

STATE ADMINISTRATION
JANUARY 13, 1981
RM 436

The meeting of the House State Administration Committee was called to order by Chairman Jerry Feda at 8:00 a.m. on January 13, 1981. All members were present except Representative Azzara who was absent.

Chairman Feda opened the hearing on House Bill 37.

HOUSE BILL 37-SPONSOR, REPRESENTATIVE JOE BRAND, introduced the bill to the committee. The bill would abolish the office of the Legislative Fiscal Analyst and authorize the Legislative Council to employ a Budget Analyst.

PROPOSERS

There were no proposers testifying to HB 37.

OPPOSERS

SENATOR ED SMITH arose in opposition to HB 37. A copy of his prepared statement is attached and is EXHIBIT 2 of the minutes.

JUDY RIPPINGALE, Legislative Fiscal Analyst (acting), arose in opposition to the bill. She explained to the committee the functions of the fiscal analyst and the procedure of budget proposal preparation.

REPRESENTATIVE JACK MOORE, member of the Legislative Financial Office, stated his opposition to HB 37.

REPRESENTATIVE ART LUND arose in opposition to HB 37. He said that he had served on the Appropriations committee when they did not have the service of the Legislative Fiscal Analyst. He said that it is much easier now and the office is of great help to the committees. He said that the first year of the Fiscal Analyst Office they trimmed six million dollars off the executive budget.

There were no other opposers to HB 37.

Chairman Feda opened the hearing to questions from the committee.

Representative Spilker said that she did not support the bill, however she felt that Representative Brand had some legitimate points. She said that some of the branches of the legislature such as the Legislative Council, Finance Committee and the Legislative Auditors have

become so autonomous that there is no coordination among the Legislators. Another problem she stated, is getting a list of the reports to the Legislators so they know what is available. She also stated that there is a problem of revenue reviews being made totally independent of the Revenue Committee and the two Taxation Committees.

Further discussion followed.

Representative Brand closed the hearing on House Bill 37.

Chairman Feda opened the hearing on House Bill 66.

HOUSE BILL 66-SPONSOR REPRESENTATIVE BENNETT, explained the bill to the committee. The bill provides that when private property is taken for public use, under the right of eminent domain, the amount of compensation paid to the owner includes interest drawn at a rate of 10% per year from the date the summons is served rather than from the time the owner surrenders possession.

PROPOSERS

DALE MCGARVEY, attorney in Kalispell, gave testimony in support of HB 66. A copy of Mr. McGarvey's prepared statement is attached and is EXHIBIT 3 of the minutes.

Mr. Lundogn of Kalispell spoke in favor of the bill stating that he had personally experienced loss in a situation with his property.

OPPOSERS

DEATE GALDA, attorney for the Dept. of Highways, arose in opposition to HB 66. She said that the owner has use of the property until the day of possession. She said in many cases the owner would be getting extra compensation. They still have the income off the property until possession takes place and they would be getting the interest also. She said this bill could make the department of highways in a hurry to take possession and this could be detrimental to the owner.

There were no other opponents testifying on HB 66.

Chairman Feda opened the hearing to questions from the committee.

Discussion followed.

Included in the discussion on HB 66 was updated appraisals, how this situation is handled in other states and depreciation loss to the owner.

Representative Bennett closed the hearing on HB 66.

Chairman Feda opened the hearing on House Bill 72.

HOUSE BILL 72-SPONSOR, REPRESENTATIVE HAL HARPER, explained the bill to the committee. He said that presently 25 other states handle their primary election in this way. He said that when the primary is in June people get very tired of the campaign by the time the general election is held. He said there would probably be a better voter turn-out if this bill passes.

PROPONENTS

MR. GEORGE HARPER, citizen, arose and stated his support of the bill, concurring with Representative Harper.

OPPONENTS

DORRIS SHEPHERD, representing the Montana Assoc. of Counties and speaking for the Clerk & Recorders in Helena, arose in opposition to HB 72. She said that if the primary election date were moved up this would not give the Clerk & Recorders enough time to get the ballots printed.

There were no other opponents to HB 72.

Chairman Feda opened the hearing to questions from the committee.

Included in the discussion was the major changes made in the city primary two years ago. Also it was brought up that this bill does not cover the statutory law that deals with deadlines for filing etc.

Representative Harper closed the hearing on HB 72.

Chairman Feda opened the hearing on House Bill 83.

HOUSE BILL 83-SPONSOR, REPRESENTATIVE MEYER, introduced the bill to the committee. This bill excludes probation and parole officers from the provisions of the state classification plan, authorizes the Department of Insti-

tutions to administer a pay plan for these offices, creates a new classification system, and provides for a probationary period and for classifying existing officers. Representative Meyer passed out a copy of the Salary Settlement to the members of the committee. This is attached and is EXHIBIT 4 of the minutes.

PROPOSERS

SENATOR PAT RYAN, parole officer, gave testimony in favor of HB 83. He said that their department has lost many young people who establish their credentials and then move on because they cannot make enough money in this state. He stated the need for more parole officers in Montana and said that the alternative is to keep parolees in prisons. He felt that the high risk and technically 24 hours a day job deserves more money.

OPPOSERS

PATRICIA MOORE, representing the Dept. of Administration, appeared in opposition to the bill. She stated that it is the job of the dept. to maintain the classification system that the Legislature intended to be uniform. This bill, she stated, attempts to set aside a specific group of jobs and give them more money.

JOHN McEWEN, Dept. of Administration, Chief of Classification Bureau, gave testimony in opposition to HB 83. He said the jobs are classified by comparison of similar jobs at similar salaries. He said this bill could cause problems among other employees of the same classification.

CURT CHISHOLM, Dept. of Institutions, stated his opposition to HB 83. He said this bill exempts and makes a special classification for employees. He said that this problem should be worked out without a separate pay plan.

There were no other opponents testifying on House Bill 83.

Chairman Feda opened the hearing to questions from the committee.

Reclassification appeals was one topic of discussion. Representative Ryan was asked if there had been appeals in the past. He gave examples of appeals that had been going on for years but nothing had been solved.

Representative Meyer closed the hearing on House Bill 83.

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Chairman Feda opened the hearing on House Bill 87.

HOUSE BILL 87-SPONSOR, REPRESENTATIVE BURNETT, introduced the bill to the committee. A copy of his statement and proposed amendments is attached and is EXHIBIT 5 of the minutes.

PROPOSERS

WAYNE BUCHANON, Montana School Board Assoc., arose in support of HB 87 stating that he was mostly in favor of the amendments.

JES LONG stated his concurrence with Mr. Buchanon.

OPPOSERS

There were no opposers to House Bill 87.

Chairman Feda opened the hearing to questions from the committee.

Representative Burnett was asked if he would consider changing the "60%" to a lower percentage such as 51% and he said an amendment to that effect would be satisfactory to him.

Representative Burnett closed on House Bill 87.

EXECUTIVE SESSION

HOUSE BILL 37

DO NOT PASS

Representative Mueller made a motion that HB 37 DO NOT PASS. The motion was seconded by Representative Kropp. Following discussion, question being called, a vote was taken and carried unanimously that HOUSE BILL 37 DO NOT PASS.

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EXECUTIVE SESSION (CONT.)

HOUSE BILL 66

NO ACTION TAKEN

Representative Smith made the motion that HB 66 DO PASS. Representative Winslow seconded the motion. Following discussion, Representative Pistoria made a substitute motion, seconded by Representative O'Connell, that HB 66 be held in committee until further study of the bill could be made.

A vote was taken and carried unanimously to hold the bill.

HOUSE BILL 72

DO PASS

Representative Kropp moved that HOUSE BILL 72 DO PASS. Motion was seconded by Representative Briggs.

Representative Sales made a substitute motion that HB 72 DO NOT PASS. The motion was seconded by Representative Smith.

Representative Dussault spoke up in opposition to this motion.

Following discussion a roll call vote was taken. The motion to DO NOT PASS HB 72 failed with a 6 YES and 10 NO vote. The committee voted to reverse the vote.

HOUSE BILL 72 DO PASS - 10 YES 6 NO and 3 members not voting. Representatives that voted NO are: Feda, Mueller, Ryan, Sales, Smith and Winslow.

HOUSE BILL 83

DO NOT PASS

Representative O'Connell made a motion that HB 83 DO PASS. The motion was seconded.

Representative Mueller made a substitute motion that HB 83 DO NOT PASS. The motion was seconded by Representative Sales.

Following discussion, question called, a vote was taken and carried that HB 83 DO NOT PASS. All members present voted YES except. Representatives O'Connell and Pistoria who voted NO.

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EXECUTIVE SESSION (CONT.)

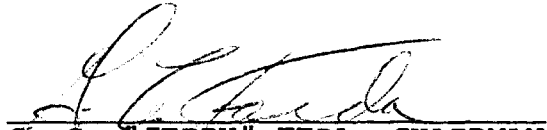
HOUSE BILL 87

NO ACTION TAKEN

It was the pleasure of the committee that House Bill 87 be held in committee for further deliberation and amendments.

A motion was made to adjourn. Meeting adjourned at 11:10 a.m. The next meeting will be Tuesday, January 14, 1981 at 8:00 a.m.

Respectfully submitted,



G. C. "JERRY" FEDA, CHAIRMAN

Cathy Martin-Secretary

HOUSE STATE ADMINISTRATION
BILL SUMMARIES
JANUARY 13, 1981

- HB 37 (BRAND): This bill abolishes the office of the Legislative Fiscal Analyst and authorizes the Legislative Council to employ a Budget Analyst to review the state government budget and to make recommendations to the Legislative Finance Committee, and to other legislative committees responsible for appropriation of public money.
- HB 66 (BENNETT): This bill provides that when private property is taken for public use, under the right of eminent domain, the amount of compensation paid to the owner includes interest drawn at a rate of 10% per year from the date the summons is served rather than from the time the owner surrenders possession.
- HB 72 (HARPER): This bill changes the date for the primary election held in even-numbered years, before the general election, from the first Tuesday after the first Monday in June to the First Tuesday after the second Monday in September. The presidential primary will be held on the first Tuesday after the first Monday in June under the provisions of this bill.
- HB 83 (MEYER): This bill excludes probation and parole officers from the provisions of the state classification plan, authorizes the Department of Institutions to administer a pay plan for these offices, creates a new classification system, and provides for a probationary period and for classifying existing officers.
- HB 87 (BURNETT): With respect to county, municipal, and water, sewer, hospital, and school district mill levy questions, 51% of electors qualified to vote in these jurisdictions must vote on the questions and 60% of these voters must vote in favor of the questions for the levies to pass.

Mr. Chairman, Members of the Committee:

I am Senator Ed Smith, Chairman of the Legislative Finance Committee. I have been directed by the 12 member, bi-partisan committee to appear in opposition to HB 37.

I am sure the committee will have questions so I have brought Judy Rippingale, acting fiscal analyst to assist me in providing additional information. I am sure other Finance Committee members will testify also.

To give you some background as to my involvement and others I would like to mention I have served on the Finance Committee since its creation in 1975.

We have had the honor of having Representative Francis Bardanoue, Senator Mathers and Representative South serve as Chairman of this committee.

This committee is bi-partisan and has made every effort to operate in the best interest of all Legislators and Montana citizens.

This office was created to fill a need for financial information so Legislators could make funding and program decisions independent of the Governor's budget. The legislature needed an independent assessment of finances and program benefits in order to have enough knowledge to set legislative priorities rather than slightly modifying the Governor's budget. The staff employed by the Finance Committee has given every Legislator access to information without being swayed by political or program interests.

During the interim, the staff watches the financial transactions. They report to the Legislative Finance Committee when budget amendments are approved by the executive.

The staff notes when these budget amendments will impact the direction state government is taking on various programs or if they are conforming to the budget amendment criteria written in law. The committee - with the

staff work, has been an effective "watchdog" on state funds when the legislature is not in session.

In general, the legislative fiscal analyst's duties and performance is executive budget review, revenue review, analyzing cost impacts of proposed legislation, long-range financial planning, and post enactment review for legal compliance, actual performance and intent.

The last elections, both state and national, prove the citizens want fiscal responsibility - and accountability - this can only be done when we as Legislators have access to facts and figures such as those provided by the fiscal analyst and staff.

The Finance Committee feels that the fiscal analyst office has given the Montana Legislative leaders and the whole membership of the legislative bodies the information necessary to fully exercise the power and duties of the Legislative Branch of State Government.

H366

Law Offices of
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 745 South Main
 Kalispell, Montana 59901
 Telephone (406) 755-5092

Dale L. McGarvey
John A. Lence
Jon L. Herberting

January 9, 1981

of Counsel
John M. Schilly
Frank B. Morrison, Jr.

Honorable Gary Bennett
 Montana House of Representatives
 State Capitol
 Helena, MT 59601

Re: Interest Legislation

Dear Gary:

The points that must be made in support of interest in condemnation judgments are as follows:

1. From the date of the taking the landowners' rights are encumbered by a Notice of Lis Pendens.

2. From the date of the taking he cannot develop his property, he cannot lease his property, he cannot sell his property. The date of the taking is the date of the service of summons.

These are major rights that a landowner ordinarily has. In addition to that, the landowner has to pay taxes on the property, even though he cannot develop, lease or sell it.

In connection with the area between Columbia Falls and West Glacier, at least 10 takings have occurred, and in a lot of these cases the order putting plaintiff in possession has not come down, and will not come down until the new environmental impact statement is determined. A determination should be made as to a two- or four-lane highway. The landowners, in the meantime, do not know whether the highway will be two or four lanes, and they cannot even reasonably develop the remainder of their property.

Under these circumstances the least the state should be required to pay is interest if the state finally goes into possession. You will note that the bill simply states that only if there is an order of possession does the interest

► PUBLIC EMPLOYEES

ASSOCIATION

ASSOCIATION

1. Employees hired before July 1, 1975 shall receive a step increase on July 1 each year.
2. Employees hired between July 1, 1975 and July 1, 1978 shall receive a step increase on date of hire each year.
3. Employees hired after July 1, 1978 and before January 1, 1979 shall receive a step increase on July 1 of each year.
4. Employees hired after January 1, 1979 shall advance to step 2 on the completion of six months service and shall receive a step increase twelve months following that date. *Figures do not include health insurance contribution.*

1979-1980 STATE SALARY MATRIX

[illegible]

1980-1981 STATE SALARY MATRIX

[illegible]

James H. Burnett
Seat 29
District 71

House Bill 87

It was not my intent to include school districts in my proposal.

The intent is to offer some protection to property taxpayers. Since the Supreme Court has ruled that everyone can vote, both property taxpayers and non-taxpayers have the right to vote on bond issues, yet only the property taxpayer is obligated to pay the cost. Also, since the advent of allowing the 18-year-olds to vote has increased the non-taxpayer numbers, it is imperative that the percentages of registered participation be increased.

Therefore I feel it is fair to raise the participation percentage to a majority of registered voters.

Realistically--about 20% or more in most elections will be non-taxpayers, therefore, with the proposed formula 30% or less will be property taxpayers.

In reality it should make mill levies easier to pass if the property isn't carrying such a big burden.

JHB/lt

AMENDMENTS TO HB 87

1. Title, line 5.
Following: "county,"
Strike: "school district,"
2. Title, lines 5 and 6.
Following: "District"
Strike: "mill levy"
Insert: "bond"
3. Page 4, line 22.
Strike: "sections 5 through 8 in their entirety"

VISITORS' REGISTER

HOUSE St. John COMMITTEE

COMMITTEE

PULL HB 87

Date 1-13

SPONSOR _____

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE

COMMITTEE

FILE ST AB 83

Date 1-13

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE

St. Adam.

COMMITTEE

LL

H366

Date

1-13

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE

COMMITTEE

 τ_{LL}

Date _____

SPONSOR.

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE St. Adm COMMITTEE

FILE H3 72

Date 1-13

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.