

January 19, 1979

The meeting was called to order by Chairman Brand at 9:00 a.m., roll call was taken with all members present.

SB 38-Sponsored by Sen. Story -- This is another little Code Commissioner bill. The Senate Committee examined this minutely. I will leave a copy of this review with you (see Attachment #1). We found no zingers in it.

NO PROPONENTS OR OPPONENTS

HB 51-Sponsored by Rep. Donaldson -- As you are well aware, the employee contributes to PERS and can get this when he terminates. At termination, if the employee has anything of value to the state, we can take the money from his contributions. Page 2, line 14: "it shall be signed by both the employer and the member" - this mandates that any money withheld shall be agreed to by both parties, so both have to work with this.

LARRY NACHTSHEIM-PERS Administrator -- (See Attachment #2 for his essential testimony) What we are trying to do is expedite the whole process so that the employer can't hold up an employee's money for unknown reasons -- both people have to participate in this agreement. The employee may not have the money to pay a claim against him, but has \$800 in PERS -- so if we can get his money through that we can pay the claim.

TOM SCHNEIDER-Montana Public Employees Association -- We would support the bill because it is a mutual agreement. The employee can't enter in unless he fully agrees. Up to now there's been the potential for the situation to polarize due to ill feelings, so this will expedite the whole thing.

NO OPPONENTS

SALES-Would this extend to delinquent taxes owed? NACHTSHEIM-I don't think that would be an issue here. The Department of Revenue has their own way of collecting taxes.

HB 186-Sponsored by Rep. Bardonoue -- I want to propose a major amendment before I get into this: I want to strike all of Section 3 and make the necessary title amendments. As it is written, there are two subjects mentioned and that is improper; so we are making this a one subject bill and therefore simplifying it. Four years ago we transferred the Budget Office to the Governor's Office but this part of the law was overlooked. The allotment system wasn't transferred with the rest, so this takes care of that. This doesn't change the quarterly allotment program -- which controls the expenditures of a department -- if the department is overspending, they can cut the allotment so the department only gets 1/4 of their budget rather than the full one.

GEORGE BOUSLIMAN-Budget Director -- We support this and requested that it be introduced.

TOM SCHNEIDER-MPES -- We really don't care now, but we want the bill amended or we will be adamantly opposed. If he wanted to repeal Section 3 we could feel better about it.

NO OPPONENTS

HB 187-Sponsored by Rep. Bardanouve -- This would save a little money. The present law requires annual reports and often times they are just filed away and forgotten. So this makes it only every two years and reduces the paper flow in the Capitol and covers the subject matter contained in annual reports. It would save paper, distribution costs, employee time, etc. I couldn't find anything wrong with the bill and wanted to sponsor it.

GEORGE BOUSLIMAN-Budget Director -- The cost is \$1400 for printing, but the real cost is with the agency and Budget Office staff time which could be used in other ways. We support this.

NO OPPONENTS

McBRIDE-In line 13 - if we meet in the odd-numbered years, this information would be a year & 1/2 old before we saw it. BOUSLIMAN-You would get the budget book on odd-numbered years and get the Governor's Biennial Report in even-numbered years, so we don't hit you every other year with two big documents. Right now the governor's annual isn't on your desk because we had to get the budget book out. BARDANOUE-I find that in the legislative year I get so many reports that it's usually six months after the session that I even get to read them. In the off-year I have much more time to read. DONALDSON-Well doesn't this odd-numbered thing relate more directly to the biennial period? SALES-The biennium will be July 1, and the report will be out in September - we won't meet for another year and 1/2. On page 2, lines 6, 7, and 8 "prepare a report for submission to the Legislature" -- "before the start of the session" has been stricken, why? BARDANOUE-If you want a report at the start of the session, I suppose the Budget Office will do it, but I doubt that very many of the members will read it. BOUSLIMAN-If you feel it to be important for you when you come to the session, we will do that. The most important thing is to make it biennial, but we can live with it in either year. Under the present bill it would be sent to you in January of every even numbered year and show the previous year. MAGONE-Then, a new Legislator would not receive this? BOUSLIMAN-Right. MAGONE-If I do not choose to run or am defeated, my copy would be useless. BARDANOUE-The Budget Office could make a policy to send out the report to the newly elected legislators. BOUSLIMAN-Absolutely, we would be happy to do that. BRAND-I am disturbed because I think we should receive these just before we go into session; and you are deleting the sentence that says that we will receive it. BOUSLIMAN-What the drafter had in mind....when you aren't in session, you wouldn't be the "members assembled" -- so the report would be sent to your homes. BRAND-The committee would like these when they arrive here. BARDANOUE-I wouldn't object too much from a legislator's standpoint, but for the Budget Office that would put their workload double at the time they are trying to get the budget out. I wonder how many people read the report? STAIGMILLER-On page 1, line 13 - could we change "even-numbered"? BARDANOUE-The law requires that all departments submit their budgets to the budget office by August 15, and their workload gets really heavy. BRAND-Would you oppose having it on even-numbered years? BARDANOUE-I'm not opposed to anything. BRAND-Possibly getting it as soon as possible so we could get it around when we come to the legislature. FEDEA-If the workload is the issue, if you get this one year or the other, you still have an idea of how it's going. BOUSLIMAN-I sense the committee would like to have the report when you assemble and so I would offer an amendment - page 1, line 1 Strike: "odd" and Insert: "even" -- or "before even-numbered". At the close of each fiscal year the Governor should set a date for submission of department budgets. If you do change this, I want to move that September date back to

August so we could have some more time. Could I put together a suggested amendment?

O'CONNELL moves to hold the bill in committee for Bousliman's amendment, the motion is carried unanimously.

EXECUTIVE SESSION

SB 38-BARDANOUVE moves that the bill BE CONCURRED IN, motion carries unanimously. MAGONE moves to put SB 38 on the CONSENT CALENDAR, motion carries unanimously.

HB 51-O'CONNELL moves DO PASS, motion carries unanimously. FEDA moves that the bill be placed on the CONSENT CALENDAR.

BARDANOUVE-I wonder if the members would quite understand what we were doing without explaining this?

FEDA withdraws his motion for the Consent Calendar.

BARDANOUVE-I'm not an opponent of the Consent Calendar; but when I hear a member get up on the floor and only talk a few minutes, I know what the bill does.

O'CONNELL-I have to concur with Francis; I have heard from people in the gallery that they don't know what is going on -- but many people agree that these things should have at least a few minutes of explanation.

HB 186-O'CONNELL moves the amendment striking Section 3 and making the necessary title amendment, motion carries. KROPP moves AS AMENDED DO PASS, motion carries unanimously.

HB 187-BRAND-I'm going to put this in a subcommittee for the purposes of amendment.

BARDANOUVE-I have no strong feelings except that it will eliminate alot of paper and extraneous work. FEDA-What about one fiscal report - like the one we should have gotten this year and don't print another one for the year that just ended. BRAND-That's what the bill is trying to do but our problem seems to be the timing on the one report. DONALDSON-I like the way the bill is now because it will give you a good picture of the previous biennium. The printing is slight next to the work load on the agency and if you could slide it out for them I'm sure it would help.

JOHNSTON moves to adjourn, so moved and carried.

Adjourn: 10:00 a.m.



Joe Brand, Chairman



Nita Sierke, Secretary