

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By VICE-CHAIRMAN MATT DENNY, on March 10, 1995,
at 9:00 A.M.

ROLL CALL

Members Present:

Rep. Richard D. Simpkins, Chairman (R)
Rep. Matt Denny, Vice Chairman (Majority) (R)
Rep. Dore Schwinden, Vice Chairman (Minority) (D)
Rep. Matt Brainard (R)
Rep. Patrick G. Galvin (D)
Rep. Dick Green (R)
Rep. Antoinette R. Hagener (D)
Rep. Harriet Hayne (R)
Rep. Sam Kitzenberg (R)
Rep. Bonnie Martinez (R)
Rep. Gay Ann Masolo (R)
Rep. William Rehbein, Jr. (R)
Rep. George Heavy Runner (D)
Rep. Susan L. Smith (R)
Rep. Carolyn M. Squires (D)
Rep. Jay Stovall (R)
Rep. Lila V. Taylor (R)
Rep. Joe Tropila (D)

Members Excused: NONE

Members Absent: NONE

Staff Present: Sheri Heffelfinger, Legislative Council
Christen Vincent, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 324, SB 249, SB 301
Executive Action: SB 337 DO CONCUR

HEARING ON SB 324

Opening Statement by Sponsor:

SEN. SUE BARTLETT, SD 24 stated this bill represents the flip
side of the unfunded mandate. This was first addressed in the

1993 session. It would prohibit agencies to shift costs. Costs in the bill refer to administrative costs. This bill would also prohibit agencies from charging for forms and papers. If they were to do this through the courts, it would increase costs and increase time.

Proponents' Testimony:

Blake Wordal, Lewis and Clark County Commissioner, stated there is a difference between unfunded mandates and cost shifting. He thought this bill was a fair way to get things done and he urged the committee to give it a do pass recommendation.

Gordon Morris, MACO, stated they were in support of the bill.

Charles Brooks, Yellowstone County Board of County Commissioners, stated he was amazed at the cost the counties assume as part of government. If this is in conflict they will be able to address the problems if this bill were to pass.

Jim Campbell, City of Billings, stated they supported the bill.

Bill Verwolf, Helena City Manager, stated he was in favor of the bill.

Opponents' Testimony:

none

Informational Testimony:

none

Questions From Committee Members and Responses:

REP. DENNY asked if this bill will be in conflict with other bills.

SEN. BARTLETT stated to the best of her knowledge there would be no conflicts with other bills.

Closing by Sponsor:

SEN. BARTLETT thought this bill was pretty straight forward and hoped the committee would give the bill their favorable consideration.

HEARING ON SB 249

Opening Statement by Sponsor:

SEN. AL BISHOP, SD 9 submitted EXHIBITS 1 and 2. This bill would eliminate the Clerk of the Supreme Court. The duties of that

person would go to the administrator of the Supreme Court. This provides checks and balances. This office is not a constitutional office and was created by statute. This would do away with a partisan office and put the duties into a non-partisan atmosphere. This is an attempt to streamline government and to save money.

Proponents' Testimony:

REP. ED GRADY, HD 55, stated they have been looking for places to cut and the judicial part of government is supposed to be non-partisan. This needs to be addressed and they need to take a positive look at what they could do.

REP. NORM MILLS, HD 19, stated currently they don't know who is in control and who to report to. He urged the committee's support of the bill and asked them to think carefully when considering this.

REP. GARY FELAND, HD 88 stated this would make things easier. He liked the bill in its original form. He hoped the committee would give the bill a do pass recommendation.

Opponents' Testimony:

Ed Smith, Clerk of the Supreme Court, submitted written testimony. EXHIBITS 3 and 4

Bob Gilbert, Montana Clerk of District Courts, stated this would make it a non-partisan office. He thought the people should be able to choose who they wanted in that position and this bill was unfair. He urged the committee to defeat the bill.

Ralph Yeager, Former Department Clerk, stated there will still be elected officials if this bill goes through. He was opposed to what this bill would do to the staff.

Lucille Briggs, Libby stated these people do a good job. There is staff in place for these people. She hoped the committee would give the bill a do not pass recommendation.

Kathleen Breuer, President, Montana Association of Clerks of District Courts, submitted written testimony. EXHIBIT 5

Lori Maloney, Butte-Silver Bow County, stated they need to leave things as they currently stand. They are underfunded and understaffed as they are. She urged the committee to defeat the bill.

Daryl Holzer, AFL-CIO, submitted written testimony. EXHIBIT 6

Emile Kimmet, Anita White, Brad Martin, Montana Democratic Party, and Kevin Parks, Association of Clerks of District Court, Missoula all spoke against the bill.

Nancy Sweeny, Clerk of District Court, Lewis and Clark County, submitted written testimony. EXHIBIT 7

Mary Phippen, Clerk of District Court, Glacier County, submitted written testimony. EXHIBIT 8

Bernice Matthews, Clerk of District Court, Miles City, submitted written testimony. EXHIBIT 9

Informational Testimony:

none

Questions From Committee Members and Responses:

REP. REHBEIN asked how the other states handle this.

SEN. BISHOP stated they have administration to handle all of the work these people do.

REP. REHBEIN asked how they handle problems that may arise.

SEN. BISHOP stated he didn't know how they handled problems.

REP. REHBEIN asked about the Republican counterpart. He stated this is not made into a partisan issue.

Mr. Martin stated he testified to deliver his party's view on the issue.

REP. REHBEIN asked if everyone had the best interest in mind.

Mr. Martin stated they all have the best interest because this bill does harm.

REP. STOVALL asked if the sponsor was able to see Charles Moses' letter.

SEN. BISHOP stated he had not seen the letter.

REP. STOVALL asked for a comment on the letter and what it is and why they need it.

SEN. BISHOP stated he had no idea why he would be in favor of the bill.

REP. STOVALL asked if there would be savings of \$15,000.

SEN. BISHOP stated the fiscal note said \$58,000.

REP. STOVALL asked what would be part of the court fees.

SEN. BISHOP stated all of it is general fees.

REP. STOVALL asked Mr. Smith to address the same question.

Mr. Smith stated this proposal is almost totally cost effective and general fund operated. He stated there are Clerks of the Supreme Court in 46 states.

REP. GREEN asked for a comment of the difference between the District Court and the Supreme Court.

Mr. Sweeny stated the Supreme Court being an appellate court is different.

REP. GREEN asked in general terms if the district courts have a larger work load.

Mr. Sweeny stated that was probably true.

REP. GALVIN asked REP. GRADY if this was his sixth term.

REP. GRADY stated yes.

REP. GALVIN asked if he was political and partisan.

REP. GRADY stated he was.

REP. GALVIN asked if he thought appointed positions should be non-partisan.

REP. GRADY stated he didn't think they should be.

REP. GALVIN asked why appointed positions wouldn't be political

REP. GRADY stated he didn't think they would be.

REP. MASOLO asked what qualifications these people have to have to run for this office.

Mr. Smith stated they don't have to have any specific qualifications to fill the position.

REP. MASOLO asked if he felt they needed to have a background in law before running.

Mr. Smith stated it would be helpful but not necessary.

REP. TROPILA asked if it was Ms. Breuer's assessment that this is a non-partisan position.

Ms. Breuer stated she didn't think it was a partisan position.

REP. SMITH asked for clarification on what was said about the other states.

Mr. Smith stated 46 states have Supreme Court Clerks.

REP. DENNY asked what happened to the Justice of the Peace.

Mr. Parks stated he was overturned.

Closing by Sponsor:

SEN. BISHOP stated change comes hard. This isn't the best place, but it is a place to cut. This bill was introduced to help streamline government and save money in the process.

HEARING ON SB 301

Opening Statement by Sponsor:

REP. JAY STOVALL, HD 16 opened the hearing on SB 301.

Proponents' Testimony:

Laurie Ekanger, Governor's Office, stated the proposal by the Governor is an amendment to the constitution to prohibit the state from unfunded mandates. Seventeen states currently have statutes or amendments to do this. She submitted a letter from the Governor of New Hampshire to the Governor of Montana.

EXHIBIT 10 She submitted amendments to the bill. EXHIBIT 11

Charles Brooks, Yellowstone County Board of County Commissioners, spoke in favor of the bill.

Jim Campbell, City of Billings, spoke in favor of the bill.

Bob Anderson, Montana School Board Association, submitted written testimony. EXHIBIT 12

Gordon Morris, MACO, voiced his support of the bill.

Opponents' Testimony:

Don Judge, AFL-CIO, stated for the most part it isn't the state that enacts the legislation. Another county may not enforce something that a county might somewhere else. He stated they don't want to see Montana divided.

SEN. MATT COLE, SD 4, stated as he was campaigning there was one thing that came to him. People wanted them to look at what was happening with the bills and funds. He stated there is concern with what is happening with unfunded mandates.

Informational Testimony:

none

Questions From Committee Members and Responses:

REP. DENNY asked what extent of conflicts this may cause on the state mandates already in place.

Ms. Ekanger stated she couldn't predict those things. There are concerns about this. There have been debates on what a mandate is and what they have the authority to do.

REP. SCHWINDEN asked what the definition of a mandate is.

Ms. Ekanger stated it was hard to know.

REP. SCHWINDEN stated where there is uncertainty they see it as a problem.

REP. GALVIN asked if it was true that something to this effect came up and they didn't practice what it said after it was passed.

Ms. Ekanger stated she couldn't recall.

REP. GALVIN asked if they are amendments or agreements.

Mr. Anderson stated they were to signify what was in the rules.

REP. SQUIRES asked why they had chosen the word "impact."

Ms. Ekanger stated they had chosen the word to clarify what was meant.

REP. SQUIRES asked if they put this at the local level if they would also have to put the money behind it.

Ms. Ekanger stated it is not retroactive.

REP. DENNY asked if there was another bill to this effect, and if there was, what it was and how it would relate to this bill.

Mr. Cole stated both dealt with unfunded mandates. This one has more details in how problems would be worked out.

CHAIRMAN SIMPKINS asked if an act like this would make legislature more responsible.

Mr. Judge stated they don't have to object to legislative action to have the legislature look at it.

CHAIRMAN SIMPKINS asked if he still saw a curfew law as an unfunded mandate.

Mr. Judge stated he did see that.

CHAIRMAN SIMPKINS asked why they aren't using the money.

Mr. Anderson stated they are trying to focus on the classroom and education.

Closing by Sponsor:

REP. STOVALL closed the hearing on the bill.

EXECUTIVE ACTION ON SB 337

Motion: REP. BRAINARD MOVED THAT SB 337 BE CONCURRED IN.

Vote: Motion carried unanimously with REP. HEAVY RUNNER voting by proxy and REP. KITZENBERG and REP. SMITH as excused.

ADJOURNMENT

Adjournment: 12:00 p.m.



RICHARD SIMPKINS, Chairman



CHRISTEN VINCENT, Secretary

RS/cdv

HOUSE OF REPRESENTATIVES

State Administration

ROLL CALL

DATE 3-10-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Dick Simpkin, Chairman	✓		
Rep. Matt Denny, Vice Chairman, Majority	✓		
Rep. Dore Schwinden, Vice Chair, Minority	✓		
Rep. Matt Brainard	✓		
Rep. Pat Galvin	✓		
Rep. Dick Green	✓		
Rep. Toni Hagener	✓		
Rep. Harriet Hayne	✓		
Rep. George Heavy Runner	✓		
Rep. Sam Kitzenberg	✓		
Rep. Bonnie Martinez	✓		
Rep. Gay Ann Masolo	✓		
Rep. Bill Rehbein	✓		
Rep. Susan Smith	✓		
Rep. Jay Stovall	✓		
Rep. Carolyn Squires	✓		
Rep. Lila Taylor	✓		
Rep. Joe Tropila	✓		



HOUSE STANDING COMMITTEE REPORT

March 10, 1995

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that Senate Bill SB 337 (first reading copy -- white) be concurred in.

Signed: *Dick Simpkins*
Dick Simpkins, Chair

Carried by: Rep. Simpkins

Committee Vote:
Yes 16, No 0.

561142SC.Hch

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

State Administration

DATE March 10, 1995 BILL NO. SB NUMBER 337

MOTION: Motion to Concur made by Rep. Brainard

Simp.

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority	✓	
Rep. Matt Brainard	✓	
Rep. Pat Galvin	✓	
Rep. Dick Green	✓	
Rep. Toni Hagener	✓	
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner <i>Proxy</i>	✓	
Rep. Sam Kitzenberg		<i>excused</i>
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein	✓	
Rep. Susan Smith		<i>excused</i>
Rep. Jay Stovall	✓	
Rep. Carolyn Squires	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	

EXHIBIT 1
DATE 7/10/95
SB 249

January 21, 1995

Senator Al Bishop
Senate District 9
State Capitol Building
Helena, Montana 59620

Dear Senator Bishop:


From 1983 to 1988 I served as the elected clerk of the Montana Supreme Court. Reflecting on those fulfilling years of public service, the office underwent many changes and improvements. Always central in my mind was the public's right to have access to the court and the importance of accuracy of court records.

Since retiring, I have maintained an active interest in Montana's legal system and particularly the duties of the Clerk of the Supreme Court. I am aware of LC1333, a proposal to make the clerk an appointed rather than an elected position. Based upon my years of experience as clerk, and recognition of the present necessity to streamline and improve government organization, I offer my support for this bill.

The time has come for this office to embrace what other states decided to do long ago. Professionals, as well as my own common sense, tell me that the Supreme Court should have more daily control over clerical functions of this office. The Clerk of the Supreme Court does not make public policy, but rather performs a ministerial clerical function for the court. Though I have not done any calculations, my past experience would tell me that the improvements made possible by passage of this bill will bring savings to the court's budget and to the state. Additional, this organizational change would provide the court with more direct control over staffing levels, efficiency of operations and work flow.

All organizations, public and private, must restructure and improve with changing times, 1995 is no exception. I encourage the committee to vote for this bill, and thus equip the Supreme Court to work more effectively for the citizens of Montana.

Sincerely,


Ethel Harrison

Clerk of the Supreme Court, retired

EXHIBIT 2
DATE 3/10/95
SB 249

THE SUPREME COURT OF MONTANA

JOHN CONWAY HARRISON
JUSTICE
Retired



JUSTICE BUILDING
215 NORTH SANDERS
HELENA, MONTANA 59620-3001
TELEPHONE (406) 444-5573

January 20, 1995

Senator Al Bishop
Senate District 9
State Capitol Building
Helena, Montana 59620

Dear Senator Bishop:

I am writing in support of LC 1333, an improvement for court organization. I regret that I cannot be in Helena to present this testimony in person, but after 34 years on the Supreme Court, I decided to spend some time in Arizona to enjoy the fruits of all the years of public service.

The functions of the clerk of the Supreme Court are indeed a very important part of Supreme Court operations, as the proper filing and processing of appeals, writs, and other matters are critical to the court and the public at large. Whether or not these functions are best placed with an elected clerk given the demands of the day is quite another matter. State government, including the judicial branch, is or should be undergoing progressive renewing, much of it needed to reduce the size and cost of government, and especially to enable government to function more effectively.

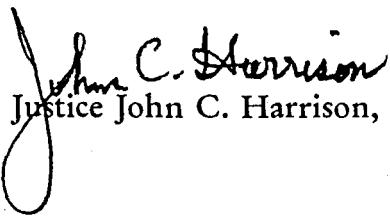
It is for these reasons, and more, that I strongly endorse and offer my support to LC1333. The duties of this office are more appropriately handled by appointment creating an office that is directly responsible to the court by creating an employer-employee relationship. The improvement would promote direct accountability for accuracy, efficiency and budgetary control. My years on the court have convinced me that the court must have direct, daily control over procedures used by the clerk and the flexibility to reorganize or redirect all court staff in all areas when court business demands. This bill gives the court that flexibility, and at the same time, saves money while improving organization.

From information provided by the National Center for State Courts, Montana is one of only two states that have elected clerks of the Supreme Court. This is not a

constitutionally created office, but rather one that may be adapted by the legislature to meet changing organizational needs.

This change is small compared to other consolidations being considered by the 54th Legislative body in the executive and legislative branches, but it is a logical way that the judicial branch can contribute to reinventing government and become more efficient in organization and prudent in spending public funds.

Respectfully submitted,

A handwritten signature in cursive script that reads "John C. Harrison". The signature is written in dark ink and is positioned above the printed name.

Justice John C. Harrison, retired

March 10, 1995

STATEMENT OF ED SMITH, CLERK OF THE SUPREME COURT

Montanans share a long tradition of grass roots participation within government. Out of this philosophy, a governing structure has evolved which ensures that our citizens are directly involved with the makeup of our government. This means, that in Montana, all branches of government, the executive, the legislative, as well as the judicial branches, are comprised of elected leaders. Within the judiciary, from the justices of the peace, to the clerks and judges of the district courts, through the state supreme court, all positions are elected. Clerks of court are elected on a partisan ballot and the judges are elected on a nonpartisan ballot in Montana. This tradition of an elected judiciary provides for a "check and balance" within the judicial branch. The Clerk of the Supreme Court is an historic office and one that is necessary for the judicial branch. This office has existed since 1889 and provides essential service in the appellate process, protecting the public's access to the court, the public's right to know, and control filings, records and documents. Our system of checks and balances within the three branches of government is an excellent design that provides the ultimate protection for our society. I encourage each of you to be reflective and understand the historical perspective our forbearers had in crafting our government.

With regard to our electorate, I believe that Montanans are not too "burdened" or "confused" by the number of choices or issues

with which they are faced on election day. Rather, I have great confidence in my fellow Montanan's decision-making abilities. Therefore, I cannot reconcile the idea that if Montanans feel so over-burdened by voting responsibilities, why do they consistently rank number one or number two in the nation in voter turnout. To me, this proud statistic underscores Montanan's desire to be directly involved in their government.

As for my position, the Clerk of the Supreme Court, I work for the people of Montana. I provide a direct service for them. I am a sworn public servant to the people of Montana, not to judges, not to attorneys, or any other entity. I am bound to follow the dictates of the law which sometimes means that my duties require me to take a stand on an issue that is contrary to what the judges or attorneys or others may want. Consequently, I am beholden only to do the job the people elected me to do.

As an elected official, I acutely understand that our citizens have entrusted me to guarantee their access to the Supreme Court and its proceedings. It is essential that the citizens have an independent office holder safeguarding their "right to know." Furthermore, the public expects me to efficiently control filings, to protect and to provide access to important official records, to license Montana's attorneys, and collect important administrative fees and taxes which result in over \$165,000 in revenue for this state. I take all of these responsibilities very seriously as I understand that the public will not tolerate gross inefficiencies or poor service. Therefore, first and foremost, I am responsive to the public and its concern for direct, efficient, quality service.

Additionally, my independent role within the structure of the supreme court is vital to the existence and operation of the court itself. My duties, mandated by state law, cannot be considered as secondary within the court system. Rather, the Clerk is a requisite part of the working machinery of the judiciary, meaning that the court cannot operate without a clerk of court. This structure is a good design because it ensures that Montana's courts are responsive to the public. The courts of this state with its elected judges and clerks is far more effective and accessible than the federal courts. An independent clerk of court, operating in the public's best interest, is the structural hub around which this effective, responsive, court system revolves. If you remove the independent nature of the clerk, you are denigrating this effective system which has so efficiently served this state since its creation.

With that said, I would like to point out some serious concerns that I have about this bill. It is my understanding the purpose of this bill is to save money and promote efficiency by putting in place a streamlined chain of command which is supposed to better coordinate the functions of the supreme court. I would like to inform the committee that I was not asked to prepare the fiscal note for my office on this bill. The note prepared does not provide accurate information. Furthermore, it does not provide for adequate staff for the court's work and it unfairly reduces wages for the current staff. I want to state emphatically for the record that the appellate process in this state will be in jeopardy if this bill passes. Three staff people cannot transact the business

for the public and the court in a timely manner and law suits could occur as a result of appeals not being timely handled.

Members of the committee, I want to point out the seven justices of the Montana Supreme Court have not asked for this legislation and have had no input into this bill. It also needs to be stated that the Governor's Reinvent Government Task Force and the Court Unification Commission did not make a recommendation to eliminate the Clerk of the Supreme Court as an elective office.

With regard to efficiency, it must be stated that the Clerk's budget represents roughly \$180,000 out of the judiciary's six million dollar budget. The office collects over \$165,000 in revenue for the state making it a net cost of roughly \$15,000 of taxpayer dollars to operate this office. Moreover, the clerk is providing direct service to the taxpayers in return for their small investment.

It also needs to be stated that this office has not grown in staff size since 1979. In fiscal year 1991-1992, when our state had too much debt, this office spent less in operating expenses than in the early 1980s. What other office or agency has done that? More importantly, the clerk's office provides direct service to the people of Montana, it does not exist to support or serve government itself. By removing the elected clerk, you will be adding to the bureaucracy of government. The public wants the bureaucracy cut, not the elected offices. Isn't the public crying out against the size of bureaucracy in government? Don't taxpayers want government to be responsive to them? Don't voters want service for their money? I think they do. So why, out of a six

million dollar budget, is a small office that has not grown in fifteen years, which provides direct service to the public and protects their rights, and operates on a net cost of \$15,000 a year Why is it being singled out as the best place to cut so that the judiciary can operate in a more streamlined and efficient manner? It does not make sense to me.

Additionally, by removing the elected status of the clerk, and installing a "streamlined chain of command," the legislature will add to the administrative duties of an already overworked court? You recently passed legislation to grant permanent statutory authority for the seven justices on the Montana Supreme Court. Again, this office, which must transact all the business for the court, has never had any additional staff added. We are working within the same number of personnel that we had for a five-member court. So why should the court have more administrative work that would take their valuable time away from deciding cases, which is what they are elected to do. Again, if this present structure was grossly inefficient, I could understand the efforts to do something. But this office has run efficiently and effectively through all administrations, Republican and Democrats alike. I would like to point out to the committee that 14 individuals have held the office of Clerk of the Supreme Court, eight Republicans and six Democrats. It should also be stated that through all of the years that both Republicans and Democrats have held this office, there has never been any scent of scandal. Therefore, I cannot see the problems nor the urgency of making such a change as is proposed in this bill.

In conclusion, this bill does not represent the public's best interest. In the name of efficiency and modern centralization of authority, it is attempting to remove the average citizen from a legal system in which he already feels alienated. If this bill is truly about better, more efficient, government, I wish someone would show me where the present system has gone so grossly astray that the legislature feels compelled to concentrate its "streamlining" efforts on the efficient operation of an office that represents less than three percent of a six million dollar budget and provides quality service directly to the people of Montana.

Finally, I believe in the Treasure State's tradition of grass roots participation within our judicial system. I believe in the abilities of our citizens to decide who is guaranteeing their access to the supreme court and protecting their right to know. I believe that this legislature should not look to tamper with offices that provide efficient, direct, service to the people of this state.

Moses Law Firm

THE TERRACE - PENTHOUSE
300 NORTH 25TH STREET
P.O. BOX 2533
BILLINGS, MONTANA 59103

EXHIBIT 4
DATE 3/10/95
SB 249

CHARLES F. MOSES
MICHAEL G. MOSES
JAY F. LANSING

TELEPHONE (406) 248-7702
FAX (406) 248-7707

February 16, 1995

Mr. Jay Stovall
Capitol Station
Helena, MT 59620-1706

Re Legislation to Eliminate the Office of
the Clerk of the Supreme Court

Dear Mr. Stovall:

The Billings Gazette published an article about a prospective legislative act to eliminate the position of the Clerk of the Supreme Court. Senator Al Bishop is stated to be the sponsor of such a bill. I am not aware of the legislative status of this proposed legislation, but I wanted to submit to you my thoughts since I consider it a bad bill.

1. The Clerk of the Supreme Court serves a valuable and necessary function for attorneys and clients throughout the State of Montana. They have been in a position to handle the critical affairs of the Supreme Court with respect to appeals and other original proceedings brought before the Court. The Clerk's office has been of valuable assistance to attorneys and has been extremely courteous, whether Republican or Democrat.

2. The role and function of the Clerk's office is oftentimes misunderstood. Practitioners before the Court really are in a position to comment on the efficiency and the responsibility of the Clerk of the Supreme Court. I can confidently assert that not only is their work done promptly and efficiently, but this record has existed since 1949, to my knowledge. It might be helpful to examine the work done before there is a commitment to eliminate this office.

3. I have always been in favor of representative government where the people have an opportunity to elect the people to represent them. This places upon the elected official the responsibility to justify the faith that the public has expressed in him. It is not appropriate, in my view, to have a nameless and unknown bureaucrat assume this responsibility. His sense of responsibility is measured only by satisfying his superior and not the public generally.

February 16, 1995

Page Two

4. I am aware of the fact that the duties and responsibilities of the Clerk of the Supreme Court not only are many and varied, but for the last 14 years, despite the increasing number of cases and despite the additional two Justices to the Supreme Court, there has been no change in the personnel, and the office remains efficient and caters to the public. There would be no savings in money because the duties would simply be transferred to others, and it is inconceivable that lesser employees would be needed.

5. This office is similar to the Clerk of Court's office in the various Counties in the State. Even a visit to a County office, such as Billings, would demonstrate the efficiency and expanded duties of that office to serve the public.

It is my belief that if such a change were made, it would not satisfy the criteria of (a) limiting the bureaucracy out of the control of the people and (b) be a savings in costs. The idea of electing people to serve the public is well entrenched in our society. I worry about a burgeoning bureaucracy, even in the third branch of government.

Accordingly, I respectfully submit that the suggestion for elimination of the Clerk of the Supreme Court is not only a bad idea but is at variance with our concepts of lesser government at less cost. I wanted to submit my thoughts to you for your consideration and would be hopeful that you would have the time to visit the Office of the Clerk of the Supreme Court and see how it operates and at what cost. It would be appropriate to compare their operation and number of employees with that of the other employees maintained by the Administrator for the Supreme Court. I would reject this bill.

Cordially yours,



Charles F. Moses

CFM:m

EXHIBIT 5 5
DATE 3/10/95
SB 249

10 March 95

TO: Chairman Dick Simpkins
Members of the House State Administration Committee

FROM: Kathleen D Breuer, Clerk of District Court
President of Montana Association of Clerks of District Court

RE: SB #249

Mr. Chairman and Members of The Committee, My name is Kathleen Breuer, Clerk of District Court in Missoula County and President of the Montana Clerks of Court Association.

I am here on behalf of those members of our Association to voice our objection and concern to this Senate Bill in question.

As an Association we are STRONGLY opposed to this measure and feel it should be looked at closely and with much trepidation for what it may result in and mean to the people of Montana.

This bill is to eliminate a position of trust, of independence from the Judiciary, a middle ground, apart from the control of the Court and placing it squarely under jurisdiction and CONTROL of the Chief Justice and the Court. No longer independent in thought and deed.

If you think that by eliminating this position will result in cost savings, you will be acting in haste. The Clerk of the Supreme Court works at an annual salary of approximately \$36,300 per year, with a staff of four. The Court Administrator's salary is approximately \$15,000 higher, with twice the staff and working in anticipation of increasing that staff by another 8 or 10 full time employees.

The Clerk of the Supreme Court is responsive to the needs of the legal community, the other officials, and the people of Montana that put him in office. He and his staff work effectively, with respect to all, efficiently, with less than adequate staff and proper technological assistance. And, do so with no complaint.

Because the issue of public confidence is so important, this position must remain elected, be it partisan or non-partisan,

is of little import. Just that it remain ELECTED and SEPARATE from the Judicial branch. Thus answerable to those that elected him/her and not the Supreme Court.

This office is to protect, retain and keep a clear and concise record of the Court proceedings. If indeed this position must change and be re-written, then the duties of Court Administration should become part and parcel with the Clerk of the Supreme Court office.

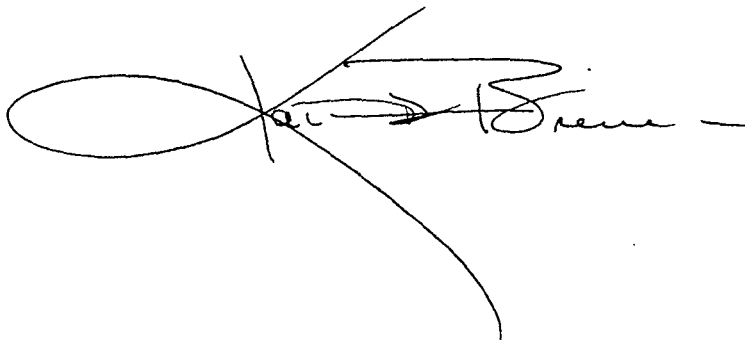
We do not need more bureaucracy in government, what we do need, is a more responsive government to the needs of the people. Where we must answer for our acts and deeds in the media, in the hallways, on the street and not be protected by the Halls of Justice. To be accountable for dollars spent, staffing needs, operations of the office itself, which is governed by statute. Those areas which should not concern the Justices. The support of this office is one of great import, and not minimized, in the function of the balance.

Another question needs to be answered. Where did this bill come from? We can only speculate and wonder. As far as we (the Clerks) know, and we work daily with this office, with no problem, we do wonder why the interest in this area, who is to gain, we know who will lose, and we will be among those who lose. ALL OF US!!!

I again ask you for a DO NOT PASS on this Senate Bill and recommend it stop in this committee.

Thank-you for your time and consideration.

If you have any additional questions, please feel free to ask.

A handwritten signature in black ink, appearing to read "J. L. B. Jones", with a long horizontal line extending to the right.



Montana State AFL-CIO

110 West 13th Street, P.O. Box 1176, Helena, Montana 59624

EXHIBIT 6
DATE 7/10/95
SB 249 Donald R. Judge
Executive Secretary

406-442-1708

Testimony of Montana State AFL-CIO on Senate Bill 249 Hearings of the House State Administration Committee, March 10, 1995

Mr. Chairman, members of the committee, I'm here today on behalf of the Montana State AFL-CIO to urge your opposition to Senate Bill 249.

Just last summer, delegates to the Montana State AFL-CIO convention adopted a convention position against "attempts to reduce the direct accountability of government to voters by eliminating Montanans' right to elect their representatives." That same convention voted unanimously to oppose making our current elected offices appointive positions.

At a time when Montanans are demanding more accountability from their elected officials and more access to government, it is ironic that the Montana Legislature is entertaining constitutional changes that would eliminate the voters' right to directly elect their officials.

SB249 would remove the elected Clerk of the Supreme Court from the scrutiny of the voters and replace him or her with a political appointee, a friend of a politician, who would serve at the pleasure of politicians. The citizens of Montana would lose the right to pass judgment on the performance of the Clerk of the Supreme Court because, unlike elected officials, political appointees are answerable only to the politician who appointed them, not to the voters. Consequently, political appointments are occasionally used to reward political favors, to scapegoat for a political blunder, or to hide political activity that can't stand the bright light of public knowledge. We cannot guarantee that future Chief Justices will have the integrity and ethics of our current Chief Justices which is exactly why the office of Clerk was made elective by our forefathers: to protect the public access to the courts.

Furthermore, it is clear that any projected savings in tax dollars would evaporate when a future legislative session faces the cold, hard, documented fact that elected officials work for far less in pay and benefits than professionals, technicians or even qualified political appointees, all of whom can demand far better compensation in the private sector.

Montanans are demanding more openness in state government and the legislature should respond by providing them with more, not fewer, opportunities for public participation in government. For that reason, we respectfully request the members of the committee to oppose SB249. Thank you.

NANCY SWEENEY
CLERK OF DISTRICT COURT
Lewis and Clark County Courthouse
P. O. Box 158
Helena, MT 59624-0158
447-8216

EXHIBIT 7 7
DATE 3/10/95
SB 249

March 10, 1995

Rep. Dick Simpkins, Chairman
House State Administration Committee
Capitol Station
Helena, MT 59620

Chairman Simpkins and Members of the Committee,

I am submitting this letter in opposition to Senate Bill 249. The clerk of court's office provides the public with access to the courts and I believe it is critically important that the public perceive our offices as an unbiased source of information, independent of the courts.

Each year there are increasing numbers of parties representing themselves on both the district and supreme court level and the clerk's office is both a valuable buffer for the judges and an unbiased source of information for litigants who are many times frustrated, confused and angry. Many times the clerk can diffuse an explosive situation by explaining the judicial process and providing other assistance to the public. The public's perception that the assistance they are receiving is independent of the courts and that the clerks are accountable to the public through voter approval is vital in establishing the trust necessary to handle these difficult situations.

Senate Bill 249 will only further undermine the public's tenuous confidence in government and more specifically, the juridical system. The public must not view the clerk of court's office as a mere extension of the judges or as more bureaucracy created to frustrate their access to the courts. The clerk of court's office needs to remain an independent agency, answerable only to the public.

I would also like to add that after a two year, in depth study of all facets of our courts, the Judicial Unification Committee rejected a proposal to make the clerks of court an appointed office. I would encourage you not to ignore their comprehensive review. Your Do Not Pass recommendation on Senate Bill 249 will ensure the public's confidence in access to government.

Sincerely,



Nancy Sweeney
Clerk of District Court



EXHIBIT 8
DATE 3/10/95
SB 249

GLACIER COUNTY

CUT BANK, MONTANA

MARY PHIPPEN
CLERK OF DISTRICT COURT
GLACIER COUNTY COURTHOUSE
512 EAST MAIN STREET
CUT BANK MT 59427
(406) 873-5063 Ext. 36

March 7, 1995


Dore Schwinden
House State Administration Committee
State Capitol
Helena MT 59620

RE: Senate Bill #249 -"An Act Eliminating The Elected Position of Clerk of the Supreme Court; Transferring certain Functions To The Supreme Court Administrator

Dear Ms. Schwinden:

Please be advised that I am **VEHEMENTLY OPPOSED** to the above-referenced Senate Bill and hope that you will vote against it. The **ELECTED** Position of Clerk of the Supreme Court should **NOT** be eliminated. I feel that this Bill is another step in the move toward State control of the Courts, which would result in less efficiency, less accountability, and less accessibility to the taxpayers. Your **OPPOSITION** to Senate Bill #249 is appreciated.

Very truly yours,



Mary Phippen
Clerk of District Court

9
EXHIBIT 9
DATE 3/10/95
SB 249

CLERK OF DISTRICT COURT

Bernice Matthews
Clerk



Carla Allen
Deputy Clerk

1010 Main Street
Miles City, MT 59301
(406)232-7800 X 27

March 7, 1995

Honorable Dore Schwinden
State House Administration
State Capitol
Helena, Mt. 59620

Re: SB 249

Dear Representative Schwinden,

I am writing to advise you that I am opposed to Senate Bill 249, as I have received excellent service from the Clerk of the Supreme Court. Further, I feel that being an elected official, the Clerk of the Supreme Court is answerable to the people who vote him/her into office and pay his/her salary, those people being the public.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Bernice Matthews".

Bernice Matthews

STATE OF NEW HAMPSHIRE

OFFICE OF THE GOVERNOR

STEPHEN MERRILL
GOVERNOR

EXHIBIT

10

DATE

7/10/95

SB

301

January 4, 1995

The Honorable Marc Racicot
State Capitol
Helena, MT 59620

RE: Unfunded Mandates

Dear Governor Racicot:

In an effort to further our goal of persuading Congress to affirmatively act on the issue of prohibiting unfunded federal mandates, I want to share the history that New Hampshire has experienced with this principle under our State Constitution. New Hampshire is not the only State that prohibits unfunded mandates but it has reinstated this important principle fairly recently. I hope that the enclosed will assist you or your staff when discussing this critical issue with your Congressional delegation or State Legislature.

In 1984 the New Hampshire Constitutional Convention enacted a proposal prohibiting the State from requiring localities to fund State mandated programs. The voters in this State overwhelmingly adopted the amendment at the polls. This action by the voters was immediately challenged on procedural grounds by the Governor and legislative leadership. As Attorney General, I defended the action of the voters, and the amendment was upheld by our Supreme Court.

In the ten years that our prohibition against unfunded mandates has been in effect, there have been two appellate court challenges invoking the amendment against enacted or proposed legislation. In one case, the Legislature had passed a new law creating a legal presumption that a firefighter's disease was occupationally related for purposes of worker's compensation benefits. The court found that such a presumption would place additional fiscal obligations on municipalities without their consent and the legal presumption was therefore found impermissible.

The Honorable Marc Racicot
Governor of Montana
January 4, 1995
Page Two

In the second case, legislation had been proposed which would have prohibited the disposal of recyclable materials at solid waste facilities. Against a challenge that this act would require municipalities to provide recycling facilities, the court held that, although a locality may decide that the most prudent course would be to provide for recycling, such a result was not truly mandated by the legislation. The legislation was therefore not determined to be an unfunded mandate.

I mention these New Hampshire cases to illustrate the point that prohibiting unfunded mandates will have a positive effect because it forces a legislative body to consider the fiscal impact of its actions on other political subdivisions of government and ultimately on taxpayers. The cases also prove that well-considered legislative programs will not be stopped from being implemented by such a law.

Beyond specific legal challenges, the result of the 1984 amendment has been that no law or administrative rule may be enacted unless there has been an on-the-record consideration of the fiscal impact of the proposed legislation or rule on local communities. In addition, the New Hampshire Legislature and our administrative agencies are required to periodically review enacted laws and rules to determine their actual fiscal impact on localities.

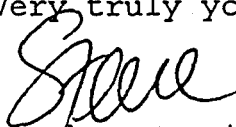
After a decade of experience with the unfunded mandate amendment, New Hampshire has been found by independent evaluators on Wall Street to be among the nation's leaders in economic climate, environmental concern, educational opportunity, delivery of mental health and corrections services, as well as having one of the lowest crime rates. Our State has again been named the Most Livable State in the Nation. Obviously the unfunded mandate law did not weaken our ability to perform necessary and appropriate State services.

I believe that the unfunded mandate experience of New Hampshire, and I am sure in other states, can be successfully replicated on the federal level. I believe that Congress should deliberately adopt the fiscally responsible course of prohibiting unfunded federal mandates-- an action which will perhaps go further than any other in convincing voters that Congress can in fact discipline itself to consider the fiscal impact of its actions on states and their political subdivisions.

The Honorable Marc Racicot
Governor of Montana
January 4, 1995
Page Three

I enclose this material to assist our collective experience in our effort to prohibit unfunded mandates at the State level and to persuade Congress that it should follow suit. I hope it is helpful to that end.

Very truly yours,



Stephen Merrill
Governor

SM/klc

Amendments to Senate Bill No. 301
Third Reading Copy

For the Committee on

Prepared by Greg Petesch
March 6, 1995

1. Title, line 7.

Strike: "POLITICAL SUBDIVISIONS"

Insert: "LOCAL GOVERNMENTS OR SCHOOL DISTRICTS"

2. Title, line 8.

Strike: "QUALIFIED"

Strike: "POLITICAL SUBDIVISION'S"

Insert: "LOCAL GOVERNMENT UNIT'S OR SCHOOL DISTRICT'S"

3. Page 1, line 16.

Strike: "or responsibilities"

Strike: "political subdivision"

Insert: "local government unit or school district"

4. Page 1, line 17.

Following: line 16

Insert: "direct,"

Strike: "political subdivision"

Insert: "local government unit or school district"

5. Page 1, lines 18 and 19.

Strike: "or responsibilities" on line 18

Following: "vote of" on line 18

Strike: remainder of line 18 through "or" on line 19

Strike: "of the political subdivision"

Insert: "or by a vote of the qualified electorate of the state or
the qualified electorate of the local government unit or
school district"

6. Page 1, lines 24 and 26.

Strike: "political subdivisions"

Insert: "local governments"

7. Page 1, lines 25 and 27.

Strike: "political subdivision's"

GREY COPY

SENATE BILL NO. 301

INTRODUCED BY _____

BY REQUEST OF THE GOVERNOR

A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE XI OF THE MONTANA CONSTITUTION BY ADDING A SECTION PROHIBITING THE STATE FROM IMPOSING MANDATES ON ~~POLITICAL SUBDIVISIONS~~ LOCAL GOVERNMENTS OR SCHOOL DISTRICTS UNLESS FUNDED BY THE STATE OR APPROVED BY A VOTE OF THE QUALIFIED ELECTORATE OR THE ~~POLITICAL SUBDIVISION'S~~ LOCAL GOVERNMENT UNIT'S OR SCHOOL DISTRICT'S LEGISLATIVE BODY."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Article XI of The Constitution of the State of Montana is amended by adding a new section 10 that reads:

Section 10. Mandated programs. The state shall not mandate or assign any new, expanded, or modified programs ~~or responsibilities~~ to any ~~political subdivision~~ LOCAL GOVERNMENT UNIT OR SCHOOL DISTRICT in such a way as to necessitate additional DIRECT local expenditures by the ~~political subdivision~~ LOCAL GOVERNMENT UNIT OR SCHOOL DISTRICT unless the programs ~~or responsibilities~~ are fully funded by the state or unless the programs ~~or responsibilities~~ are approved for funding by a vote of the qualified electorate ~~or the local legislative body of the political subdivision~~ OR BY A VOTE OF THE QUALIFIED ELECTORATE OF THE STATE OR THE QUALIFIED ELECTORATE OF THE LOCAL GOVERNMENT UNIT OR SCHOOL DISTRICT.

NEW SECTION. Section 2. Submission to electorate. The amendment set forth in section 1 shall be submitted to the qualified electors of Montana at the general election to be held in November 1996 by printing on the ballot the full title of this act and the following:

[] FOR prohibiting state-imposed mandates on ~~political subdivisions~~ LOCAL GOVERNMENTS unless funded by the state or approved by the ~~political subdivision's~~ LOCAL GOVERNMENT'S electorate or local legislative body.

[] AGAINST prohibiting state-imposed mandates on ~~political subdivisions~~ LOCAL

1 GOVERNMENT unless funded by the state or approved by the political subdivision's LOCAL
2 GOVERNMENT'S electorate or local legislative body.

-END-

SB301-10.GRY



MONTANA SCHOOL BOARDS ASSOCIATION

EXHIBIT 12
DATE 3/10/95
SB 301
One South Montana Ave.
Helena, Montana 59601
Telephone: 406/442-2180
FAX: 406/442-2194

Robert L. Anderson, Executive Director

TO: The Honorable Senator Bob Brown
The Honorable Representative John Mercer

FROM: Bob Anderson

DATE: December 29, 1994

RE: Response to your memo on unfunded and costly mandates

Thank you for the opportunity to submit a list of unfunded mandates that are both costly and perhaps unnecessary for local school districts.

Obviously, many of the mandates that our local districts face today are a result of federal statutes, rules and regulations. Some of these are issues dealing with IDEA (Individuals with Disabilities Education Act) and the environmental condition of our school facilities, i.e. asbestos, lead in water, radon, buried fuel tanks, drug testing of school bus drivers, etc. I have not addressed these issues in this memo since the Montana Legislature can have very little impact upon these federal mandates. MSBA does intend, however, to develop and support federal legislation to give some relief with these issues and we are working with our national affiliate, NSBA, to rectify problems all of our nation's schools have in these areas. It is important to note that even with fewer state mandates the federal mandates oftentimes cost local schools state general fund dollars.

Before you consider the mandates listed in the next several pages, I believe it is important to note that many mandates either by statute or rule are intended to improve the educational system. The Board of Public Education has numerous rules to enhance school performance, for example rules on class size can arguably be a benefit for all student learning, but have not been adequately funded by the legislature. The Board's rule on Gifted and Talented Education is a hefty mandate when you consider that the state only provides \$300,000 per year to fund it. These are only two examples of mandates that our members feel are worthy of consideration because they are intended to provide a quality educational system for the student success we care about.

The elimination of several unfunded mandates are already in bill draft form, for example:

1. The unfunded mandate by the State Board of Personnel Appeals to pay employees increases in salary for the next contract year when the agreement has expired and before a new collective bargaining contract is agreed to by the local trustees and union. (The so-called steps and lanes bill draft requested by Rep. Alvin Ellis.) Since employees' salaries are a significant cost to local school districts, this ruling is estimated to cost an additional 2.5% increase each year automatically to the local school district.
2. Section 20-4-203, MCA, the unfunded mandate by state statute that will not allow a tenured teacher's salary to be lowered. Again, this is truly a costly mandate when budgets must be

reduced by 4.5% (also by statute for some school districts). Senator Klampe has a bill draft request in to deal with this situation.

3. Section 39-31-306 (5), MCA, a state statute that was passed in the 1993 regular session of the legislature, mandates binding grievance arbitration. It has been very costly for school districts who have already agreed to this provision in their master contracts and promises to take from the table an item to be bargained for those school districts who do not have this in their agreement, thus a loss of bargaining power and increases costs for local trustees. Senator Larry Tveit has a bill draft request to rectify this serious unfunded mandate.

4. Currently, tenured teachers are entitled to the same salary they received in the previous year's contract, Section 20-4-203, MCA. Under a ruling of the State Superintendent of Public Instruction, if a tenured teacher has an extended contract beyond the regular academic year, and that contract is reduced to the number of days in the regular contract the following year, the teacher is entitled to the rate of pay under the extended contract because they are entitled to no less yearly salary. Only when the trustees go through a lengthy and time consuming process to prove the need for a reduction in force can they reduce that contract to reflect the daily, as opposed to the yearly rate of pay. Senator Grosfield has requested legislation to change this mandate. His bill calculates a teacher's previous year's salary as the gross daily rate of base pay under the last executed contract with the teacher, not the full yearly salary reflected in an extended contract which is subsequently reduced.

The following are several statutes and rules that are expensive for school districts to administer:

1. Section 20-5-104 and 105, MCA is a mandate that requires school districts to hire personnel to track down non-attending students who live in the school district or use administrative personnel to do this on their own. These statutes go beyond the role and scope of a school in that they empower the school district to play policeman not only for students, but their parents as well. This mandate most likely should be placed with local law enforcement agencies, not local school districts.

2. Section 20-3-210, MCA and ARM 10.6.101 et seq. creates a costly and unnecessarily duplicative appeal process for school controversy contested cases. Any person asserting a right granted by law, contract or policy which is not enforced exclusively by another appellate process may appeal a final decision of a board of trustees to the county superintendent of schools who will hold a contested case hearing. The county superintendent's decision may be appealed to the Office of Public Instruction and, in turn, to a state district court and to the Montana Supreme Court. Substantial time and money could be saved by eliminating OPI review of the hearing officer's decision, whether the hearing officer is the county superintendent or another person designated by statute.

3. The assessment levied by the Department of Labor and Industry for administration of workers' compensation programs has resulted in increased costs to schools. Most of the public schools in Montana are members of a self insured workers' compensation program. The current assessment

procedure of the Department of Labor and Industry has required this program to expense over \$600,000 which represents almost 12% of the annual premiums earned. To put this in further perspective, the 1993-1994 assessment of \$356,222 approximates the sum of the General Administration, Claims Adjusting, Legal and Accounting costs incurred to run the entire program and process more than 1,050 reported injuries. Needless to say, the assessment has caused the program to increase rates in order to compensate for the amount charged by the Department of Labor and Industry of which the members, i.e. school districts, have no control.

4. Nursing services are often required by federal law for IDEA and Section 504 students. However, the Montana Nurse Practices Act, Section 37-8-101 et seq. MCA, prohibits unlicensed persons from administering medications except as permitted by rules adopted by the Board of Nursing. These rules require school districts to retain the services of licensed nurses to train and supervise unlicensed school personnel in the administration of medications.

5. Rule 10.55.708 Teaching Assignments (3) No teacher shall have more than 28 clock hours of assigned student responsibility per week except for one- and two-teacher schools.

This rule limits the assignment of teaching personnel to duties within a 40 hour work week (and only 180 days per year).

6. Rule 10.55.801 School Climate (1) The board of trustees shall consider ways to: (a) Encourage cooperative and harmonious relationships among staff, students, parents, trustees and community; (b) Determine whether or not its staff turnover is excessive and, if it is, the reasons why; (c) Create teaching and learning conditions that meet the district's educational goals and attract and maintain a quality staff; ...

Because of the words "trustees shall," the local school boards under this rule appear to be liable for any non-harmonious relations with teachers and others, regardless of the circumstance, even while difficult collective bargaining or strikes occur in the school district. Trustees shall "determine ... if staff turnover is excessive" and the reasons why! The rule implies that this is the sole responsibility and liability of the trustees. If the trustees do not maintain a "quality staff," what remedy would the Board of Public Education impose upon them as part of the accreditation standards?

This set of rules are fraught with problems, both legal and practical, and each of the rules could result in costly litigation for the school districts.

Other statutes that require excessive administrative procedures which could be modified to reduce the cost of services and yet maintain accountability:

1. Sec. 20-1-212 & 2-6-403, MCA: Records Retention
2. Sec. 20-5-402, MCA: Immunization of School Children
3. Sec. 20-6-604, MCA: Sale of School Property

December 29, 1994

Page 4

4. Sec 20-6-621, MCA: Site Approval Election
5. Sec 20-6-622 - 624, MCA: Approval of School Building Plans
6. Sec. 20-7-205, MCA: Reporting School Library Information
7. Sec. 20-9-203, MCA: Annual Financial Audits
8. Sec. 20-9-204, MCA: Bidding Procedure

We do not propose the elimination of each of these statutes, only to make them less costly to administer and to allow for some reasonable degree of local discretion in the "supervision and control of schools" as Article X, Section 8 of the Montana Constitution prescribes.

I would be happy to discuss any of the issues relating to unfunded mandates with you at any time. This is indeed an opportunity to clarify the roles and responsibilities that local school trustees have with the legislature and their various boards and commissions. Certainly there are other mandates that I have not mentioned because of the lack of time to research all rules or statutory mandates that school districts face, however, as I become aware of them I will add them to the list.

Thanks again for your questions and the chance to reply to your memo of November 30.

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

State Administration COMMITTEE DATE 3-10
BILL NO. SB 324 SPONSOR(S) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Charles R. Brooks	Yellowstone County	✓	
W James Kumbel	City of Billings	✓	
Bob Anarson	MSBA	✓	
Blake Widd	Law & Clark Co.	✓	
Ed Blackman	Galveston Co.	✓	
MILTON BRIGGS	Lincoln lobby mt	✓	
M. CHRIS Imhoff	League of women voters of MT	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993

wp:visbcom.man

CS-14

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

State Administration

COMMITTEE

DATE 3-10

BILL NO. SB 249

SPONSOR(S)

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Emile Kimmel	Teton		✓
Amyta White	Pondera County		✓
NATHAN BREWER	Missoula & Macdo		✓
KEVIN PARKS	Missoula County		✓
Lucille Briggs	Lobby, Lincoln Mt.		✓
Lori Maloney	Butte-Silver Bow		✓
MILES BRIGGS	Lobby MT LINCOLN		✓
Louis Rhodes	Lobby MT LINCOLN		✓
Darrell Holzer	AFL-CIO		✓
Brad Martin	MT Demo Party		✓
Gary Faland	HD 88	✓	
Bob Gilbert	MT ASSN. CLERKS OF DISTRICT COURTS		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993

wp:visbcom.man

CS-14

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

State Administration COMMITTEE DATE 3-10

BILL NO. SB 301 SPONSOR(S) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Charles R. Brooks	Yellowstone County	✓	
W. James Kembel	City of Billings	✓	
Bob Anderson	MSBA		
Laurie Ekanger	Governor's Office	✓	
Don Judge	MT STATE AFL-CIO		oppose
Ed Blackman	Gallatin Co.	✓	Support

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993

wp:visbcom.man

CS-14