was in 1975. (See attachment.)

With no further proponents, Chairman McCallum called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee.

Senator Lockrem asked if each judge has his own court reporter. He was answered "yes".

Senator O'Hara asked what qualifications a court reporter must have to be employed. He was told that court reporters are specially trained and must be certified.

Senator McCallum asked if they ever received money for their work beyond their regular wages.

Bob Nebor, president of the Court Reporters Association, stated that their transcripts are sold to attorneys and their clients.

With no further questions, Representative Meyer closed by asking the Committee for a favorable vote on House Bill 442.

CONSIDERATION OF HOUSE BILL 476: Representative Jay Fabrega, of District 44, chief sponsor of HB 476, gave a brief resume. This bill is an act to make the office of county coroner an appointive office, setting minimum qualifications and certain prohibitions for the office of county coroner. Representative Fabrega stated that there could be a conflict of interest under the present law.

Henry Bernard, a funeral director, stated that a conflict arises when the coroner is also the mortician. Mr. Bernard told the Committee of an opinion handed down from the Attorney General's office stating that one cannot have a financial interest in the proceeds of one's duties. Mr. Bernard stated that some of the coroners have definitely been wearing two hats. Most funeral directors do not want to make waves, so they have to be very careful in their diagnosing of situations when they are also the coroner.

Micky Nelson, Lewis and Clark County Coroner, stated that he liked the idea of being elected.

With no further proponents, Chairman McCallum called on the opponents.

Leo Jacobsen, Silver Bow - Butte County Coroner, stated that he opposed the bill because it was in violation of his rights to run for office.

Lee Zweineman, a coroner from Choteau, stated that he was backing everything stated by Mr. Jacobsen as it discriminates against some people. He pointed out that most counties do not have the facilities to hold the bodies.

John Pohl, a coroner for Powell County, stood in opposition to the bill because it discriminates.

With no further proponents or opponents, Representative Fabrega made the closing remarks. He stated that according to the Attorney General's opinion, there is a conflict in the way the law is written. He stated that after consideration he would hope the Committee would give the bill a favorable recommendation.

The meeting was opened to a question and answer period from the Committee. Discussion was held.

Senator Rasmussen asked how other states are handling this matter, and was told that in North Dakota the coroner must be a physician.

Senator O'Hara asked if the funeral directors had a code of ethics. He was told "no, not really".

CONSIDERATION OF HOUSE BILL 34: Representative Gene Frates, of District 60, sponsor of HB 34, gave a brief resume. This bill is an act to change the notice requirements for creation of a refuse disposal district by reducing the publication requirement from 10 days to 7 days in a daily newspaper and by deleting the requirement of a mailed notice, and providing an effective date. Representative Frates stated that this act would save the counties money.

Duane Robertson, representing the State Department of Health and Environmental Sciences, stated his support of the bill. This bill was requested by his department. The mailing requirement has proven to be a considerable burden because of the cost. The amendments are intended to streamline the process required to form a refuse disposal district, and not place an unnecessary burden on county government. (See attachment.)

Marie McAlear, of the Madison County Solid Waste Planning Commission, stated that this is needed to make the process more efficient. All of the counties are faced with funding the plan.

Dan Mizner, of the League of Cities and Towns, stood in support of the bill.

With no further proponents, Chairman McCallum called on the opponents.

Gordon McGowan, representing the Montana Railroad Association, stood in opposition to the bill. Mr. McGowan stated the effect of this bill would be to virtually eliminate advance notice of the intent to create a special district. The Corporation's position is that notice requirements should be made more comprehensive, not less. The deletion of the mailed notice requirement is especially objectionable since this is the most effective notice requirement in the statutes.

There were no further opponents, so the meeting was opened to a question and answer period from the Committee. Discussion was held.

CONSIDERATION OF HOUSE BILL 494: Representative Dennis Nathe, of District 1, sponsor of House Bill 494, gave a brief resume. This bill is an act to generally revise, clarify, and amend the laws relating to public water supplies. This bill was introduced at the request of the Department of Health. Representative Nathe stated that this would bring the state water act in line with the federal act.

Doug Olsen, of the Department of Health, stood in support of the bill. The Montana Public Water Supply Act was first enacted in 1907. Although it has been amended and recodified several times, its main goal has remained unchanged. Mr. Olsen stated also that the intent of this bill is to bring this act into compliance with the federal act. Mr. Olsen handed out written statements to the Committee members. (See attachment.)

Art Clarkson, of the Department of Health and Environmental Sciences, stated that since the bill was presented in the House, the Department has had an inquiry from Northern Tier Pipeline regarding the authority over the pipelines on water sheds. The Department only has general authority under the water pollution control laws. Mr. Clarkson offered an amendment to include pipelines on page 8, line 20 of the bill. (See attachment.)

With no further proponents, Chairman McCallum called on the opponents.

Dan Mizner, of the League of Cities and Towns, appeared in opposition to the bill. Mr. Mizner stated that the taxpayers do not have any recourse other than going to the courts. He stated he did not object to the bill in general, however, he was concerned about page 10, line 1. The proposed amendment clears this up somewhat.

There were no further opponents to the bill. Therefore, Representative Nathe closed by asking the Committee for a favorable report in their actions on the bill.

The meeting was opened to a question and answer period from the Committee. Discussion was held.

CONSIDERATION OF HOUSE BILL 498: Representative Andrea Hemstad, of District 40, sponsor of House Bill 498, gave a brief resume. This bill is an act to provide that certain payments to the Fire Department Relief Association in a city of the first or second class shall be made directly to the Board of Investments to be credited to the account of the Association and that the State Auditor shall report to the treasurer of the Association the amount of such payments. Representative Hemstad stated that this bill only affects first and second class cities. It will save the state time and expense.

Rick Tucker, of the State Auditor's Office, stated that HB 498 saves time and expense for the State Auditor and adds money to the various relief funds by means of direct and prompt investment of the funds disbursed by the office.

Les Nilson, representing the Montana State Fireman's Association, stated his group has worked with the Auditor's Office and the Board of Investment on this bill. It will put the money in the proper place quicker.

Dave Christen stood in support of the bill.

With no further proponents, Chairman McCallum called on the opponents. Hearing none, Representative Hemstad closed the hearing by suggesting to the Committee that perhaps this bill would be a good candidate for the Consent Calendar.

The meeting was opened to a question and answer period from the Committee. Discussion was held.

DISPOSITION OF HOUSE BILL 498: A motion was made by Senator Thomas that HB 498 be given a recommendation of "BE CONCURRED IN" from the Committee. Motion carried unanimously.

CONSIDERATION OF HOUSE BILL 488: In the absence of Representative Hershel Robbins, of District 46, chief sponsor of House Bill 488, Senator Lockrem presented the bill. This bill is an act amending Section 7-6-204, MCA, to stipulate that interest accruing on the funds of a fire district or department in unincorporated areas must be credited to the account of that fire district or department, and providing an effective date.

Loran Stanfield, of the Missoula Rural Fire District, stood in support of this bill. Mr. Stanfield stated that HB 488 stated that the law is unfair as it now stands. This bill would be beneficial to many rural and volunteer fire departments across the state. House Bill 488 would also assist the State Auditors as well as the fire departments involved, by eliminating useless, but troublesome problems for them each year in their auditing. Mr. Stanfield presented a written statement regarding this bill. (See attachment.)

Robert Ellis, of the Montana State Fireman's Association,

stood in support of this bill. Mr. Ellis stated that this bill addresses the problem as it now exists. The proposed change would make the interest available to the rural or volunteer fire department, thereby reducing taxes and yet not costing the Legislature or the local government any money. It will put the fire departments on an equal basis with the school districts and other county departments, since the fire departments do not participate in the general fund monies.

Art Korn, of the Montana State Volunteer Fire Association, stood in support of the bill and stated that 124 fire departments would be affected by this. Dave Fischer, of the Montana Fire Chiefs Association and also of the Montana Volunteer Fireman's Association, stated that his groups, both support the bill.

With no further proponents, Chairman McCallum called on the opponents. Hearing none, Senator Lockrem made the closing remarks.

DISPOSITION OF HOUSE BILL 488: A motion was made by Senator Rasmussen that House Bill 488 be given a recommendation of "BE CONCURRED IN" by the Committee. Motion carried unanimously.

DISPOSITION OF HOUSE BILL 399: This bill is in regard to county coroners compensation. A motion was made by Senator Lockrem that House Bill 399 be given a recommendation of "BE CONCURRED IN" from the Committee. Motion carried unanimously.

DISPOSITION OF HOUSE BILL 34: A motion was made by Senator Story that House Bill 34 "BE NOT CONCURRED IN". However, it was suggested to wait to take action regarding this bill.

ADJOURN: With no further business the meeting was adjourned. The next hearing will be held on Saturday, March 10, at 12:30 in Room 108 to consider House Bills 46,84, and 687.


CHAIRMAN, Senator George McCallum

see Nov 8

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
GEORGE MCCALLUM, CHAIRMAN	✓		
LLOYD LOCKREN, VICE CHAIRMAN	✓		
MAX CONOVER	✓		
JESSE A. O'HARA	✓		
BOB PETERSON			✓
A. T. (TOM) RASMUSSEN	✓		
PETE STORY	✓		
BILL THOMAS	✓		
ROBERT D. WATT	✓		

Each Day Attach to Minutes.

STANDING COMMITTEE REPORT

.....March 2..... 19 79.....

MR.President:.....

We, your committee onLocal Government.....

having had under considerationHouse..... Bill No. 499.....

Hemstad (Thomas)

Respectfully report as follows: That.....House..... Bill No. 499.....

~~X DO PASS~~

BE CONCURRED IN

GC

COMMITTEE

BILL

VISITORS' REGISTER

DATE _____

Please note bill no.

(check one)

NAME

REPRESENTING

BILL #

SUPPORT		OPPOS	
1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24
25	26	27	28
29	30	31	32
33	34	35	36
37	38	39	40
41	42	43	44
45	46	47	48
49	50	51	52
53	54	55	56
57	58	59	60
61	62	63	64
65	66	67	68
69	70	71	72
73	74	75	76
77	78	79	80
81	82	83	84
85	86	87	88
89	90	91	92
93	94	95	96
97	98	99	100

OPPOS1

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

NAME: A. Howard C. Clark DATE: 7-1-70

ADDRESS: 911 8th St. N. W.

PHONE: 202-338-3333

REPRESENTING WHOM? DHES

APPEARING ON WHICH PROPOSAL: HR 496

DO YOU: SUPPORT? ☒ AMEND? ☒ OPPOSE? ☐

COMMENTS: Since Bill was presented to House the

Dept has had an inquiry from the

Tr. Ppt has no authority to

own water. Dept only has general authority

under water pollution act.

Would like to amend 75-6-112 (3) to include

"pipelines" in page 8 line 20 of HR 496.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: M.E. "Mickey" Nelson DATE: 8 March 79

ADDRESS: Lewis & Clark County Courthouse Helena

PHONE: 442-7398

REPRESENTING WHOM? Montana Coroners Assn.

APPEARING ON WHICH PROPOSAL: 399

DO YOU: SUPPORT? yes AMEND? _____ OPPOSE? _____

COMMENTS: This bill must pass if we are going to keep any
Coroners in Montana

NAME: Jordan McQuay DATE: 2/8/1979

ADDRESS: 179th and Montgomery 59450

PHONE: 133-2541

REPRESENTING WHOM? Montana A A Education

APPEARING ON WHICH PROPOSAL: 11-15-57

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? 1

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Henry Beard DATE: 5/

ADDRESS: 1806 Main

PHONE: 232-4840

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: # 476

DO YOU: SUPPORT? AMEND? ✓ OPPOSE?

COMMENTS: Fundamental Director should not be removed -

Conflict of interest. 5/17/77

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Lee Zimmerman DATE: 3/7/77

ADDRESS: Chateau

PHONE: 466-2351

REPRESENTING WHOM? Cosmos

APPEARING ON WHICH PROPOSAL: 476

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ✓

COMMENTS: I feel that this could be
Changed

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME :

DATE:

ADDRESS :

PHONE :

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Bob Nichols

DATE:

2-7-79

ADDRESS:

175 Rockwood Dr. Rockville MD 20850

PHONE:

755-2018

REPRESENTING WHOM?

(over - reporters)
Montgomery Chamber of Commerce Association

APPEARING ON WHICH PROPOSAL:

H B 1142

DO YOU:

SUPPORT?

X

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Tom Cavanaugh

DATE:

3/9/69

ADDRESS:

1203 P. O. Box

Mesa

PHONE:

549-8200

REPRESENTING WHOM?

Self + MSRA

APPEARING ON WHICH PROPOSAL:

HB 442

DO YOU:

SUPPORT?



AMEND?

OPPOSE?

COMMENTS:

Day increase needed to cover

cost of living and because of increased
wages

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Laurie Weaver

1175

31 March

442-0312

Montana Stocked Beaver Area - 1967

418 412

SUPPORT?

✓

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: AG "Rish" Tucker DATE: 3/8/79

ADDRESS: Delmar

PHONE: 449-2040

REPRESENTING WHOM? State Auditor

APPEARING ON WHICH PROPOSAL: HB-498

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: Saves time and expense for
the State Auditor and add. of money
to the various relief funds by means
of direct and prompt investment of the
funds disbursed by the office,

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: LES Nilson DATE: 3-1-77

ADDRESS: 917-3rd Ave So. Forest Hill

PHONE: 453-1179

REPRESENTING WHOM? Mt St. Fireman's Assoc.

APPEARING ON WHICH PROPOSAL: HB 498

DO YOU: SUPPORT? ✓ AMEND? OPPOSE?

COMMENTS: The Mt St Fireman's Assoc. has been
with the auditing office and the Board
investigate on this Bill. It will cause the
money to find its place and in time

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Don Fisher DATE: 3/8/79

ADDRESS: 1908 S. Washington St.

PHONE: 792-8858

REPRESENTING WHOM? *Montana Vol Firemen Assoc.*

APPEARING ON WHICH PROPOSAL: *H.B. 488*

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Robert T. F. Hill DATE: 9/8/77

ADDRESS: 1735 Sierra Rd. E.

PHONE: 465-5586

REPRESENTING WHOM? Mont State Finance, H294

APPEARING ON WHICH PROPOSAL: H.B.-484

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Loren J. McAdams DATE: 3/6/77

ADDRESS: Ap. 3 Kennedy Ave. Miami

PHONE: 3 98-6172

REPRESENTING WHOM? *Thompson (Newark) Term 1928*

APPEARING ON WHICH PROPOSAL: 7/13 4 8 8

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: *See handwritten notes*

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME :

DATE:

ADDRESS:

PHONE:

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Duane L Robertson DATE: 3/8/79

ADDRESS: 727 8th Ave

PHONE: 449-2821

REPRESENTING WHOM? State Div of Health & Human Services

APPEARING ON WHICH PROPOSAL: HB 34

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Maria Miller DATE: Mar 8 1972

ADDRESS: Twin Bridges, Mont. 59714

PHONE: 604-5516

REPRESENTING WHOM? Nat. Co. Solidarity Training Comm.

APPEARING ON WHICH PROPOSAL: HB 34

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: The need for a national training program

was emphasized.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Rep. DeWine DATE: 3-8-79

ADDRESS: Redstone

PHONE: _____

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: H.B. 494

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

CARRYING BILL

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

THANK YOU!

**THE MONTANA
COURT REPORTERS
APPRECIATE
YOUR SUPPORT**

**THE MONTANA
COURT REPORTERS
ASK YOUR
SUPPORT**

IT IS COMMON KNOWLEDGE THAT
INFLATION AND THE INCREASE IN
THE COST OF LIVING HAS HURT
US ALL. FOR THIS REASON WE
ARE ASKING FOR A SALARY AD-
JUSTMENT.

PLEASE CONSIDER THE FOLLOWING IN MAKING A DETERMINATION

What is a Court Reporter?

A Court Reporter is a person employed in the District Courts of Montana to make a verbatim record of proceedings in court.

Such Court Reporter is hired as a DISTRICT COURT EMPLOYEE, PAID BY THE COUNTIES HE SERVES, in proportion to the volume of court work in each county.

A person trained to be able to make such a record to protect the rights of all people who appear in our court system.

The schooling necessary for the position as a Court Reporter is extremely difficult, the work is demanding (for there can be no errors), and the hours of work will vary, with the probability of working nights and weekends in an effort to remain current in court work.

Further education and training is required by the Reporters to maintain their proficiency.

Whether criminal or civil, the Reporter's transcript is the only accurate method of review of a District Judge's actions and rulings by Appellate Courts.

An ACCURATE record can only be made by COMPETENT, CONSCIENTIOUS, TRAINED and preferably EXPERIENCED Court Reporters.

Montana has, for years, been a training ground for Reporters, who after a year or so in Montana, would move to other states.

THE MONTANA SUPREME COURT CANNOT FUNCTION WITHOUT COMPETENT REPORTERS TO PREPARE ACCURATE TRANSCRIPTS ON APPEAL.

THE MONTANA DISTRICT JUDGES REQUIRE COMPETENT COURT REPORTERS to produce the verbatim record, to act as an aid, assistant and secretary to the District Judge.

The last legislative salary adjustment the Montana Reporters received was in 1975.

46th Legislative Session

House Bill 494

An Act to Generally Revise Clarify, and Amend the Laws Relating to Public Water Supplies; Amending Sections 75-6-102 through 75-6-104, 75-6-106, 75-6-107, 75-6-112, and 75-6-113, MCA.

Comments of the Department of Health and Environmental Sciences in support of House Bill 494, prepared by Douglas Olson, staff attorney.

The Montana Public Water Supply Act was first enacted in 1907 by sections 1-14, chp. 177. Although it has been amended and recodified several times, its main goal has remained unchanged. It granted "general oversight and care" over all state waters used for domestic purposes to the Board of Health and required that all persons submit to the Board for its review and approval all proposed systems of water supply or drainage and sewage disposal which were to be built, installed, or enlarged. A one-thousand dollar fine, one-year imprisonment, or both was provided for violations.

In 1974 Congress passed the "Federal Safe Drinking Water Act" (hereinafter cited as FSDWA), 42 USC 300f, as an amendment to the U.S. Public Health Service Act. Its primary goal was to assure that the public was provided with safe drinking water. It required that inventories be taken of all public water supplies, ordered that a study be undertaken to establish the maximum permissible concentrations of contaminants that could exist and still have safe drinking water, and set up certain enforcement procedures. Public water supplies were not to exceed the maximum contaminant levels (mcl's) unless they had been granted a variance or an exemption. A variance might be granted if the supply was technologically infeasible at this time to treat whereas an exemption might be granted if the supply was primarily financially unable to presently comply with the mcl. Congress intended that the FSDWA be enforced at the state level if the respective states could adequately implement it.

The Montana Department of Health and Environmental Sciences was designated as the primary enforcement agency for administering the FSDWA in Montana by the U.S. EPA. The Montana Legislature in 1977 amended the Montana Public Water Supply Act then 69-4901 et seq. R.C.M. 1947, in order to make it also the means for enforcement of the FSDWA.

Almost two years have passed since then and it has been found that several housekeeping amendments to the Montana Public Water Supply Act are necessary for clarification.

The respective amendments being sought are explained below:

AMENDMENT NO.

1. 75-6-102 Definitions

(5) This adds a definition for the "Federal Safe Drinking Water Act", referencing where it and the federal regulations implementing it may be found.

(7) This proposes a new definition for "maximum contaminant level". This term is used several times in the existing act but is not defined at the present time. The proposed definition is taken from the federal act.

(9) This proposes that the definition of "person" be amended so that it more closely resembles the one found in the federal act.

(11) The definition of "public water supply" is proposed to be amended to correspond more closely with the federal act.

2. 75-6-103 Duties of the Board

Proposed amendments to subsections (a) and (c) are made with the intent to clarify ambiguous terminology; subsection (d) is proposed to be amended to require that the public be notified when an "exemption" as well as a variance is granted in order to comply with federal regulations. This assumes that the Board is authorized to promulgate rules governing the issuance of exemptions under the proposed amendment to subsection (h).

3. 75-6-104 Duties of Department

Proposed amendments to this section would substitute the word "quality" for purity, and "treating" for purifying. The present terminology is subject to differing interpretations.

4. 75-6-107 Variances and Exemptions

This section presently authorizes the department to grant variances to public water supply systems which exceed the maximum contaminant levels established by the board of health and environmental sciences. The proposed amendment would statutorily authorize the department to grant "exemptions" to those public water supply systems which satisfy

the federal requirements adopted by the board as rules.

5. 75-6-112 Prohibited acts.

The proposed amendment to this act is sought to replace terminology that is difficult to define. "Polluting matter of any kind" is replaced with the terms "sewage, drainage, industrial waste or other waste", all of which are defined in the act already. "Pollute the quality" is also replaced with the words "cause pollution".

A new proposed subsection (5) would statutorily prohibit the use of public water supply systems which exceed the maximum contaminant levels unless the system was granted a variance or exemption or had an application for one pending. This satisfies the intent of the FSDWA.

6. 75-6-113 Penalties

Section 75-6-111(2) presently authorizes the department to seek an injunction to enjoin violations of the Public water supply act or to seek a civil penalty as provided in section 75-6-113. Although the department is presently authorized to seek a civil penalty, 75-6-113, does not specify the amount of the penalty. The federal act authorizes the federal government to seek up to \$5000 per day of violation. The amount of the civil penalty proposed by amendment to this section would be the same as the amount presently authorized to be collected as a criminal penalty, \$50 to \$500 per day of violation. It's believed that this amount is reasonable and would serve as an effective deterrent to potential violators. A civil penalty is desirable in that it does not leave someone who has been found guilty with the stigma of a "criminal" conviction.

7. 75-6-110 Master Planning Areas

This is a proposed new section that would clarify the inter-relationship between the Montana Public Water Supply Act's requirements for review of water and sewer facilities and those found in the Sanitation in Subdivisions Act as they pertain to adopted master planning areas. It would specifically require that the lot fees and certification under the latter act be received by the department prior to any review and approval being undertaken pursuant to the public water supply act. At the present time the department has had some difficulty receiving the lot fees and certifications from some sources.

The amendments sought by House Bill 494 if approved by the legislature would lead to the more efficient administration and enforcement of the Montana Public Water Supply as explained above.

Respectfully submitted,

Douglas B. Olson

Douglas B. Olson, Attorney

Proposed amendments by the Department of Health & Environmental Sciences presented to the Senate Local Government Committee for its consideration.

1. page 8, line 20
following: "logging camp,"
insert: "PIPELINE,"

2. page 10, line 1
strike: "Enforcement remedies under this section"
insert: "THE CIVIL PENALTY PROVIDED FOR IN SUBSECTION (2) IS
IN LIEU OF THE CRIMINAL PENALTY PROVIDED FOR IN
SUBSECTION (1); ALL OTHER ENFORCEMENT REMEDIES"

January 18, 1979

E4-01-03-0007

LEGISLATIVE REPORT:

RE: Montana House Bill 34

PURPOSE: This bill changes the notice requirements in the creation of a refuse disposal district. It reduces the newspaper publication requirement from 10 to 5 days and deletes mailed and posted notice requirements.

ANALYSIS: This is a bill that apparently is designed to reduce some of the costs and technical problems incident to the creation of a special district. It is sought by the Department of Health and Social Services.

IMPACT: The Union Pacific companies have only a small presence in Montana and this bill, if passed, would only apply to districts being formed so the immediate impact is none, but there is potential for an impact in the future.

POSITION: Oppose. The effect of this bill would be to virtually eliminate advance notice of the intent to create a special district. The Corporation's position is that notice requirements should be made more comprehensive, not less. The deletion of the mailed notice requirement is especially objectionable since this is the most effective notice requirement in the statute.

K. W. T.
JAN 19 1979


James D. Douglass

JDD:mjs

March 1, 1979

House Bill 34 - Amendment to the Refuse Disposal District Law

The Refuse Disposal District Law has been an effective means of providing solid waste management at the county level. The law defines the procedures whereby county governments and incorporated municipalities can jointly administer solid waste management systems. In addition, it provides for the only practical method by which county government can levy service fees for this vital public service. Recently enacted federal and state laws are requiring county governments to improve their solid waste management services. And, as such, the district law is vital, for it provides the only viable means by which county governments can administer and finance such services.

As Section 7-13-208 MCA is now worded, the formation of a refuse disposal district is cumbersome, time consuming and very costly to county governments. The section requires county governments to follow an elaborate notification process including the first class mailing of the notification to all persons having real property within the proposed district.

This mailing requirement has proven to be a considerable burden because of the costs associated with it. For example, in 1976 Yellowstone County initiated action to form a countywide refuse disposal district. However, the efforts to form a district were discontinued when it was determined that the cost of mailing the notification would be \$10,000.

The amendments found in HB 34 are intended to streamline the process required to form a refuse disposal district and not place an unnecessary burden on county government. And, at the same time, the amendment will still guarantee appropriate public notification and participation in the district formation.

Through the state-sponsored solid waste planning grant program that was made available by the Legislature in 1977, numerous planning committees are nearing completion of their planning efforts. These committees, consisting of municipalities and counties, already have an organizational structure comparable to that required for a district board of directors. In addition, the site-specific plans developed by these committees contain the information required to initiate the development of a refuse disposal district, i.e. cost of service, type of program, area to be served.

In addition, numerous counties and municipalities have jointly expressed a willingness to proceed directly from the planning phase to the creation of districts. The rationale is that if there is a lengthy transition period from planning to organizational activities, then public interest and willingness to proceed will be seriously reduced. If counties choose to wait until July 1 to begin refuse district creation under the new amendments, it would effectively delay implementation for one year.

Therefore, to assist these local governments that will soon be prepared to implement their solid waste management plans, it is requested that the act be further amended so as to become effective upon signature.

Missoula

FIRE PH. 549-6171
BUS. PH. 549-6172

Rural Fire District

2521 SOUTH AVENUE WEST MISSOULA, MONTANA 59801

January 30, 1979

TO: Montana State Legislators
Capital Building
Helena, Montana 59601

Subject: Short explanation of House Bill # 788.

Tax moneys are paid in to a Rural Fire District or Volunteer Fire Department only by the taxpayers from within the boundaries of that Fire District. Therefore, any interest gained on that money rightfully belongs to those same people, and not to the General Fund of the County for all County residents.

Section 16-2613, revised Codes of Montana, 1947, now states that such money must be handled by the County Treasurer and all interest must go in to the General Fund.

The proposed change, (paragraph 6), merely would make the subject interest available to the Rural or Volunteer Fire Department, thereby reducing taxes and yet not costing the legislature or local government any money. In fact, this bill would put the Fire Departments on an equal basis with School Districts and other County departments, since the Fire Departments do not participate in the General Fund monies.

All offices and persons contacted, including Missoula County Commissioners, County Treasurer, County Attorney and the State Auditor's Officer who worked Missoula County last year, agreed the law is unfair as it now stands. Those same people, when asked what to do, recommended an attempt should be made to change the law.

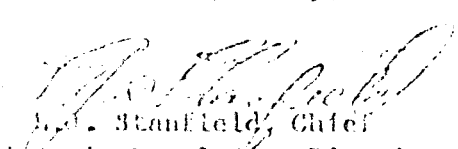
This bill is proposed and Paragraph 6 is the only change. The balance is copy of the law as it is now and is included to show the background.

This bill is being officially sponsored and supported by the Montana State Volunteer Firemen's Association as it will be beneficial to many Rural and Volunteer Fire Departments across the State.

Your vote for this bill will assist the State Auditors as well, as the Fire Departments involved, by eliminating useless but troublesome problems for them each year in their auditing.

Thank you for your kind consideration and, hopefully, favorable vote.

Sincerely;


J. J. Stanfield, Chief

Missoula Rural Fire District

INFORMATION ON HOUSE BILL # 442

FACTS

1. Four years since last pay increase; no cost of living afforded in those four years.
2. North Dakota Reporters earning \$19,500 and asking for raise this year.

Idaho reporters earning \$20,400 presently.

3. Salaries paid by Districts. In a district where there are more than one county the reporter is paid a portion of his salary from each county; according to the number of cases filed in the various counties of his district. REPORTERS ARE NOT PAID OUT OF STATE GENERAL FUND.
4. EXTRA INCOME-TRANSCRIPTS-Paid for by litigants; not taxes, with the exception of indigent defendants. All civil appeals are paid by litigants.

Reporter works many extra hours, overtime, on appeals.

Supreme Court is becoming more demanding, demanding that appeals be filed in a shorter period of time; therefore, putting more pressure on reporter to work these required overtime hours.

5. TRAINING: Two years of specialized training. An absolute required speed in shorthand is 225 words per minute. Special training in terminology of all specialities; i.e., medical, engineering, legal, etc.

Continuing education is a must for a reporter. Seminars are held all the time. Most seminars are held out-of-state; thus, requiring the reporter to incur many out-of-pocket expenses.

6. Court Reporter cannot afford to be sick for there is not a replacement available in most areas.

February 23, 1979

Re: HB-442, Court Reporters' salary increase

We earnestly seek your support for the above bill. We understand that the bill has been passed by the House. Our further understanding is that the bill provides for court reporters' salaries as follows: minimum-\$12,500.00 and maximum-\$22,000.00. We agree with the bill and would point to the House vote on the measure as indicative of the strong need for passage of this bill by the Senate.

We have included information on reasons for needing the wage adjustment, based on cost of living primarily. Also we would submit the following reasons for passage of the bill from our prospective in the Fourth Judicial District, which includes Missoula, Ravalli, Lake, Sanders and Mineral Counties:

1. As evidenced by the bill to provide another judge in this district and the recent Supreme Court case about the overburdened court in Missoula and other areas of the state, our caseload is increasing rapidly and is becoming almost unmanageable.

2. The recent State of the Judiciary message of Chief Justice Frank Haswell of the Montana Supreme Court pointed out, among other things, the sharp rise in appeals being filed. One of our primary functions is to prepare Transcripts on Appeal. This rise has caused us to spend much more time on the preparation of transcripts.

3. Recent Supreme Court decisions have caused us to be present to preserve the record for many court actions where a record formerly was not required, including: juvenile hearings, insanity hearings, alcohol hearings, custody hearings, and the voir dire examination and opening and closing arguments of trials.

4. The District Court judges received a substantial increase in wages during the last Legislature, and there is a bill before this Legislature to raise their wages again. These measures seem

to recognize the need for higher wages in the judiciary because of the mounting workload. We believe that the same consideration that is given the judges in setting their wages should also be afforded to the court reporters, since the two work closely together.

We feel strongly that the need for a cost of living increase forces us to solicit a bill from the Legislature. Your support is urgently and respectfully requested by us.

Thank you.

Very truly yours,

Julie A. Martin, RPR, CSR

Thomas H. Cavanagh, Jr., RPR, CSR

JAM-THC:b1
Encl.

MONTANA DISTRICT COURT REPORTERS

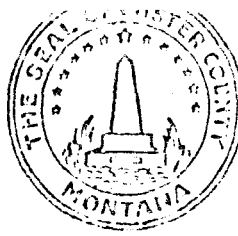
What salaries would have been had Court Reporters been given a cost of living increase since their salary was established in 1975 by the Montana Legislature, based on the maximum salary of \$16,000.00, and allowing for a seven (7) percent increase per year.

1975	\$16,000.00
1976	17,120.00
1977	18,318.40
1978	19,601.69
1979	20,973.81
1980	22,441.98
1981	24,012.92

ALLOCATION OF COURT REPORTERS' SALARIES:

In the Fourth Judicial District the salary of a court reporter at a maximum of \$16,000.00 would be prorated as follows, based on the number of criminal and civil cases filed in each county during 1978:

<u>COUNTY</u>	<u>PERCENTAGE</u>	<u>AMT. PER MONTH</u>
Missoula	64.77	\$863.60
Ravalli	13.41	178.80
Sanders	5.57	74.26
Mineral	2.10	28.00
Lake	14.15	188.66
	<u>100.00</u>	<u>\$1333.32</u>



County of Custer

Custer County Courthouse
1010 Main
MILES CITY, MONTANA 59301

In just a few short weeks you will be journeying to Helena for the 1979 Legislative session, and I wish you much success in the very difficult task you are about to undertake.

As County Commissioner of Custer County and a former State Representative, I strongly request your support for the Montana Court Reporters and Juvenile Probation Officer's legislation concerning a salary adjustment. The last salary adjustment for these two departments was in 1975. In four years they have received absolutely nothing in the way of a cost of living raise. Other county employees have been receiving yearly cost of living increases of 5% to 8% per year, at the discretion of the county commissioners, but these two positions in the courthouse were not able to receive increases due to the wording of the state statutes. I'm sure inflation has hit them just as hard as anyone and they should be treated the same as other government employees.

Thank you for considering this salary adjustment. I don't like increased expenditures any more than you do, but we should be fair.

Being a Legislator is a tough job and I don't envy your next few months.

Sincerely,

Walter J. Ulmer
Custer County Commissioner

WJU/jim

ACTIONS FILED IN THE FOURTH JUDICIAL DISTRICT BY COUNTY & YEAR

A third judge was added to the District by the 1963 legislature

Year	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976
Missoula	27	28	49	70	49	75	77	64	99	140	153	216	211	243	240
Ravalli	28	17	16	26	21	18	17	31	15	25	60	42	62	54	90
Sanders	8	13	5	6	4	11	10	6	18	12	21	26	36	31	40
Mineral	5	11	9	8	6	6	7	2	9	8	4	35	14	15	8
Lake	5	6	14	15	34	27	40	34	51	59	76	87	73	73	40
Total	73	75	93	125	114	137	151	137	192	244	314	376	376	416	427

Missoula	909	849	907	1042	1251	1134	1165	1115	1318	1480	1500	1691	1224	1956	1920
Ravalli	146	173	147	186	193	132	174	157	186	194	222	254	327	362	340
Sanders	88	87	70	85	88	81	87	91	103	101	103	119	168	171	157
Mineral	70	69	60	71	59	52	58	75	47	81	62	66	66	68	72
Lake	211	218	170	189	236	282	282	300	240	274	303	277	316	302	324
Total	1430	1396	1354	1573	1827	1681	1766	1738	1894	2130	2190	2427	2701	2759	2815
Grand Total	1503	1471	1447	1698	1941	1818	1917	1825	2086	2374	2504	2703	3097	3275	3242

1 Cases