

MINUTES OF THE MEETING
FINANCE AND CLAIMS
MONTANA STATE SENATE

February 5, 1977

The fifth meeting of the Senate Finance and Claims Committee met on the above date in room 331 of the State Capitol. The meeting was called to order by Senator Thiessen at 8:06 A.M. Roll call was taken, attached.

Senator Thiessen asked Diana Dowling to explain Senate Bill 93.

Senate Bill 93. Diana Dowling said this was the yearly bond validating bill, that there was little difference except for a change in form which would make future years easier work. She said each year it becomes legally necessary to validate all bonds sold since the past session in case there should be a small legal technicality it is then covered. The changes are in calling a chapter "The bond validating act" and on page 2 where it says "to '77" will be changed in 79 to "to '79" and in section 5 between the present time and the time the bond became effective.

Motion by Senator Stevens, second by Senator Smith that SB 93 DO PASS. Voted, passed, vote attached.

Senator Boylan gave a report on his sub-committee. He said they have the SRS budget left and have not started to go into it as yet. He said many calls were coming in because the fiscal analysts' budget cut down from the executive budget the amount to go to child care. He said they have been working on Fish and Game and said since this was an experimental one they were still trying to understand it yet, but should give a much better handle on the budget in the future. He said while they were working on this budget someone called into Washington, and there is a possibility it could lead to an audit. He said this could lead to several funds being considered questionable and the state could be in financial trouble if the Federal funds were withdrawn. He said the areas involved were the "gray" areas where it was questionable and the legislature had taken a stand.

Senator Flynn and Senator Smith both discussed the sub-committee decision to have built in amount of money to take care of purchases or acquisitions by that department. The Fish and Game, for example have purchased land etc., and now want money to take care of it. They felt the parks etc. are under Fish and Game, and some of the money to care for them should come from the department and not all from the general fund.

Since Representative Marks did not show up House Bill 64 was explained by Rosie Weber, Legislative Council. Statement Attached.

Rosie explained that since the Allen Smith Company had provided the catch lines and the numbering of sections. The basics had been provided, but since he supplied appropriate section divisions and the catchlines to describe the sections he has claimed by copyright. If we do not purchase these, even with rewording them if one is missed it would be a court case.

Diana Dowling explained the new rules of evidence which supersede about 22 statutes. She said Dennis Clark was a staff person working with this, and the Legislative Council can hire him since he is familiar with the work at a cost comparative to hiring a novice since that would involve unfamiliarity with the work and much ground to go over again. He has promised to work with them to go through every evidence statute to see if it needs amending, etc.

Motion by Senator Fasbender, second by Senator Regan H. B. 64 be concurred in. Voted, passed, vote attached.

Senator Thiessen explained he had talked to Senator Story and since Senate Bill 50 had been heard in another committee, he would entertain a motion to kill the bill with the consent of Senator Story.

Motion by Senator Etchart, seconded and passed that Senate Bill 50 DO NOT PASS. Voted, passed, vote attached.

Senator Flynn gave a report on his sub-committee work. He said they were pretty well up to date and had finished the two easy ones, Swan and Glendive. He said he felt both of these institutions were good operations, but he would prefer not to report on feelings and attitudes of the committee until some policy had been voted on in committee.

Senator Thiessen announced if some of the Senators wished to tour the prison he would call the warden and set up time and transportation for about 1:30 on a Sunday.

Senator Regan gave a report on Elected Officials, but said no executive action had been taken by the committee at the present time. She said she felt agreement had been reached on the budget differences in regard to the Department of Administration, and the one area of growth was the Department of Justice. She said the law library is in sad shape and will require some money. The supplemental that the court has come in with bears some close looks and she felt there would be some modification downward in that area. She said her talks with the Supreme Court Justices looked like it would result in acceptance of the regular rather than the inflated mileage rates.

The committee discussed the possibility of pulling the mileage figures out of the budgets to try to get a handle on the escalating costs in this area.

Senator Himsl reported on the Education Committee. He said they had been meeting nearly every day with some segment of the educational system. He said while no concrete decisions had been made some things were starting to crystalize. He mentioned some temporary decisions but said he was not sure they would want to stick by them. He mentioned the \$450,000 to be paid in back pay at MSU because of the discrimination as determined by the court.

He said the commissioner of education had agreed to give the guidelines of what power the Legislators have in regard to the Department of Education. He said the court ruling was vague and almost impossible to determine. Senator Regan asked if it might be possible to ask the court for clarification before the budget were set.

Senator Roberts reported on Agency I, that it was running on schedule. He said they are pretty well through with Health and Environmental Sciences and are having a little difficulty with Aeronautics. He also mentioned the consolidation of the Economic Development Unit, the sub-committee close vote to wipe out the expanded funding and felt it was far from settled yet, but hoped to get the message across that it should be whittled down substantially. He said 1.7 million has been chopped off to date and they are only $\frac{1}{2}$ through the budgets.

The question of the new planes was raised, The King Air, the Queen Air, a new single engine plane, new motor feasibility on the Queen Air, etc. was discussed. State trips charged to the aeronautics board, and the refunding to the board by the departments involved was also discussed. Many felt it was a cheaper method of transportation than driving and motels.

The meeting was adjourned at 9:12 A.M.



SENATOR THIESSEN, Chairman

SENATE COMMITTEE

FINANCE AND CLAIMS

Date 2/5 H Bill No. 64

Time 8:37

NAME

YES

NO

Himsl, V.C.

✓ excused

Story

✓ absent

Etchart

✓ absent

Kolstad

✓ absent

Lockrem

✓ absent

Nelson

✓ absent

Smith

✓ absent

Stephens

✓ absent

Fasbender

✓ absent

Boylan

✓ absent

Flynn

✓ absent

Mehrens

✓ absent

Regan

✓ absent

Roberts

✓ absent

Thomas

✓ absent

Thiessen, Chairman

Secretary

Chairman

Motion:

SENATE COMMITTEE

FINANCE AND CLAIMS

Date _____

SBill No. 50Time 8:38

NAME _____

YES

NO

Himsl, V.C.

Story excused

Etchart

Kolstad

Lockrem absent

Nelson

Smith

Stephens

Fasbender

Boylan

Flynn

Mehrens

Regan

Roberts

Thomas

Thiessen, Chairman

Secretary _____

Chairman _____

Motion: _____

1-6

ROLL CALL
FINANCE AND CLAIMS COMMITTEE
45th LEGISLATIVE SESSION 1977

Date _____

NAME	PRESENT	ABSENT	EXCUSED
THIESSEN, CH	✓		
HIMSL, V.C.	✓		
STORY			✓ St. adm.
ETCHART	✓		
KOLSTAD	✓		
LOCKREM			
NELSON	✓		
SMITH	✓		
STEPHENS	✓		
FASBENDER	✓		
BOYLAN	✓		
FLYNN	✓		
MEHRENS			
REGAN	✓		
ROBERTS	✓		
THOMAS	✓		

STANDING COMMITTEE REPORT

- DO PASS
- DO NOT PASS
- BE CONCURRED IN
- BE NOT CONCURRED IN
- BE ADOPTED
- BE NOT ADOPTED
- BE HELD OVER

February 5

19 77

MR. PRESIDENT

We, your committee on FINANCE AND CLAIMS

having had under consideration

SENATE

Bill No. 93

Respectfully report as follows: That

SENATE

Bill No. 93

DO PASS
DO PASS

82

SENATOR THIESSEN

Chairman.

STANDING COMMITTEE REPORT

February 5.....19.....77

MR.PRESIDENT.....

We, your committee onFINANCE AND CLAIMS.....

having had under considerationHOUSE..... Bill No....64.....

Respectfully report as follows: That.....HOUSE..... Bill No....64.....

BE CONCURRED IN

be

DO PASS
XXXXXX

P.C.

STATE PUB. CO.
Helena, Mont.

SENATOR WHEESON

Chairman.

STANDING COMMITTEE REPORT

.....February 5.....19 77.....

MR.PRESIDENT.....

We, your committee onFINANCE AND CLAIMS.....

having had under considerationSENATE..... Bill No.50.....

Respectfully report as follows: That.....SENATE..... Bill No.50.....

DO NOT PASS
~~DO PASS~~

STATE PUB. CO.
Helena, Mont.

.....
SENATOR THIESSEN

Chairman.

HOUSE MEMBERS

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CHAIRMAN

FRANCIS BARDANOUVE

OSCAR KVAALEN

PAT MC KITTRICK

ROSE WEBER
EXECUTIVE DIRECTOR

ELEANOR ECK
ADMINISTRATIVE ASSISTANT

ROBERTA MOODY
DIRECTOR, LEGISLATIVE SERVICES



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SENATE MEMBERS

CARROLL GRAHAM
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CHEP BLAYLOCK

GLEN DRAKE

FRANK HAZELBAKER

DIANA DOWLING

DIRECTOR, LEGAL SERVICES;
CODE COMMISSIONER

ROBERT PERSON

DIRECTOR, RESEARCH

February 4, 1977

TO: Representative Bob Marks

FROM: Rosie Weber

RE: Background Information on HB 64

Section 1. A \$25,000 appropriation is requested to buy the copyright from Allen Smith Company on the catchlines, case notes, cross references, editor's notes, tables, indexes, annotations, and other text elements. Allen Smith Company has been publishing the Revised Codes of Montana since 1947 and has had complete control of the text.

In 1975, the Legislature created the position of Code Commissioner within the Office of the Legislative Council. The recodification project has been in process since adjournment of the 1975 session. Although it would be possible to change every catchline and rearrange every case note (summary of court cases affecting a particular code section), it would be more expedient and less expensive to purchase the copyright and then review the work of Allen Smith Company and make only those changes necessary. Many of the tables in Volume 1 are very valuable and would take many months to duplicate.

Section 2. An appropriation of \$245,133 was originally requested in House Bill 64. This supplemental is a direct cost of the recodification project.

At the time the legislature passed the 1975 Code Commissioner legislation, an appropriation was included in the Council appropriation to cover the preliminary work, the computer systems study, some software to provide additional capabilities in manipulating the text of 25,000 code sections plus all of the other text elements to be included in the final printing of the new Montana Codes Annotated.

Representative Bob Marks
February 4, 1977
Page Two

Two decisions made after that money was appropriated added considerably to the cost:

- (1) The Council decided to do the annotations in-house. A full-time attorney was added to the staff for this purpose.
- (2) The subject index is also being compiled in-house. Two full-time indexers, two part-time indexers (following adjournment, 1977), a full-time terminal operator, and rental of a terminal are required to do the indexing of the Codes.

An out-of-state company gave us a bid of \$200,000 for the indexing alone and said that it would be at least a year after publication of the Code before the index would be ready.

By annotating and indexing in Montana, we have employed Montanans instead of Indianans. In-house indexers are more aware of popular names, such as "open meetings," "tax reappraisal," etc., and will be able to give us a far superior index.

The \$245,133 is basically:

1/3 salaries and benefits

1/3 data processing and related costs

1/3 equipment rental, purchase of furniture for additional employees.

An additional \$2,500 was added in order to contract with an attorney to recodify and case note the Evidence Code. The Supreme Court passed new rules of Evidence in December, 1976. This effectively superceded 70 or more statutes but the Court did not issue a superceding order and plans to do no more work on the Evidence Title. The attorney who has worked with the Supreme Court for the last 2-1/2 years on the Rules of Evidence is available now for the next two or three months to do the necessary work in recodifying the Evidence statutes, recommending amendment or repeal, reading and case noting the many hundreds of cases, and eventually save us much more than \$2,500 in staff time if we had an inexperienced attorney do this work at a later date.