

March 2, 1979

Chairman Brand called the hearing to order at 9:00 a.m., Rep.'s Azzara and O'Connell were excused.

SB 74-Sponsored by Senator Himsl -- He submitted written testimony, see Attachment #1.

DR. PAT DOUGLAS-Investment Board Member -- She submitted written testimony, see Attachment #2.

DAVE LEWIS-Director, Department of Administration -- I concur that these people have a problem with this position and agree that they need more money.

DEAN ALBERT-Investment Board Chairman -- We ran a survey of comparative salaries in other states (see Attachment #3). We on the board feel we have an awesome responsibility in handline the state funds and our position is currently untenable.

HIMSL-There are over 300,000 positions in the Executive Branch that are exempt from the Pay Plan and so these two positions wouldn't make that much difference.

SALES-Do you think you have lost money in the past because of the salary range?

ALBERT-No, I don't think we have lost money, but we have lost good people.

BRAND-How many people aren't in the Pay Plan? LEWIS-375. BRAND-How many people are in it? LEWIS-13,000. HIMSL-Even though some of them aren't under the Pay Plan, their salaries are scaled according to the Plan. BRAND-How many people are employed here? HIMSL-Eleven, all of whom are under the Pay Plan. These two positions would be paid from the revenues generated by the Board.

SB 289-Sponsored by Senator Graham -- This is by request of the Department of Revenue. The stricken section of the bill contains language we no longer need.

LEON MESSLER-Liquor Division -- Their fees are determined at the bargaining table and they feel that unit sales are more reflective of what the store is doing.

NO OPPONENTS

BRAND-If you are taking it out of the AEC classification, are you going to have employees by the amount of money that goes out? MESSLER-There are currently seven classes but we haven't used this system since '72.

SB 28-Sponsored by Senator Story -- This is at the request of the Department of Health.

DUANE ROBERTSON-Chief of Solid Waste Program, Department of Health -- He submitted written testimony, see Attachment #4.

CARL ABLE-City of Great Falls -- This pay back stipulation does impare the intention of the original act.

MIKE STEVENS-Montana Association of Counties -- We feel this would assist counties

(STEVENS continued)-in implementing future projects.

EVA SPAULDING-League of Women Voters -- We supported the original bill in '77, and the original intent was that the loans be paid back but not the planning grants, which we feel was just an error in the rush -- that the intent didn't get across.

TOM DAWSON-Local Association of Health Officers & Lewis & Clark County Health Office -- We are getting an areawide solid waste study done in three counties. With the way the bill is, people aren't encouraged to implement their studies.

MARIE McALEER-Madison County Solid Waste Program -- She also spoke about the confusion and inconsistency caused by the present system.

JEANNE KNIGHT-Jefferson/Broadwater Sanitarian -- We don't think implementation will come about if this bill doesn't pass.

DAN MIZNER-League of Cities & Towns -- We support this and feel this is just trying to check some language put in in '77.

NO OPPONENTS

STORY-I was the one that tried to make this correction two years ago, and it gives me a warm feeling to see all these organizations with me now.

PORTER-How many communities have used this? ROBERTSON-95. PORTER-Do you think all these will implement this? ROBERTSON-I think we will have a very good showing. BENNETT-Didn't this money come from DNR or somewhere? ROBERTSON-Yes, it came from the Coal Tax. BENNETT-Wasn't there some \$2 million in that bill that was set up for loans? ROBERTSON-After the planning process, \$2 million was available for loans but due to this non-payback we no longer have the money available. That money in DNR hasn't been tied up for some reason. Local communities will invest in the implementation and they can create a refuse disposal district and charge for use. MAGONE-There will be more money put in in the future? ROBERTSON-If it turns out that we got good implementation, we will be back in two years.

SB 213-Sponsored by Senator Blaylock -- This was requested by the Secretary of State, and allows them to microfilm or photostat all their records, then the originals can be moved to the Historical Society. They are getting really cramped for room and if we can't get these things out of this office, we will have to build extra space.

BONNIE WALLAN-Secretary of State's Office, Chief, Executive Record Bureau -- What we are asking for is Legislative direction, which we haven't had since 1895 - the bill we operate was written then, and "keep and maintain" did not include microfilm or photostating. This bill would make such things admissible in court.

NO OPPONENTS

PORTER-Will you have this microfiche thing? WALLAN-I can't say what we anticipate. We want to study the processes available and which process would take care of what we have without adding staff or costing a lot of money; so we will come back in two

(WALLAN continued)-years to get the money. Once we have reproduced these we will go through the normal channels to get official permission to destroy or store the old ones. BRAND-Have you contacted other states to see what they do? WALLAN-We haven't yet because we felt we needed permission to even do that.

SB 146-Sponsored by Senator Thiessen -- This was an outgrowth of a problem with the Legislative Audit. There were five lots in the Capitol Complex whose legal papers could not be located and we want a central index program located in the Department of State Lands. The fiscal note calls for \$600 for some equipment. The bill mandates that State Lands will provide the service. The information will be public. I think this would be a great asset to the state. I hope you will support this.

JOHN NORRHEIM-Attorney for the Legislative Auditor -- This does not affect the authority to acquire or dispose of lands. This came out of the problem of fragmented ownership papers.

LEO BERRY-Commissioner of State Lands -- We support this. The bill primarily applies to other types of lands that other agencies may lease. It exempts the Highway Department because of the volume of right of way access they have, but it does include any building they lease, etc.

NO OPPONENTS

THIESSEN-The Highway Department isn't exempted entirely but only relative to highway construction.

PORTER-These records will be kept on microfilm or what? BERRY-We don't think we will have that great a volume of papers. We are microficheing the school trust documents but we think we can do this on index cards. SALES-So this would be a central index of all state lands? BERRY-There will be some duplication. We will have no administrative control but will only hold the records. Each department will have to keep their own deeds and abstracts and we will have simply an indexing system so that people looking for information can come to us and get the department they need and whether the state owns it.

SB 123-Sponsored by Senator Lowe -- This could just as easily have been a resolution. It continues an interim committee but it is kind of an orphan. A few years ago we had a session law pertaining to this. It asks for the continuation of the committee as a planning tool and asks for an expansion of its functions and duties. He explained the history of the committee. A master plan is not dynamic and must be changed as time goes along and the updating is why we believe the committee should continue. We believe this committee can fill a real need to continue checking on the long range development of the Capital Complex. We feel if one group makes all of these decisions it will make the thing work more comprehensively. I do think the Legislature should have a say in these things. We have no problems with DofA, but feel we should have more responsible input into the usage and planning of facilities in the Capitol. The committee would consist of two Senators, two Representatives, Phil Hawke, and one city/county planning board member

LARRY D'ARCY-Deputy Director, Department of Administration -- We heartily support this because it gives us an opportunity to establish a rapport with the Legislature

(D'ARCY continued)-in working together to make sure that the Executive Branch isn't gobbling all the space in the Capitol Complex. The people on the committee have been excellent. The most important part is to have the Legislative Branch involved in the planning process. The Executive Branch has always done this and has taken care of themselves.

NO OPPONENTS

LOWE-The repealers are quite extensive, but we thought with the new codes we should take care of that.

SJR 1-Sponsored by Senator Lowe -- This asks for the continuation of one of our projects that I feel can be extremely productive. This grew out of our interim committee and had rather discouraging results for awhile until our final meeting. We had 8 tribal leaders that came to that meeting and I felt we touched on a lot of things and that everyone was enthusiastic about it. There are lots of federal laws and treaties that we can't touch but there are things in our living together that we can deal with. When all the states were first offered jurisdiction, Montana was one of the 12 states that turned it down. We don't know exactly why, but it leaves us with the state having no jurisdiction and this puts us behind the 8 Ball to start with. Viewpoints were highly emotional and we proposed that this committee go on for this very reason. The tribes all have different types of governments. Every tribal leader was given a chance to speak his piece and they pinpointed a lot of things we thought could be productive: -reciprocity of court orders; -cities and counties don't provide services that some Indians are entitled to; -they want representation on some of our special services committees; -the cigarette tax; -Indians have a real problem getting credit because they have no clear title to property. We met with great enthusiasm from the Indians themselves. He then read a letter from the Intertribal Policy Board - see Attachment #5.

MIKE STEVENS-Montana Association of Counties -- We support this due to the complexity of the situation. As far as looking at this, these are community problems and the courts have tried to settle these things but they are community problems and for that reason we support this.

NO OPPONENTS

LOWE-I think the important thing is that there are many fringe areas that we can handle through this committee that don't get into federal law and I think we should continue with the effort.

McBRIDE-Why are there no Indians here? LOWE-The notice was short. (He received 72 hour notice. ns) BRAND-Don't you think you should supply Congress with this information about your problems instead of alienating them with language such as on lines 22 through 25? LOWE-Yes.

EXECUTIVE SESSION

SJF1-KANDUCH moved BE CONCURRED IN, which carried unanimously.

SB 28-JOHNSTON moved to amend "1978" to "1977", which carried; then moved AS AMEND

(SB 28 continued)-BE CONCURRED IN.

BENNETT-I'm almost positive that there's another bill that does the same thing - could we hold this and check on that bill? The committee assented.

SB 74-SMITH moved BE CONCURRED IN, which carried with Brand and McBride voting NO.

SB 123-BENNETT moved BE CONCURRED IN, which carried unanimously.

SB 213-MAGONE moved BE CONCURRED IN, which carried unanimously.

SB 146-PORTER moved BE CONCURRED IN, which carried unanimously.

SB 289-BAETH moved BE CONCURRED IN, which carried with Brand voting NO.

Adjourned: 11:15 a.m.

  
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Joe Brand, Chairman

  
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Nita Sierke, Secretary