STATE ADMINISTRATION
JANUARY 20, 1981
RM 436

The meeting of the House State Administration Committee was called to order at 8:00 a.m. on January 20, 1981 with Vice-Chairman Walter Sales presiding. All members were present except Representatives Azzara and O'Connell who were absent for the whole meeting and Representative Feda who was excused. Several members came in late.

The hearing was opened on House Bill 169.

HOUSE BILL 169-SPONSOR, Representative Pistoria, introduced the bill to the committee. This bill would require the Department of Institutions to bear the cost of a psychiatric examination for a defendant in a criminal case. Currently the counties are responsible for these costs. Representative Pistoria passed out copies of an expense report to Cascade County that he had prepared. A copy of this report is attached and is EXHIBIT 1 of the minutes.

PROPONENTS

BEVERLY GIBSON, Montana Assoc. of Counties, arose in support of HB 169. A copy of her written statement is attached and is EXHIBIT 2 of the minutes.

OPPONENTS

CURT CHISHOLM, Department of Institutions, appeared in opposition to HB 169. Mr. Chisholm suggested that the committee proceed with caution on this legislation because if passed, the department would be asked to bear the cost of an unanticipated number of psychiatric examinations. He agreed that the cost of these examinations is a great cost for the counties to bear but he stated, at the same time the money is reinvested in the general fund. He said that it would be very difficult to budget for this on a yearly basis.

Vice-Chairman Sales opened the hearing for questions from the committee.

Following questions from the committee, Representative Pistoria closed the hearing on HB 169.

HOUSE BILL 225-SPONSOR, Representative Ellison, introduced the bill to the committee. This bill proposes a constitutional amendment to provide that if the legislature is not in session when the Governor vetoes a bill, the Governor will return the bill to the Secretary of State, who will poll the members of both houses by mail to determine whether the legislators wish to override the veto. Presently the only way to override the Governors' veto is to call a special session, which has never been done due to the expense involved. This bill provides an inexpensive and convenient way to deal with the problem.

PROPONENTS

There were no proponents testifying on HB 225.

OPPONENTS

There were no opponents testifying on HB 225.

Chairman Sales opened for questions from the committee.

There were no questions from the committee.

Representative Ellison closed the hearing on House Bill 225.

HOUSE BILL 181-SPONSOR, Representative Moore, introduced the bill. Currently a fiscal note prepared by the Governor's Budget Director is not subject to review. This bill expands the Legislative Fiscal Analyst's duties to require the analyst to review all fiscal notes after they are prepared by the director. Upon request of a legislator, the analyst will also provide the background information used to develop the note.

PROPONENTS

BUDD GOULD, Representative from Missoula, arose and stated his support of HB 181. He said that state agencies are able to put great amounts of impact into the preparation of fiscal notes and they can blow them way out of proportion. This, he stated, can cause a legislator to vote against a bill that he may have voted for if the cost were lower.

OPPONENTS

DAVE LEWIS, Director of the Office of Budget Program & Planning, arose in opposition to HB 181. He stated that presently it is difficult to get a fiscal note prepared in time. If this bill passed it would add on an additional four (4) days making a total of ten (10) days to prepare a fiscal note. He proposed that the entire process be given to the Fiscal Analyst Office or as an alternative to the Legislative Auditors' Office. He felt this might eliminate some of the time problems.

The hearing was opened to questions from the committee.

Dick Dodge, Legislative Fiscal Analyst Office, answered some questions for the committee.

There was concern about the 10 day process. Mr. Lewis stated that each year there are more requests for fiscal notes and it would be very difficult to cut down the preparation time.

Representative Sales inquired about the cost of preparing all the fiscal notes. Mr. Lewis said that there would be no real "out of pocket-cost" since it is done by the present staff.

Representative Moore closed the hearing on House Bill 181.

HOUSE BILL 161-SPONSOR, Representative Gould, introduced this bill to the committee. This bill permits a department head to pay a cash incentive award to an employee whose suggestion or invention reduces the operating costs for state government. This award would equal 10% of the savings resulting from implementing the suggestion or invention for one year up to a maximum of $25,000.

PROPONENTS

TOM SCHNEIDER, Montana Public Employees' Assoc., stated his support of HB 161. He said this is something that other states are doing and many have saved alot of money from the suggestions of employees . He pointed out that it would not cost the state anything because the employee cannot be paid unless there is a savings to the state.

DAVE EVENSON, Director of the Personnel Division, State of Montana, arose in support of House Bill 161. He said that the Department of Administration was considering a similar program. He stated that an award system was a great way to motivate employees. He mentioned that there should be a review of any cash awards and also he thought the money limits should be lowered.

OPPONENTS

NADIEAN JENSEN, AFL-CIO, arose and stated that she could not support the bill as written because there are no safeguards built into the bill.

The hearing was opened to questions from the committee.

Representative Spilker asked what would be done in the case of an invention as far as the rights of the person to patent their invention.

Representative Gould said that once they had accepted the money from the state, the invention would be the property of the state.

Representative Phillips was concerned about the evaluation and payment of the rewards, such as who would determine the value etc.

Representative Gould closed the hearing on House Bill 161.

HOUSE BILL 163-SPONSOR, Representative Gould, introduced this bill to the committee. As stated in the bill summary, currently a member of a public pension plan may continue his group health insurance coverage until he becomes eligible for Medicare, and this coverage will continue for a surviving spouse or children as long as they are eligible for retirement benefits. This bill permits a legislator and his beneficiary to receive similar coverage. Representative Gould said that many other states are already doing this.

PROPONENTS

DAVE EVENSON, Department of Administration, arose and stated his support of House Bill 163.

OPPONENTS

There were no opponents to House Bill 163.

The hearing was opened to questions from the committee.

Representative Mueller asked Representative Gould if this would cost the state any money. The answer was no.

Representative Sales asked if this bill was retroactive.

Mr. Evenson said that it was not.

Representative Dussault asked Mr. Evenson what the cost of the state plan would be compared to other plans. Mr. Evenson said that the state plan would be much cheaper because of the number of employees in the plan.

Representative Gould closed the hearing on House Bill 163.

HOUSE BILL 166-SPONSOR, Representative Gould, introduced the bill to the committee. This bill permits the governor to designate up to two more business days as holidays per year. These designated holidays would be on the Monday before a holiday falling on a Tuesday and on the Friday after a holiday falling on a Thursday. Representative Gould said that during the holidays many employees come to work and sit idle. He said that with the cost of gas and utilities the state would probably save money by closing down on holidays. He said that there would be an additional cost to the state to pay State Hospital employees and other 24 hour facilities.

PROPONENTS

NADIEAN JENSEN, AFSCME, AFL-CIO, arose in support of House Bill 166. She stated that the bill should include all public employees (i.e., county, municipality and school districts).

TOM SCHNEIDER, Montana Public Employees' Assoc., stated that he felt the bill should include local government employees and the university employees. He felt there could be a substantial savings to the state if the universities could shut down during the holidays because

there is no school and if the employees did not have to work the facility could be shut down. He mentioned the high cost for utilities and gas and the fact that they are going up at a fast rate.

OPPONENTS

DAVE LEWIS, Office of Budget and Program Planning, arose in opposition to HB 166. He said that granting a day of vacation results in a continuation of wages, but means that the day's production is deferred to another day. He referred to the fiscal note, which is attached to the minutes. Mr. Lewis said that he was appearing in opposition to this bill at the request of the Governor. The Governor, according to Mr. Lewis, did not want the responsibility of determining which days would be taken off as holidays.

Representative Gould closed the hearing on House Bill 166.

There were no questions from the committee.

EXECUTIVE SESSION

HOUSE BILL 74 RECONSIDERED

A motion was made and seconded to reconsider action on House Bill 74. The motion carried unanimously.

Representative Dussault explained that after further consideration of the sub-committee, it was felt that they should have the opinion of more than one attorney.

House Bill 74 will be put back into the same sub-committee. (Sales, Mueller and Kanduch)

HOUSE BILL 117 RECONSIDERED

A motion was made to reconsider action taken on HB 117 (DO NOT PASS) on 1/15/81. Motion was seconded and carried unanimously.

HOUSE BILL 169 DO NOT PASS

Representative Kropp made a motion that HB 169 DO PASS. Motion was seconded by Representative Phillips.

EXECUTIVE SESSION (CONT.)

Following discussion, Representative Mueller made a sub-motion that House Bill 169 DO NOT PASS. The motion was seconded by Representative Winslow. Representative Mueller explained that the reason he could not vote for this bill was because the state might take advantage of the situation and spend alot more money than needed. He felt that the county would be more conservative if they knew they were accountable for the money.

Further discussion followed. Question being called, a roll call vote was taken and carried with 8 YES and 5 NO and 6 absent. HOUSE BILL 169 DO NOT PASS.

HOUSE BILL 225 — NO ACTION TAKEN

Representative Mueller moved that HB 225 be held in committee. The motion was seconded by Representative Ryan. A vote carried unanimously.

HOUSE BILL 181 — DO NOT PASS

Representative Dussault suggested that the bill be amended to say that the analyst would review all fiscal notes dealing with revenue and any others that a legislator may request. This idea was discussed and rejected.

Representative Mueller said that he did not feel this bill would solve the problem which is inaccurate fiscal notes.

Representative Briggs made a motion that HB 181 DO NOT PASS. The motion was seconded by Representative Mueller. Question being called a vote was taken and carried with 12 YES and 1 NO and 6 absent. Representative Phillips voted no.

HOUSE BILL 161 — PUT INTO SUB-COMMITTEE

The committee liked the concept of the bill but felt that there were many things that needed "tightening up". Representative Smith moved that HB 161 be put into a sub-committee. The motion was seconded by Representative Winslow. A vote was taken and carried with 12 YES and 1 NO. Representative Kropp voted NO. Representative Winslow will Chair the sub-committee with Representative's Dussault and Phillips as members.

EXECUTIVE SESSION (CONT.)

HOUSE BILL 163 — DO NOT PASS

Representative Kanduch made a motion that HB 163 DO PASS. The motion was seconded by Representative Briggs. Discussion followed. Representative Mueller felt that this bill provided a special option for legislators.

Representative Mueller made a sub-motion that HB 163 DO NOT PASS. Motion was seconded by Representative Phillips. A vote was taken and carried unanimously.

HOUSE BILL 166 — DO NOT PASS

Representative Winslow made a motion that HB 166 DO NOT PASS. Motion was seconded by Representative Kanduch. Question being called, a vote was taken and carried unanimously.

HOUSE BILL 138 — DO PASS AS AMENDED

Representative Dussault explained the amendments proposed by the sub-committee. A copy of these amendments is attached and is EXHIBIT 3 of the minutes.

Representative Briggs moved the amendments. The motion was seconded by Representative Kropp. A vote carried unanimously to accept the amendments.

Representative Kropp moved that HB 138 DO PASS AS AMENDED. Motion was seconded by Representative Phillips. Question being called, a vote was taken and carried unanimously.

A motion was made and seconded to adjourn at 10:30 a.m.

Respectfully submitted,

WALTER SALES, Vice Chairman

Cathy Martin-Secretary

1 EXHIBIT 1

By Paul G. Pistoria

FOR H.B. 169 - Expenses in 5 Months
TO Cascade Co.

July 1, 1980 - thru Nov. 30, 1980 -

Paid to

Department of Institutions	$6,425.76
North Central Mont Mental Health	550.00
Betsy [illegible]	257.50
Dr. Peter Winters	125.00
TOTAL	$7,358.28

Consultants & witness fees - 2,403.75

& Drs -
Richard Jarvis M.D. of Seattle - 968.00

Western Mont Clinic of Missoula 533.25

Investigation & witnesses - 1825.00

5 MONTH PERIOD $13,088.28

at this Rate it would be
for 12-Months $31,416

2617.65 or $2618 Per mo
5 | 13,088.28

12
5236
2618
$31,416
Total Per yr.

They should the Counties absorb expenses

STATE OF MONTANA

REQUEST NO. 89-81

FISCAL NOTE

Form BD-15

In compliance with a written request received January 14, 19 81, there is hereby submitted a Fiscal Note for House Bill 166 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation

An act permitting the Governor to designate additional holidays for state employees.

Assumptions

. Granting of a day of vacation results in a continuation of wages, but means that the day's services or production is deferred to another day or days.

. Total FY 1980 Personal Services costs for the state (including legislative, judicial, and university system agencies) was $237,950,988 according to the Montana Executive Budget - 1981-83.

. 260 paid days per year.

5% increase in personal services from FY 1980 to FY 1981, and 9% increase from FY 1981 to FY 1982 and from FY 1982 to FY 1983.

5. The following operations were identified as being operations that would not be deferred: All institutions; food service, maintenance and security in the University System, computer operations, security, and a few others in other agencies, and Department of Highway maintenance and construction personnel if weather conditions require.

iscal Impact

The fiscal impact of this measure if $0 because the amount of money now being paid as alary, will, under the terms of this measure, be paid as a benefit, holiday pay.

Exceptions to this exist in specific agencies where shifts must cover operations that annot be shut down. Specific agencies, funding, and estimated increases in costs due to vertime rates are shown below:

	FY 1982	FY 1983
. Department of Institutions (General Fund)	$51,000/day	$57,000/day
2. University Units (25% GF, 75% other funds)	12,700/day	14,250/day
. Other agencies (75% GF, 25% other funds)	5,000/day	5,000/day
. Highways (other funds) could not provide an estimate since the personal services required would depend on the weather or on the activity of contractors on the given day.		

David M Lewis

BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 1-17-81

Comments on HB 169

~~Beverly~~ Gibson
Mont. Assn. of Counties

In addition to my verbal testimony on this bill, at the request of Rep. Pistoria I offer the following information and comment:

Presently, counties must budget "on a guess" to try to anticipate cases requiring psychiatric evaluations, based on previous experience.

The district judge is not subject to county authority. Although the county reviews his budget, he has the final word; and if he goes over his anticipated budget, he may, through court order, spend more money.

The judge has the discretion to order evaluations "--- when there is reason to doubt the defendant's fitness to proceed ---" and he may send the defendant to a state-operated facility, a regional mental health center, or a private doctor, as <u>he</u> so decides. The county does not have the decision (or ability to follow "incentives" to use local resources"

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EXHIBIT 3

SUBCOMMITTEE'S PROPOSED AMENDMENTS TO HB 138:

1. Title, line 5.
   Following: "THE"
   Strike: "LICENSING"
   Insert: "RELOCATION TO A NONCONTIGUOUS SITE"

2. Title, line 6.
   Following: "SCHOOL"
   Strike: ""."
   Insert: "AND APPLYING THE 600 FOOT DISTANCE REQUIREMENT TO AN EXTENSION OF A LICENSEE'S PREMISES.""

3. Page 1, line 11.
   Following: "A"
   Strike: "No"
   Insert: "A"

4. Page 1, lines 12 and 13.
   Following: "~~his~~"
   Strike: remainder of line 12 through "whose" on line 13
   Insert: "licensee may not relocate his"

5. Page 1, line 13.
   Following: "premises"
   Strike: "are"
   Insert: "to a noncontiguous site"

6. Page 1.
   Following: line 19
   Insert: "If a licensee extends the original boundaries of his premises, the 600 foot distance requirement ~~shall~~ Must apply."

VISITORS' REGISTER

HOUSE S A COMMITTEE

BILL HB169 Date 1-20

SPONSOR

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPOS
Beverly Gibson	Helena	Mt. Assn. of Co's	✓	
[illegible]		[illegible]		-

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE St Ad COMMITTEE

BILL HB 166 Date 1-20

SPONSOR

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPOS
Dave Lewis		OBPP Governor		X
Madelain Jensen	Helena	AFSCME, AFL-CIO	X	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE S.A COMMITTEE

BILL HB 181 Date 1-22

SPONSOR

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPOS
Budd Gould		Dist 98	✓	
Dave Lewis		OBPP Governors office		✓

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

orm CS-34
-79

NAME Thomas E. Schneider BILL No. HB 161-166

ADDRESS Box 716 DATE 1/20/81

WHOM DO YOU REPRESENT MPSA

SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

HB-161-

HB-166 - Amend to cover University & Local Government employees.

orm CS-34
-79

NAME R. Madison Jensen BILL No. 166

ADDRESS Helena DATE 1/20/81

WHOM DO YOU REPRESENT AFSCME, AFL-CIO

SUPPORT X OPPOSE _____ AMEND X

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Include [redacted] all public employees (i.e., county, municipality and school districts)

VISITORS' REGISTER

HOUSE _____ COMMITTEE

BILL HB 161 Date _____

SPONSOR _____

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPOS
R. Madison Jones	Helena	AFSCME, AFL-CIO		X
David Fuller	Helena	Dept. Natural Res.	X	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

orm CS-34
-79

NAME R. Vadrean Jensen BILL No. 161

ADDRESS Helena DATE 1/20/81

WHOM DO YOU REPRESENT AFSCME, AFL-CIO

SUPPORT _____ OPPOSE X AMEND X

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

There are no safeguards built into HB161 To actually protect the employee who comes up with the idea or invention which saves the State money.