

MINUTES OF THE MEETING
OF THE LEGISLATIVE APPROPRIATIONS COMMITTEE

April 6, 1979
8:30 p.m.
Room 104
State Capitol Building
Subject: Executive Session

The meeting was called to order at 8:30 p.m. by Chairman Francis Bardanouve. All members were present with the exception of Rep. Hurwitz who was absent. Also present was John LaFaver, Legislative Fiscal Analyst.

HOUSE JOINT RESOLUTION 64. Rep. Harper, District 30, Lewis and Clark County, presented HJR 64 of which he is sponsor. He explained that Rep. Bradley introduced legislation in the previous session carrying the concept of looking at more flexible arrangements for work. For example, the 10 hour work day. Rep. Harper felt this flexible work schedule is a very beneficial concept. The problem is the Bradley bill went ahead and did this with mandates.

He believed there are areas where studies do not accomplish anything, but this concept merits study. He believes this concept is important enough to enough people that it deserves to be studied. There are already people using it to a certain degree in the state.

This concept has some outstanding merits. You can shift people to meet the work load. You can lower personnel costs by not having to pay overtime. And, achieve higher productivity.

Pat Estenson, State Personnel Division, spoke in support of this bill, saying there is some job sharing going on presently. She presented written testimony and said the Personnel Division would provide any requested technical assistance to the Interim Committee in their study of Permanent Part-Time Employment and Flexible-Time Employment.

There were no opponents to HJR 64.

Rep. Hand asked how do you equate the benefits of such a program. Rep. Harper said studies have shown that a flexible-time work schedule increases productivity. When a person sets their hours, tardiness is reduced, and errands can be planned around work.

Rep. Marks asked if present policy precludes this from happening now. Would it take legislation to do this? It was explained that if they wanted 10 hour workdays, this would require legislation. However, there is nothing that precludes the flexible-time and the job sharing. Rep. Marks asked if there were problems with the labor organizations. Pat Estenson said there were no problems with the

labor organizations and went on to cite several state agencies that are now using this concept. Rep. Marks asked what could be gained by the study. Ms. Estenson explained that there is not much doubt that this will work, but if the legislature determines this will be a policy, we will have to make sure there are a certain number of jobs that will apply. They are going to have to create legislative awareness. There is also some resistance from the unions.

Rep. Wood said there seems to be no problem and why not do this now. It was said that it is hard for bureaucracies to accept new concepts.

Rep. Bengston asked specifically, what were they going to study and how much training is going to be involved. It was explained that they will have to determine the area and extent of present use of this policy and review what other states have done. They will have to determine which areas are most appropriate for this kind of work and review existing laws for barriers. And, finally, they will have to decide what the most feasible approach will be.

Rep. Hand asked if they foresaw a decrease in unemployment in the state. Rep. Harper thought this could have a large impact, especially in areas related to government.

Tom Schneider, Public Employees Association, said he thought the study was the way to go.

Rep. Wood asked if there were presently problems with PERS. It was said that most problems with this concept are in this area, but these are the details that will have to be worked out. Increased training in another problem.

The hearing was closed on HJR 64.

HOUSE BILL 508. Rep. South said this bill concerns the district judges salary and should be considered with HB 507, which deals with salaries for the elected officials. The Select Committee has recommended a 7% increase each year for the district judges, because their salary has not been raised since 1978. This works out to about a 4.6% increase over the three year period.

Rep. Waldron said he had conducted a comparative study with like states. He said that most of our elected officials are at the median level. Our District Court and Supreme Court judges are paid well above the median level.

Rep. South felt it was better not to tamper with one salary over another. It is too late in the session for this. He felt it would be better to give a rate increase to keep pace with inflation.

Rep. Marks asked if the Salary Commission deals with this. In answer, it was stated that there was another bill dealing with this that was never given great consideration.

April 6, 1979

Page 3

Rep. Waldron said another difference was with the Public Service Commissioners; they are about on median with other states. But, they have to maintain two homes and this should be a consideration. In other states they do not have to keep two homes.

SENATE BILL 319. Rep. Manuel said that in meeting with the Fiscal Analyst and Les Simkins, they discovered that part of the bill had been cut by the Senate. He offered an amendment with language that he would like to see put back in the bill.

This was discussed as to the context of the bill.

Rep. Marks moved Do Not Pass on SB 319. The motion carried with Representatives Manning, Manuel, Menahan and Bardanoue voting no.

HOUSE BILL 508. This bill has a fiscal impact of \$85,000 for 1980 and \$170,000 in 1981 with a 7% increase per year.

Rep. Menahan made the motion to give the judges the same raise as was given in the pay plan. Rep. South said this would be about 5%. In the past, middle management has been given 3% to 5% increases each year. He did not think this was fair. This state is not comparative in middle management jobs.

Rep. Menahan withdrew his motion.

Rep. Moore proposed that the committee take care of HB 211 first, and moved Do Not Pass on HB 211. This motion carried on a voice vote. Rep. Hurwitz was not present.

Rep. South moved Do Pass on HB 508.

As a substitute motion, Rep. Moore moved to raise the salary of the District Court Judges to \$37,000 for 1980 and \$39,000 for 1981.

Rep. Waldron said he could support this motion.

Rep. Marks did not support the \$10,000 raise between the years 1974 and 1977 which this move represented. He did not think they needed a raise at all.

Rep. Moore fully supported the \$10,000 raise, saying they did need it to catch up. But, he felt the \$5,000 raise over two years was too much and this was the reason for his motion.

Rep. Lund asked how the committee could justify setting the same salary for District Court Judges as for the Governor.

Rep. Marks made a substitute motion for all motions pending, to increase the salary for the District Court Judges \$1,000 each year. The question was called and the motion failed with Representatives Ellis, Gesek, Hand, Marks and Wood voting yes.

April 6, 1979
Page 4

The committee then reverted to Rep. Moore's substitute motion.

Rep. Ellis was concerned about the inequity of the judges work loads.

Rep. Waldron said his study showed the disparity of the case loads. He said that presently, the case loads have decreased in some areas and yet the number of judges has increased. Some of the judges travel great distances and there is no relationship between the amount of travel and the amount of case loads.

The question was called and Rep. Moore's motion carried with Representatives Marks, Menahan, South and Yardley voting no.

Rep. South amended his motion to Do Pass As Amended on HB 508. The question was called and the motion carried with Representatives Hand, Hurwitz, Marks and Wood voting no.

HOUSE BILL 507. Rep. South moved to amend HB 507 to include Legislators at step 5, grade 8. This amendment was recommended by the Select Committee. This would place the annual salary at \$11,662 for 1981, it is now \$9,525.

Rep. Moore suggested that the committee go down the bill one line at a time. He moved to set the Governor's salary at \$37,500 for 1980 and \$39,500 for 1981.

Rep. Waldron said it would seem logical to take a straight 7% increase. This would keep the Governor on the same median level with comparative states.

Rep. Moore withdrew his motion and changed it to say \$37,000 for 1980 and \$39,000 for 1981.

Representatives South and Bengston both said they would oppose this motion, saying the committee was being unduly harsh on the elected officials.

Rep. Manning made the motion to accept the original figure presently in the bill. The question was called and the motion carried with Representatives Marks, Moore and Wood voting no.

Rep. Moore moved to set the Chief Justice of the Supreme Court at \$39,000 for 1980 and \$41,000 for 1981.

Rep. Waldron said the median salary for the Chief Justice was \$34,000. But for low income states, this is right on the median level. He would support this motion.

Rep. Yardley said he would oppose this motion. He felt their work was more demanding and critical to justice than the District Judges.

The question was called and the motion carried with Rep. Yardley voting no.

April 6, 1979

Page 5

Rep. Moore moved to set the salary for the Justices of the Supreme Court at \$38,000 for 1980 and \$40,000 for 1981. The question was called and the motion carried with Rep. Yardley voting no.

Rep. Moore moved to set the salary for the Attorney General at \$34,500 for 1980 and \$36,500 for 1981.

Rep. Hand made the substitute motion to raise their salary \$1,500 each year. He then withdrew his motion.

The question was called on Rep. Moore's motion. The motion carried with Rep. Hand and Rep. Yardley voting no.

Rep. Moore moved to set the State Auditor's salary at \$24,500 for 1980 and \$26,500 for 1981.

Rep. Waldron said this was right at the median level, but thought an inflation percentage increase would be more proper.

The question was called and the motion carried with Rep. Gesek voting no and Rep. Bengston abstaining.

Rep. Gesek could not understand the reasoning for making the \$2,000 a year raises. She wondered why the committee didn't use percentages.

Rep. Moore moved to accept the figures in the bill for the Superintendent of Public Instruction; \$29,400 for 1980 and \$31,500 for 1981. The motion carried on a voice vote with no one voting no. Representatives Hurwitz and Menahan were absent.

Rep. Manning moved to accept the Public Service Commission salary as it is in the bill.

Rep. Marks was against this motion, saying he could not see why this office ought to get more than the Secretary of State and the State Auditor. This office does not even run statewide.

Rep. Marks made the substitute motion to keep the Public Service Commissioners at \$25,000 both years of the biennium. He then amended his motion to increase the salary \$1,000 per year; \$26,000 for 1980 and \$27,000 for 1981. The question was called and the motion failed with Representatives Ellis, Hand, Kvaalen, Lund, Marks, Moore and Wood voting no.

Reverting to the original motion, the motion carried on a voice vote with Representatives Ellis, Marks and Moore voting no.

Rep. Moore moved to set the Secretary of State salary at \$24,500 for 1980 and \$26,500 for 1981. The question was called and the motion carried unanimously.

Rep. Kvaalen moved to accept the figures listed in the bill for the Clerk of the Supreme Court; \$21,875 for 1980 and \$23,750 for 1981.

April 6, 1979

Page 6

Rep. Manning made the substitute motion to increase the salary \$2,000 each year, \$22,000 for 1980 and \$24,000 for 1981. The question was called and the motion carried unanimously.

Rep. South said the Legislators salary was \$31.62 per day in 1977 and \$34.98 per day in 1979 which is a 5% increase each year. By 1981 the legislators will be making \$37.50 per day which is an increase of 3% over the biennium. Placing them at grade 8, step 5 would be \$42.08 per day in 1981. Grade 8, step 4, the state employees automatically get a 6% inflation increase before taking the step.

The Fiscal Impact of placing the Legislatores at grade 8, step 5 would be about \$67,500.

Rep. Waldron moved to place the legislators at grade 8, step 5.

Rep. Bengston did not feel they could give themselves that kind of a raise.

Rep. South said they need to get out of step 1. Step 2 would place them at \$39.50 a day with is a 6% increase per year.

Rep. Manning made the substitute motion to place the legislators at grade 8, step 2. The question was called and the motion failed with Representatives Ellis, Gesek, Hand, Kvaalen, Lund, Marks, Moore and Waldron voting no.

Rep. Waldron withdrew his motion. He then made the motion to place the legislators at grade 8, step 3 which is \$40.34 a day or about a 7% increase a year. The question was called and the motion failed with Representatives Manning, Menahan, Waldron and Yardley voting yes.

Rep. South said he did not think legislators who have alot of money to live on during the session were being fair to those who need the money. He said this was going to deprive the state of good legislators who cannot afford to take time from their jobs to come to Helena.

Rep. South moved to reconsider action on the salaries of the legislators. The question was called and the motion carried.

Rep. South moved to set the 1981 salary at grade 8, step 2. This would be \$39.50 a day or slightly less than a 6% increase. The question was called and the motion carried on a voice vote with Rep. Waldron voting no and Rep. Hurwitz absent.

Rep. Manning moved Do Pass As Amended on HB 507. The question was called and the motion carried with Rep. Wood voting no.

HOUSE BILL 386. Rep. Moore moved Do Pass on HB 386.

April 6, 1979

Page 7

Rep. South spoke to the fiscal note which is \$600,000 a year, saying this is low because the subcommittee made drastic cuts in their travel budget. This does not appropriate any money.

The question was called on Rep. Moore's motion. The motion carried with Rep. Bardanouve voting no.

HOUSE JOINT RESOLUTION 64. Rep. Manning moved Do Pass on HJR 64. The question was called and the motion carried with Representatives Moore and Wood voting no.

There was no further business, the meeting was adjourned at 11:00 p.m.

FRANCIS BARDANOUE, Chiarman

Mary Flanagan
Secretary