

MINUTES OF THE MEETING
LEGISLATIVE APPROPRIATIONS COMMITTEE

February 14, 1979

7:30 P.M.

Room 104

State Capitol

Subject: HB. 211

507

122

123

472

117

The meeting was called to order at 7:35 P.M. by Chairman Francis Bardanouye. All members of the committee were present with the exception of Representatives Bengtson and Manuel. Representative Waldron was excused.

The first order of business was the presentation of House Bill 211. Representative Scully, the sponsor of the bill, explained the purpose of the legislation was to amend the salaries of Montana's elected officials. This bill was prepared from the findings of the Salary Commission.

There being no further proponents and no opponents to this legislation, Chairman Bardanouye stated that we will keep this record open and will recess the hearing on HB 211 until a subsequent meeting.

Pat McKittrick, representing the Montana Judges' Association, spoke in support of House Bill 507, which is also a bill to amend the salaries of the elected officials. This bill was drafted at the request of the Montana Judges' Association. Mr. McKittrick stated that the Montana Judges' Association is comprised of the District Judges, the Workmen's Compensation Judge, and the Supreme Court Justices throughout the state. He stated that this bill also includes the salaries of the elected officials. He went on to explain that the raises are based on President Carter's Guidelines explaining that the guidelines call for a 7% increase based on their present salaries. Mr. McKittrick also stated that the Montana Judges' Association would like to have the committee keep this bill open until the end of the session so that they will have an opportunity to see how the fiscal situation shapes up.

John Cavan, representing the Montana Judges' Association rose in support of this legislation. He also spoke in favor of House Bill 508 which deals with the same subject matter as House Bill 507. He listed the accomplishments of the Judges' association since the last session, stating that a number of appointments to the judiciary have been made since that time. He stated that there were considerable applicants for the positions that were available which gave the committee a larger field to choose from. He completed his testimony by stating that "The

from Montana are Dean Sullivan, the Dean of the Law School at the University; Alex Blewett, an Attorney from Great Falls and Diana Dowling, an Attorney from Helena.

At this point, Mr. Fabrega called on Mrs. Dowling for further explanation of this conference.

Mrs. Dowling stated that she is testifying on behalf of the committee tonight as a member of that committee. She stated that the commissioners do not want to hold the hearing open. She stated that Dean Sullivan and Mr. Blewett have been members of the committee for over 20 years and that she has been on the committee for over 3 years. She stated that this committee is comprised of competent attorneys from all over the country and she feels that Montana is getting a bargain in belonging to this conference for this price.

There were no opponents to this bill, and at this point Representative Fabrega closed.

Representative Kvaalen inquired if this appropriation is strictly for travel expenses.

Mr. Fabrega again explained the appropriation, giving the breakdown between the membership fee and expenses for travel, etc.

Representative Moore wondered about the difference in the appropriation for the two years.

Both Mr. Fabrega and Mrs. Dowling responded that it is for travel. Since they do not know where the conference will be held the second year of the biennium, they have requested an additional amount to be sure that there will be enough to cover their travel expenses.

Chairman Bardanouye closed the hearing on House Bill 472.

The Chairman then called on Representative Dussault who is the sponsor of House Bill 122. She explained that House Bill 122 asks for an appropriation of \$1,475.55 for the purpose of deacidifying and lamination of the original 1884, 1889, and 1972 Montana Constitutions.

J.D. Holmes, representing the Montana Institute of the Arts Foundation, spoke in favor of this bill, stating that they are interested in all things that will serve to preserve Montana's history. The institute feels that these 3 documents are the original documents and that they would be very important and invaluable to students looking up Montana's history in the future.

administration of justice is very costly. The measure of a society is how well it carries out that function."

Clyde Jarvis, representing the Public Service Commission spoke in favor of House Bill 507 rather than House Bill 211. Mr. Jarvis represents District No. 3 in the Public Service Commission. He explained the problem as he sees it is simply that the members of the Public Service Commission must maintain two residences, one being in Helena and the other in the community that they represent. He went on to enumerate the additional expenses that the commissioners incur in attempting to give their constituents good service. He urged the committee give the bill serious consideration.

The next proponent of House Bill 507 was Leonard Larson who is the Chief Deputy Secretary of State. Mr. Larson stated that because of merit raises and longevity pay, he is in actuality paid more than the Secretary of State. He feels that this is inappropriate and would like to see this situation corrected. He feels that the passage of House Bill 507 would correct this inequity.

There being no opponents to this legislation, Mr. Cavan closed.

There was some discussion between Representative Marks and Mr. Jarvis and Mr. Larson regarding the responsibilities of the Secretary of State and the Public Service Commissioners.

Representative Wood asked what basis they used for the salary increases.

Mr. Cavan explained that these are just the flat 7% per year increase during the biennium based on their present salaries.

Chairman Bardanouye then recessed the hearing and stated that when we receive the final testimony concerning this legislation, the committee will refer House Bills 507 and 508 to the subcommittee and they will make their recommendations.

Representative Fabrega, from House District 44, sponsored House Bill 472. He stated that the purpose of the bill is to appropriate \$12,200 for the National Conference of Commissioners on Uniform State Laws Program. He explained that this conference is held once a year and that it is comprised of very highly qualified people. The committee debates general legislative acts that should apply in most states. They have adopted more than 30 acts, and Mr. Fabrega went on to state a few of the acts that have been adopted. He explained that the appropriation of \$12,200 pays for the membership fee of \$3,100 per year and the balance is to cover traveling expenses for the three commissioners from Montana to attend the conference. He feels that it would be inappropriate for Montana to adopt the Act and not help fund the cost. He stated that the members of the conference

Ms. Dussault explained the 3 documents in detail and also showed the committee an example of the deacidifying and lamination process.

Representative Marks asked for a breakdown of the costs. Discussion followed on the costs of these processes and also on the matter of the transportation to Virginia where the work will be done.

There were no opponents to this legislation and the hearing on House Bill 122 was closed.

Representative Dussault then explained House Bill 123, stating that it also was requested by the Interim Subcommittee on Education. This bill would appropriate \$50,000 to establish a field acquisitions program in the Montana Historical Society for the biennium ending June 30, 1981. She explained that this appropriation would allow a qualified person to travel around the State to investigate and to locate historical documents that they suspect exist in the State. They feel that historical documents are extremely valuable to the State and they should be located and preserved if possible.

Representative Dussault called on Brian Cockhill representing the Montana Historical Society to further explain the bill. Mr. Cockhill spoke in favor of the legislation, stating that at the present time they do not do a systematic job of preserving things of historic value. They know that the material is around the state, and this bill would allow them to go out and search for the items that they know are around.

Sister Joeann Daley, representing the Montana Institute of Arts Foundation also spoke in support of this bill. She said that the foundation also feels that there is a great concern for the historical items of the state. She stated that they feel that before the items become lost it is necessary for us to preserve them if possible.

J.D. Holmes, Montana Institute of the Arts Foundation, rose in favor of House Bill 122.

There were no opponents of House Bill 122 and the hearing on that piece of legislation was closed.

Chairman Bardanouye called on Representative Menahan who is the sponsor of House Bill 117. Representative Menahan stated that this legislation would create a permanent legislative human services oversight committee and would provide an appropriation of \$31,000 for the biennium. He then presented Keith Colbo, the Director of SRS who spoke in favor of the bill. Mr. Colbo suggested that the bill be amended substituting the Department of SRS for Human Services Oversight Committee. He feels that this amendment would better the legislation.

Larry Zanto, the Director of Institutions, rose supporting the bill. He concurred in the recommendations of Mr. Colbo that the bill be amended. He also agreed with Mr. Colbo's thinking that it is too large a task for one committee. He stated that if the committee wanted to include institutions in the oversight committee, he would recommend that.

At this point there was discussion that if the bill were amended, that perhaps the legislature would become the advocate of the departments.

Representative Ellis, another proponent of this bill, stated that it was the policy of the committee that this bill would direct policy and oversee. He stated that the overall concept is viable and he fully supports the bill.

Mr. Zanto, speaking on behalf of Bill Warfield from the Mental Health Center, stated that Mr. Warfield also had expressed concern on the center's part; that if the committee were created as the bill proposes, that the legislature would become another advocacy.

Representative Lund, another proponent of the bill, spoke in favor of the legislation. He stated that he felt it was the oversight committee for the institutions. He stated that he feels the powers of the committee are very open-ended. He doesn't think there should just be SRS in the bill, he feels that the Department of Institutions should be included, also.

There were no opponents. Representative Menahan closed, stating that one of the problems they had was trying to get the services that they are spending the money for, before the people.

Representative Marks directed a question regarding the selection process. He stated that the selection of the appointments shall be made by the Chairmen of the respective committees. He feels there should be a uniformity in the selection of the committees.

Representative Menahan stated that he has no quarrel with that.

Representative Lund asked if Mr. Menahan would have any objection if this committee were to meet jointly.

Representative Menahan responded that this might be a good way to go. He stated that they could perhaps meet twice a year and go over their problems. Perhaps the two departments would be overlapping and could help each other.

General discussion followed regarding a possible Letter of Intent and the possibility of the legislature becoming an advocate of the committees. There was no further discussion on this bill, and Representative Bardanoue closed the hearing.

Chairman Bardanoue stated that an executive session would be held on these bills when it is possible to have all the witnesses available.

There being no further business, the meeting was adjourned at 9:15 P.M.

Chairman

Secretary