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.

PROPONENTS

There were no proponents testifying to HB 37.

OPPONENTS

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 opponents 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 Committies.

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.

PROPONENTS

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

OPPONENTS

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.

PROPONENTS

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.

OPPONENTS

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 amoung 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.

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.

PROPONENTS

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.

OPPONENTS

There were no opponents 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.

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.

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 Bardanouve,

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 Legis-lators 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 Mc Garvey, Lence V Seberling 145 South Main Kalupell, Montana 59901 Tolophono (406) 155-5092

Dalo L. McGarwy John A. Lenco Jen L. Goberling

January 9, 1981

of Lounsel John M. Schilly Frank B. Morrison, Sc

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:

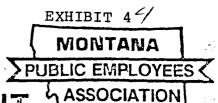
- 1. From the date of the taking the landowners' rights are encumbered by a Notice of Lis Pendens.
- 2. From the date of the taking he cannot develop his property, he cannot lease his property, he cannot sell his property. The date of the taking is the date of the service of summons.

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

Compliments of the Montana Public Employees Association....



SALARY SETTLEMENT

Pay Rules:

- 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

· GF	STE		EP)2	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07	STEP 08	STEP 09	STEP 10	STEP 11	STEP 12	STEP 13	
	5,2	92 5,	586	5,710	5,836	5,965	6,096	6,230	6,367	6,506	6,648	6,793	6,941	7,092	
	2 5,7°		029	6,162	6,297	6,435	6,576	6,720	6,866	7,015	7,167	7,322	7,480	7,642	
;	3 6,17	'4 6,	512	6,654	6,799	6,947	7,098	7,252	7,409	7,569	7,732	7,899	8,069	8,242	
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. :	5 7,2	28 7,	619	7,783	7,951	8,122	8,296	8,474	8,655	8,840	9,029	9,222	9,418	9,618	
. €	5 7,83	3 8 ,	255	8,432	8,613	8,797	8, 985	9,177	9,373	9,572	9,775	9,983	10,195	10,411	
7	7 8,50)4 8,	959	9,150	9,345	9,544	9,747	9,954	10,165	10,380	10,600	10,824	10,052	11,285	
8	9,2	29 9 ,	720	9,926	10,137	10,352	10,571	10,794	11,022	11,254	11,491	11,733	11,980	12,232	
	10,00	32 10,	564	10,787	11,015	11,247	11,484	11,726	11,973	12,224	12,480	12,742	13,009	13,281	
10	10,9	3 11,	489	11,731	11,978	12,230	12,487	12,749	13,016	13,288	13,566	13,849	14,138	14,433	
11	11,87	4 12,	498	12,760	13,027	13,300	13,578	13,862	14,151	14,446	14,747	15,054	15.367	15,686	
12	12,9	1 13,	618	13,902	14,192	14,488	14,790	15,098	15,412	15,732	16,059	16,392	16,732	17,079	
13	14,09	9 14,	834	15,143	15,458	15,779	16,107	16,441	16,782	17,130	17,485	17,847	18,216	18,592	
14	15,44	3 16,	245	16,581	16,925	17,276	17,634	17,999	18,370	18,750	19,137	19,532	19,935	20,346	
15	16,84	5 17,	717	18,084	18,458	18,839	19,228	19,625	20,029	20,442	20,863	21,292	21,730	22,176	
16	18,39	3 19,	342	19,741	20,148	20,563	20,986	21,419	21,859	22,308	22,766	. 23,234	23,710	24,196	
~ 17	20,07	4 21,	108	21,542	21,9 85	22,437	22,897	23,367	23,847	24,336	24,835	25,343	25,862	26,391	
18	21,92	5 23,	052	23,525	24,007	24,500	25,002	25,515	26,038	26,570	27,114	27,669	28,234	28,811	
19	23,96	4 25,	192	25,708	26,235	26,771	27,319	27,878	28,448	29,028	29,621	30,225	30.841	30,841 -	
20	26,18	7 27,	527	28,090	28,664	29,249	29,845	30,455	31,076	31,709	32,355	33,014	33,014	33,014	
21	28,63	5 30,6	097	30,711	31,337	31,976	32,627	33,292	33,969	34,660	35,366	35,366	35,366	35,336	
22	31,32	0 32,9	916	33,586	34,269	34,967	35,678	36,404	37,144	37,899	37,899	37,899	37,899	37,899	
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24	37,48	6 39,3	390	40,190	41,006	41,838	42,687	43,553	43,553	43,553	43,553	43,553	43,553	43,553	
25	41,03	1 43,	113	43, 988	44,879	45,789	46,716	46,716	46,716	46,716	46,716	46,716	46,716	46,716	

1980-1981 STATE SALARY MATRIX

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GRD	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07	STEP 08	STEP 09	STEP 10	STEP 11	STEP 12	STEP 13
1	5,692	6,012	6,147	6,284	6,424	6,567	6,713	6,862	7,014	7,169	7,327	7,488	7,652
2	6,125	6,468	6,612	6,909	7,062	7,218	7,377	7,539	7,704	7,872	7,872	8,044	8,219
3	6,600	6,966	7,120	7,277	7,437	7,600	7,766	7,936	8,109	8,286	8,466	8,650	8,837
4	7,115	7,507	7,672	7,840	8.011	8,186	8,364	8,546	8,731	8,920	9,113	9,310	9,511
5	7,685	8,105	8,282	8,462	8,646	8,833	9,024	9,219	9,418	9,621	9,828	10,039	10.254
6	8,309	8,760	8 ,950	9,143	9,340	9,541	9,746	9,955	10,169	10,387	10,609	10,836	11,067
7	9,000	9,486	9 ,690	9,898	10,110	10,327	10,548	10,773	11,003	11,237	11,476	11,720	11.969
8	9,746	10,269	10,489	10,713	10,942	11,175	11,413	11,656	11,904	12,156	12,414	12,677	12,945
9	10,574	11,139	11,376	11,618	11,865	12,117	12,374	12,636	12,903	13,175	13,453	13,736	14,025
10	11,481	12,091	12,347	12,603	12,875	13,147	13,424	13,707	13,996	14,290	14,590	14,896	15,208
11	12,471	13,131	13,408	13,691	13,979	14,273	14,573	14,879	15,191	15,509	15,834	16,165	16,503
12	13,570	14,284	14,584	14,890	15,202	15,520	15,845	16,176	16.514	16,859	17,211	17,570	17,936
13	14,767	15,537	15,862	16,194	16,532	16,877	17,229	17,588	17,954	18,327	18,708	19,097	19,493
14	16,232	17,080	17,436	17,799	18,170	18,548	18,934	19,326	19,727	20,137	20,554	20,979	21,413
15	17,684	18,604	18,991	19,385	19,787	20,197	20,615	21,041	21,477	21,921	22,374	22.835	23.306
16	19,286	20,287	20,707	21,135	21,573	810,22	22,474	22,937	23,411	23,894	24,386	24,888	25,400
17	21,026	22,113	22,570	23,035	23,510	23.995	24,489	24,993	25,507	26,031	26,556	27,112	27.663
18	22,943	24,126	24,623	25.130	25,547	26,174	25,713	27,261	27,821	25,391	28,973	29,567	30,173
19	25,053	26,342	26,883	27,435	27,999	28,574	29,160	29,758	30,368	30.990	31,624	32,271	32.271
20	27.054	28,758	29,348	29,949	30.562	31,187	31,825	22,476	33,139	33,816	34,507	34,507	34.507
21	29,888	31,419	32.052	32,717	33.386	34,067	34,783	35.473	35.198	36,936	35,935	36,935	36,933
22	32,667	34.537	35.038	35,753	26,482	37,227	37,985	38,759	39,549	39.549	39,549	39,549	39,549
23	35,798	37.530	38,294	39,075	39,871	40,583	41,511	42,355	42,355	42,355	42,355	42,355	42.355
24	33,050	41,009	41.875	42,726	43.595	44,432	45,385	45,335	45.385	45.385	45,335	45,085	45.385
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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.

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"

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

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