

STATE ADMINISTRATION
FEBRUARY 20, 1981
RM 436

The meeting of the House State Administration Committee was called to order at 7:00 a.m. on Friday, February 20, 1981, with Chairman Jerry Feda presiding. Members absent at the start of the meeting were Representatives Azzara, Kennerly, McBride and O'Connell.

EXECUTIVE SESSION

HOUSE BILL 730-hearing 2/19

DO NOT PASS

Representative Winslow made a DO NOT PASS motion. Discussion followed.

Representative Sales said that the important thing to remember is that Senator Brown said there is a bill in the Senate that would put these controls at the local level.

A vote was taken on the motion and carried with 12 YES, 2 NO and 5 members absent for this vote. Representatives Pistoria and Kanduch voted no. Representative Dussault was excused for this vote.

HOUSE BILL 733-hearing 2/19

DO NOT PASS

Representative Mueller moved a DO NOT PASS on HB 733. Discussion followed. Representative Kanduch said that he talked to the sponsor and they wanted to put an amendment in the bill. Representative Spilker said that the whole bill is bad and amending one section would not help.

A vote was taken on the motion and carried with 11 YES, 3 NO, 1 abstention and 4 absent. Representatives Holliday, Pistoria and Kanduch voted no. Representative Dussault abstained.

HOUSE BILL 752-hearing 2/19

DO NOT PASS

Representative Briggs made a DO PASS motion on HB 752. He said that there is no protection for the employer.

Representative Dussault made a substitute motion that HB 752 DO NOT PASS. Discussion followed. She said that from the testimony it was stated that employers win these cases as much or more than the employee.

Representative Briggs said that they still have all the expenses whether they win or lose, and even if the case is dropped there is a lot of expense to the employer.

EXECUTIVE SESSION (cont.)

HB 752

Representative Dussault said that to appeal all the Human Rights Acts in Montana because one area has problems, "makes me really angry".

Representative Sales said that the problem is within the commission. It is too easy to file a complaint. He said, we should get rid of the commission but keep the laws.

Representative McBride said that the commission does not accept complaints that they feel to be frivolous.

A vote was taken on the substitute motion DO NOT PASS. Motion carried with 13 YES, 4 NO and 1 absent. Representatives Smith, Kropp, Feda and Briggs voted no. Representative Ryan abstained and Representative O'Connell was absent. Representative Azzara left a proxy vote on HB 752.

HOUSE BILL 774-hearing 2/19

DO PASS

Representative Phillips said that he likes the concept of the bill but feel that this bill is too open ended.

Representative Winslow said that you have to encourage people to be outstanding.

Representative Smith moved a DO PASS on HB 774. A vote was taken and carried with 16 YES, 1 NO and 2 absent. Representative Pistoria voted no. Representatives Azzara and O'Connell were absent.

Representative Winslow moved that the committee adopt the statement of intent. A vote was taken and carried unanimously. A copy of the statement is attached to the minutes of 2/19/81 and is EXHIBIT 13.

SUBCOMMITTEE REPORT ON FIREFIGHTER BILLS

Representative Sales said that the committee has decided to consolidate all the bills into one bill. HB 674 will be used as the main bill. The subcommittee had a meeting with a group representing the firefighters and the League of Cities and Towns. Another meeting will be held Saturday, February 22, 1981, to get the bill drafted into final form.

The committee recommends that HB 555 be acted on separately.

EXECUTIVE SESSION (cont.)

HOUSE BILL 555-hearing 2/5/81

DO PASS

Representative Mueller made a DO PASS motion on HB 555.
A vote was taken and carried unanimously.

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At 8:00 a.m. Chairman Feda opened the meeting to a hearing on HB 558. Representative Azzara was absent and Representative Dussault was excused.

HOUSE BILL 558, SPONSOR, Representative Brown, introduced HB 558, which for the purpose of calculating salaries for deputy sheriffs and undersheriffs, defines "compensation" to mean the base rate of pay excluding any benefits or payments for hours worked overtime. Representative Brown said that there has been a problem, "catch 22 situation", because deputy sheriffs and undersheriffs are not allowed to make more than 90 or 95% of the sherrifs salary. This has been a problem concerning overtime. After they reach the 90 or 95% they must work without pay. This bill would simply eliminate the overtime from the rule.

PROPONENTS

JOHN SCULLY, MSPOA, stated that there is a bill in the Senate (SB 375) that is companion bill to HB 558. He requested that the committee amend HB 558 to include the issues in SB 375 because the Senate will not have time to act on SB 375. It is very important that the issues in that bill do not die. Representative Brown also requested that the two bills be combined.

CHUCK O'REILLY, MSPOA, arose and stated support of this bill with the proposed amendment.

CURT BETTY, MSPOA, stated support of the bill.

GARY SCHEIDECKEOR, MSPOA, stated support of HB 558.

OPPONENTS

There were no opponents to HB 558.

Representative Brown closed the hearing on HB 55. He submitted for the record, several letters in support of this legislation. They are attached and are EXHIBITS 4a through 4j of the minutes.

HOUSE BILL 786-SPONSOR, Representative O'Hara, introduced this bill which imposes a hiring freeze on state government agencies from January 1, 1982, through December 31, 1982. It also creates a five-member temporary hiring committee and provides staff assistance for the committee through the Legislative Council. The committee has the authority to grant exceptions to the hiring freeze. Any hires made after December 31, 1982, and before July 1, 1983, must be approved by the governor's budget director. Representative O'Hara passed out copies of proposed amendments to the committee. A copy is EXHIBIT 1 of the minutes.

PROPOSERS

KEITH ANDERSON, Montana Taxpayers Assoc., passed out an exhibit entitled "Growth of State General Fund Appropriations vs. Population & Total Personal Income". A copy is attached and is EXHIBIT 2 of the minutes.

GARY LANGLEY, Director, Governmental Relations Montana, NFIB, passed out a copy of the 1981 Montana State Ballot which he said showed that Montanans have consistently supported legislation of this type. A copy is attached and is EXHIBIT 3 of the minutes

OPPOSERS

LARRY FASBENDER, Governor's Office, stated that this type of legislation causes management problems for state government. He stated that this bill has constitutionality problems, adds to bureaucracy and does not solve the problem. He stated that some of the agencies have already implemented a hiring freeze. This decision should be up to the department head.

QUESTIONS BY THE COMMITTEE:

Winslow: Mr. Fasbender, you say it would be difficult to get this hiring committee together in case of emergencies.

Fasbender: It could take time to get the committee together and in the situation, for example, of hiring a snow plow in case of a big storm, there is no time to get a committee together to make this decision. It should be left up to the department head.

Representative O'Hara closed the hearing on HB 786 following discussion of the committee.

HOUSE BILL 788-SPONSOR, Representative Menahan, introduced HB 788 to the committee. This bill requires the state electrical Board to permit an applicant to take the license examination if he has completed an appropriate training program, completed the required apprenticeship program, and has worked in the electrical field for at least ten years, or is recommended by his employer. Representative Menahan passed out a proposed amendment to HB 788. A copy is attached and is EXHIBIT 5 of the minutes. He stated that many electrician's licenses have expired and the Board is not allowing them to take the test.

PROPOSERS

There were no proposers present to testify on HB 788.

OPPOSERS

There were no opposers present.

QUESTIONS BY THE COMMITTEE:

Mueller: Why has the Board denied these tests in the past?

Menahan: They are trying to limit the number of people in the trade.

McBride: It seems as if there may be a problem with the Board. Do you know when this board is due to be reviewed?

Menahan: I believe in 4 years.

McBride: Would you have any objection to a request for review of the Board?

Menahan: No, but I think it important to get this bill passed.

Representative Menahan closed the hearing on HB 788.

HOUSE BILL 792-SPONSOR, Representative Menahan, introduced HB 792 to the committee. The bill establishes a procedure for a local government that has experienced an industrial plant closure to petition the governor to declare the local government severely economically impacted. It also outlines criteria for the governor to make the declaration and permits him to declare surrounding local governments to be secondarily economically impacted. Following a gubernatorial declaration, the local governments designated in the declaration shall form local economic impact committees

HB 792 (cont.)

that are authorized to expand, loan, or invest funds allocated to them according to specific guidelines. The bill also provides for a joint meeting of all local committees within 30 days of the declaration of economic impact. There is a follow-up bill that will address appropriations for this legislation.

PROPONENTS

FORREST BOLES, Montana Chamber, stated that he would like to see the funding plan before giving full support of this bill.

REPRESENTATIVE KANDUCH, stated that Anaconda is really in need of this legislation.

OPPONENTS

There were no opponents present for HB 792.

QUESTIONS BY THE COMMITTEE:

Spilker: Did you say you would welcome any state agencies in the Anaconda area?

Menahan: We have Galen and Warm springs, about 500 state employees at the most. We would welcome anything that would help keep our town alive.

Spilker: How would this be funded?

Menahan: By a direct grant and a tax incentive program.

Sales: What happened to the bill that would open Anaconda to Casino gambling?

Menahan: That is something I would like to legislate in the future.

Representative Menahan closed by stating that this bill is not only to help Anaconda but many small communities in Montana that have suffered industrial disasters.

HOUSE BILL 789-SPONSOR, Representative Yardley, stated that this bill requires that the Montana state law library be located in Helena but removes the requirement that it be quartered in the capitol building.

HB 789

PROPONENTS

CLAIR ENGEL, State Law Librarian, stated that this bill is merely enabling legislation. They plan to move the library to the new building before next session. This new building is located about 2 blocks from the Capitol.

OPPONENTS

There were no opponents to HB 789.

QUESTIONS BY THE COMMITTEE:

There were no questions.

Representative Yardley closed the hearing on HB 789.

EXECUTIVE SESSION:

Representative Azzara was absent for this executive session.

HOUSE BILL 789

DO PASS

Representative Sales moved a DO PASS on HB 789. Question was called and a vote taken. Motion carried unanimously.

Representative Mueller made a motion that HB 789 be placed on the Consent Calendar. Motion carried unanimously.

HOUSE BILL 558

DO PASS AS AMENDED

Representative Mueller made a motion that HB 558 and SB 375 be consolidated. A vote was taken and carried with 17 YES and 1 NO. Representative Kropp voted no.

Representative Mueller moved a DO PASS AS AMENDED. A vote was taken and carried with 17 YES, 1 NO and 1 absent. Representative Kropp voted no. (see EXHIBIT 6 for amendments)

HOUSE BILL 786

DO PASS AS AMENDED

Representative O'Connell said that this is taking away the authority of the department heads and she moved a DO NOT PASS.

EXECUTIVE SESSION (cont.)

Representative Dussault said that we can not anticipate what will happen within the next two years and not to leave flexibility within the executive branch is foolish. All we are doing is giving the authority to a committee.

Representative Briggs said that he campaigned on the idea that he would help cut government spending and therefore must support this bill.

Representative Spilker made a motion to adopt the amendments. (see exhibit 1) A vote was taken and carried unanimously.

Representative Spilker moved a DO PASS AS AMENDED as a substitute motion. Discussion on the motion followed.

A roll call vote was taken and carried with 11 YES, 7 NO and 1 absent. See roll-call vote sheet for vote.

HOUSE BILL 788

DO PASS AS AMENDED

Discussion was held on the amendments to HB 788. (see exhibit 5) Representative Briggs moved the amendments. A vote carried unanimously.

Representative Mueller made a motion that HB 788 DO PASS AS AMENDED. The vote was unanimous with those present.

HOUSE BILL 792

DO PASS

Representative Mueller made a motion DO NOT PASS. He said that you do not solve the problem by throwing money at it.

Representative Spilker said that this bill only addresses the Anaconda area (industrial areas) and does not address other severely economically impacted areas.

Representative McBride stated that all this bill does is establish how the community can deal with the problem and nothing more. There is no appropriation in the bill. This would enable them to use the money if it became available.

Representative Kanduch made a substitutie motion DO PASS. A roll-call vote was taken and carried with 15 YES, 4 NO. Representatives Kropp, Mueller, Smith and Spilker voted no. Representative Azzara left a proxy vote of yes.

STATE ADMINISTRATION
FEBRUARY 20, 1981
Page 9

Chairman Feda said that the committee would hear the committee bill 816 if he could get it introduced. The hearing was set for Monday.*

Chairman Feda said that the committee would take executive action on the firefighter bills that were in the sub-committee on Monday 2/23/81.

A motion was made to adjourn at 11:30 a.m.

Respectfully submitted:



G. C. "JERRY" FEDA, Chairman

Cathy Martin-Secretary

* The hearing on Committee Bill 816 was canceled because introduction of the bill was too late.

Representative O'Hara
Page 2

AMENDMENTS TO HB 786

Page 1, line 23

Following: "executive"

Strike: ", judicial, or legislative"

Page 2, line 2 through 7

Strike: subsection (2) in its entirety

Insert: "(2) The committee consists of the budget director, the director of the department of administration, the commissioner of higher education, and two state employees appointed by the governor."

Page 2, line 20

Strike: Section 6 in its entirety.- Renumber subsequent sections.

Page 3, line 3

Following: "The"

Strike: "legislative council"

Insert: "office of budget and program planning."

Page 3, line 4

Following: "committee."

Strike: "The" and lines 5 through 8.

be amended as follows:

1. Title, line 5.

Following: "ON"

Insert: "CERTAIN"

2. Page 1, line 23.

Following: "executive"

Strike: ", judicial, or legislative"

3. Page 2, lines 2 through 7.

Following: "consists of" on line 2.

Strike: "remainder of subsection (2)"

Insert: "the budget director, the director of the department of administration, the commissioner of higher education, and two state employees appointed by the governor."

(continued)

DO PASS

STATE PUB. CO.
Helena, Mont.

G. C. "JERRY" FEDA

Chairman.

STATE ADMINISTRATION

AMENDMENTS HOUSE BILL 786

-2-

FEBRUARY 20,

81

19.....

4. Page 2, line 20 through line 2 on page 3.

Strike: section 6 in its entirety

Renumber: subsequent sections

5. Page 3, line 3.

Following: "The"

Strike: "legislative council"

Insert: "office of budget and program planning"

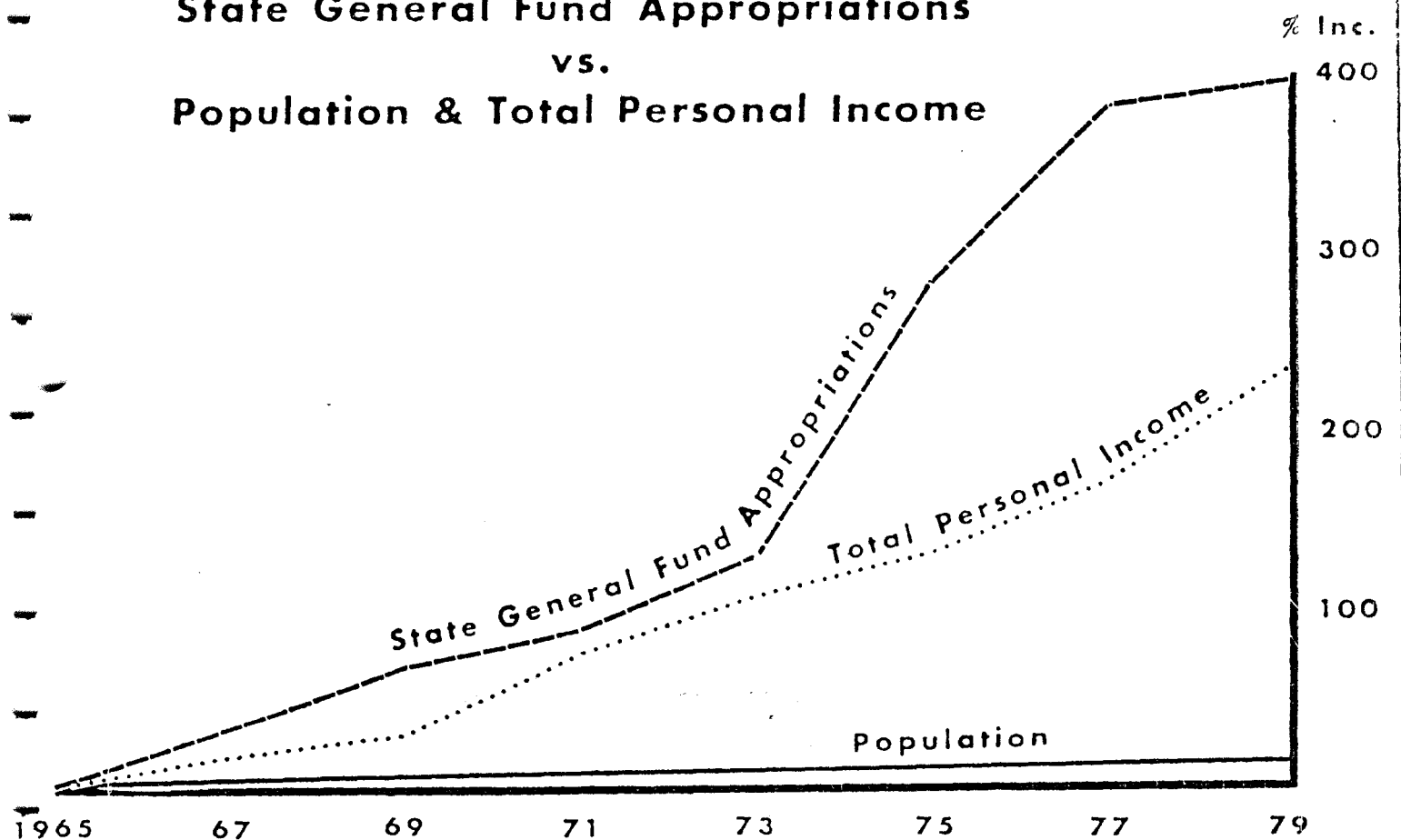
6. Page 3, lines 4 through 8.

Following: "committee."

Strike: remainder of section 7

DO PASS AS AMENDED

**Growth of
State General Fund Appropriations
vs.
Population & Total Personal Income**



STATE AND LOCAL FULL TIME EQUIVALENT EMPLOYMENT
PER 10,000 POPULATION, BY STATE, OCTOBER 1978

| State | State FTE Per 10,000 Employment | Rank | Local FTE Per 10,000 Employment | Rank |
|----------------|---------------------------------------|-----------------|---------------------------------------|-----------------|
| Alabama | 166 | 25 | 335 | 29 ^T |
| Alaska | 389 | 1 | 335 | 29 ^T |
| Arizona | 154 | 28 | 403 | 5 |
| Arkansas | 151 | 31 ^T | 298 | 39 |
| California | 109 | 46 | 380 | 11 |
| Colorado | 168 | 24 | 396 | 7 |
| Connecticut | 146 | 35 ^T | 287 | 45 ^T |
| Delaware | 250 | 3 | 291 | 43 |
| Florida | 119 | 42 ^T | 392 | 8 ^T |
| Georgia | 151 | 31 ^T | 397 | 6 |
| Hawaii | 383 | 2 | 138 | 50 |
| Idaho | 172 | 20 ^T | 343 | 28 |
| Illinois | 101 | 50 | 347 | 25 |
| Indiana | 115 | 44 | 333 | 31 ^T |
| Iowa | 149 | 34 | 355 | 19 ^T |
| Kansas | 162 | 26 | 373 | 12 |
| Kentucky | 170 | 23 | 267 | 48 ^T |
| Louisiana | 172 | 20 ^T | 352 | 22 ^T |
| Maine | 159 | 27 | 294 | 40 |
| Maryland | 184 | 12 ^T | 365 | 15 |
| Massachusetts | 125 | 41 | 352 | 22 ^T |
| Michigan | 130 | 39 | 357 | 17 |
| Minnesota | 133 | 37 | 358 | 16 |
| Mississippi | 153 | 29 ^T | 355 | 19 ^T |
| Missouri | 131 | 38 | 325 | 37 |
| Montana | 190 | 11 | 392 | 8 ^T |
| Nebraska | 180 | 16 ^T | 411 | 2 ^T |
| Nevada | 184 | 12 ^T | 418 | 1 |
| New Hampshire | 153 | 29 ^T | 292 | 41 ^T |
| New Jersey | 108 | 47 | 382 | 10 |
| New Mexico | 231 | 4 | 329 | 35 ^T |
| New York | 107 | 48 | 411 | 2 ^T |
| North Carolina | 151 | 31 ^T | 344 | 27 |
| North Dakota | 179 | 18 | 315 | 38 |
| Ohio | 104 | 49 | 332 | 33 ^T |
| Oklahoma | 176 | 19 | 329 | 35 ^T |
| Oregon | 172 | 20 ^T | 368 | 14 |
| Pennsylvania | 112 | 45 | 292 | 41 ^T |
| Rhode Island | 201 | 10 | 270 | 47 |
| South Carolina | 202 | 9 | 355 | 19 ^T |
| South Dakota | 182 | 15 | 333 | 31 |
| Tennessee | 146 | 35 ^T | 346 | 26 |
| Texas | 127 | 40 | 372 | 13 |
| Utah | 207 | 7 | 287 | 45 ^T |
| Vermont | 219 | 5 | 267 | 48 ^T |
| Virginia | 184 | 12 ^T | 356 | 18 |
| Washington | 180 | 16 ^T | 332 | 33 ^T |
| West Virginia | 208 | 6 | 289 | 44 |
| Wisconsin | 119 | 42 ^T | 349 | 24 |
| Wyoming | 204 | 8 | 407 | 4 |
| U. S. Average | 136 | | 356 | |

Note T = Tie.

Source: U. S. Bureau of Census, "Public Employment in 1978".

TRACING THE BOOM IN PUBLIC PAYROLLS

Government's biggest growth is occurring not in Washington, D.C. but in state houses and city halls.

New calculations by the Tax Foundation show 10.9 million people working for state and local governments last year — up 34 percent from 1969. Federal employment rose half of 1 percent, private jobs 25 percent.

Here is how state-and-local-government employment increased from 1969 to 1979:

| State | Number of Employees | Percentage Increase From 1969 |
|--------------------------|---------------------|-------------------------------|
| Alaska | 31,000 | 113% |
| Arizona | 134,000 | 86 |
| South Carolina | 162,000 | 72 |
| Nevada | 40,000 | 69 |
| Georgia | 298,000 | 65 |
| Florida | 441,000 | 60 |
| New Hampshire | 40,000 | 59 |
| North Carolina | 292,000 | 59 |
| Texas | 666,000 | 58 |
| New Mexico | 74,000 | 57 |
| Alabama | 192,000 | 49 |
| Virginia | 269,000 | 49 |
| Arkansas | 104,000 | 48 |
| Oklahoma | 152,000 | 48 |
| Maryland | 234,000 | 47 |
| Utah | 66,000 | 47 |
| Colorado | 146,000 | 46 |
| Wyoming | 28,000 | 46 |
| Idaho | 45,000 | 45 |
| Oregon | 133,000 | 45 |
| Mississippi | 128,000 | 44 |
| New Jersey | 364,000 | 44 |
| Vermont | 24,000 | 44 |
| Kentucky | 160,000 | 42 |
| West Virginia | 97,000 | 42 |
| Montana | 44,000 | 41 |
| Louisiana | 222,000 | 40 |

U.S. Average 34%

| State | Number of Employees | Percentage Increase From 1969 |
|--------------------------------|---------------------|-------------------------------|
| Tennessee | 220,000 | 39% |
| Maine | 54,000 | 38 |
| Hawaii | 48,000 | 36 |
| Indiana | 251,000 | 33 |
| Rhode Island | 45,000 | 33 |
| Massachusetts | 287,000 | 31 |
| Minnesota | 201,000 | 31 |
| Missouri | 228,000 | 31 |
| Delaware | 30,000 | 29 |
| Nebraska | 92,000 | 29 |
| California | 1,108,000 | 28 |
| Michigan | 448,000 | 28 |
| WASHINGTON | 198,000 | 28 |
| Kansas | 127,000 | 26 |
| Wisconsin | 221,000 | 25 |
| Connecticut | 137,000 | 24 |
| Ohio | 469,000 | 24 |
| Illinois | 506,000 | 23 |
| Iowa | 144,000 | 22 |
| North Dakota | 33,000 | 19 |
| Pennsylvania | 472,000 | 17 |
| District of Columbia | 49,000 | 9 |
| South Dakota | 34,000 | 6 |
| New York | 951,000 | 6 |

Source: U.S. News and World Report.

Source: U.S. News and World Report.

CONSTITUTIONAL AMENDMENT

4. QUESTION

Should the state inheritance tax be repealed for children and grandchildren?

| Favor | Oppose | Undecided | |
|-----------------|----------------|----------------|----|
| <u>84%</u> 1 | <u>9%</u> 2 | <u>7%</u> 3 | 14 |

BACKGROUND

The 1979 Legislature exempted the surviving spouse from the inheritance tax. Estimates indicate that 60% of the total taxes collected under the inheritance tax laws in 1979 were paid by surviving children and grandchildren. The elimination of this tax would reduce annual state collections by \$3.8 million.

5. QUESTION

Should the Montana Legislature adopt a resolution requesting Congress to propose an amendment to the U.S. Constitution requiring a balanced federal budget, or to call a Constitutional Convention if Congress fails to act?

| Favor | Oppose | Undecided | |
|-----------------|-----------------|----------------|----|
| <u>84%</u> 1 | <u>10%</u> 2 | <u>6%</u> 3 | 15 |

BACKGROUND

The purpose of the resolution is to force Congress to take one of two actions. If 34 states pass similar resolutions, Congress must call a Constitutional Convention for the singular purpose of adopting a Constitutional Amendment for a balanced federal budget, if Congress has failed to take the initiative to propose such an amendment. The Constitutional Amendment would then have to be ratified by two-thirds of the states. To date, 30 states have passed this resolution.

6. QUESTION

Should Montana's constitution be amended to limit the growth of state government spending to the percentage increase in the growth of state personal income and population?

| Favor | Oppose | Undecided | |
|-----------------|----------------|----------------|----|
| <u>89%</u> 1 | <u>7%</u> 2 | <u>4%</u> 3 | 16 |

BACKGROUND

State government expenditures have more than doubled over the last five years. By limiting future increases in state tax revenues to the increase in statewide personal income and population increases, the constitutional spending limitation would be an "insurance policy" against further erosion of earnings through taxes.

GOVERNMENT

7. QUESTION

Should Legislation be adopted to enact a state regulatory flexibility act?

| Favor | Oppose | Undecided | |
|-----------------|-----------------|-----------------|----|
| <u>63%</u> 1 | <u>16%</u> 2 | <u>21%</u> 3 | 17 |

BACKGROUND

Most rules and regulations adopted by state agencies have varying impacts on individual businesses, depending to a large degree on the size of the business. A regulatory flexibility act would require state agencies to vary the regulatory standards as well as the reporting requirements in a flexible manner, whenever possible, taking into account the size and nature of the regulated business.

8. QUESTION

Should legislation be enacted to require the state to pay interest on accounts it does not pay within 30 days after receipt of billing?

| Favor | Oppose | Undecided | |
|-----------------|-----------------|----------------|----|
| <u>87%</u> 1 | <u>10%</u> 2 | <u>3%</u> 3 | 18 |

BACKGROUND

Small business is quite often penalized by state government because of late payment by government of its bills. If the profit margin is small, late payment can eliminate any profit for the business. This proposal will allow assessment of an interest penalty of 1½% per month on overdue accounts.

9. QUESTION

Should the state create within an existing agency: (Please check only one of the following.)

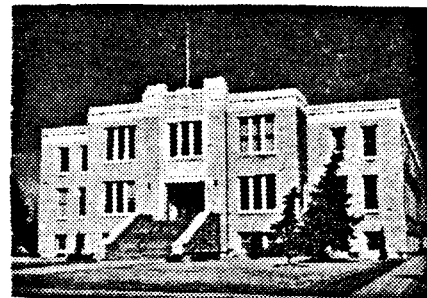
| | | |
|--|-----------------|----|
| a. A business license information center; | <u>15%</u> 1 | 19 |
| b. A business license coordination center; | <u>29%</u> 2 | |
| c. Neither of the above; | <u>41%</u> 3 | |
| d. Undecided. | <u>15%</u> 4 | |

BACKGROUND

A license information center would provide information about which licenses are required for any business operation and which agencies issue the licenses. In addition, a business coordination center would be responsible for (1) recommending the elimination, consolidation or simplification of unnecessary license requirements; (2) recommending revisions in fee structures and administrative procedures; and (3) developing a permanent master license certificate.

786 558
BIG HORN COUNTY

EXHIBIT 4a



9-45
Sherif's Dept.
P.O. Box 332
Under Sheriff Jerry Williams

HARDIN, MONTANA

Feb. 11, 1981

Curt Petty
15 N. Ewing
Helena, Mt. 59601

RE: Over Time Pay

Dear Sir;

It has probably been brought to your attention, the neglected needs of Law Enforcement in the State of Montana. Over the years the intent of Law Enforcement in Montana has been that of to serve and to protect the public in a most professional and efficient manner. Men and Women from all walks of life take a proud step into the world of Law Enforcement, serving thier communities with pride, putting thier knowledge to work, and thier lives on the line, FOR THE PUBLIC.

However it seems that these Men and Women are sometimes forgotten by the publics eye. These people work hard and sometimes long hours, and in the past these long-overtime hours, are donated to the departments, without any pay. Why do they do it? They do it because they care, YES, they care whether or not that burglar strikes again. They care about thier partner who is alone on the street, DAY OR NIGHT.

These people give thier very best to see that the job is done. How many people in this world would work overtime and get nothing for it but a shout from the street like "THERE GOES THE PIGS"!! I am sure in saying, NOT VERY MANY PEOPLE.....

Law Enforcement needs the support of the GREAT STATE OF MONTANA. We the people of Law Enforcement ask you to stop and consider our request. To upkeep the service, and pride of Law Enforcement. We need a BILL PASSED that says, Thankyou for a job well done. That BILL would be one saying, lets provide onertime pay. For the Men and Women of one of the FINIST groups of people in the World, MONTANA LAW ENFORCEMENT..

Respectfully yours,

Jerry L. Williams
Jerry Williams

Under Sheriff of Big Horn County

LEWIS & CLARK COUNTY



SHERIFF'S DEPARTMENT

15 N. Ewing

Helena, Mt. 59601

406-443-1010 Business

406-442-7880 Emergency Only

CHUCK O'REILLY, SHERIFF

DEPUTY JACK SHAMLEY

WOLF CREEK SUB-STATION

235-4333

Re: FACT SHEET PERTAINING TO THE STATE LAW RESTRICTING DEPUTIES TO
NINETY PER CENT (90%) OF THE SHERIFFS WAGES.

UNDER STATE STATUTES DEPUTIES IN THE STATE OF MONTANA ARE PROHIBITED TO MAKE MORE THAN NINETY PER CENT OF THE SHERIFFS WAGES. THIS NINETY PER CENT INCLUDES ALL OVERTIME AND OTHER COMPENSATION. IN THE CALENDER YEAR OF 1980 I EXCEEDED THE NINETY PER CENT. I WAS NOT NOTIFIED THAT I WAS NEARING THE NINETY PER CENT UNTIL THE SECOND WEEK IN DECEMBER, AT WHICH TIME I WAS INFORMED THAT I WAS IN EXCESS OF THE NINETY PER CENT. AT THAT TIME I WAS INFORMED THAT SINCE, UNKNOWN TO ME, I HAD EXCEEDED THE NINETY PER CENT I WOULD BE DOCKED THAT AMOUNT IN THE EXCESS OF THE NINETY PER CENT. THE COUNTY INFORMED ME THAT INSTEAD OF RECEIVING MY NORMAL GROSS CHECK OF \$604.21 I WOULD RECEIVE ONLY A GROSS CHECK OF \$238.41. IN TAKE HOME PAY I WOULD NORMALLY RECEIVE \$369.43. THIS CHECK WOULD AMOUNT TO ONLY \$160.57. IN FACT I LOST A NET OF \$208.86. THIS LOSS IS AT MY EXPENSE EVEN THOUGH I HAD WORKED THE HOURS UNDER THE ASSUMPTION THAT I WOULD GET PAID FOR THEM. IN FACT I HAD WORKED \$365.86 WORTH OF TIME WHICH I COULD NOT LEGALLY BE COMPENSATED FOR.

JACK SHAMLEY

DEPUTY SHERIFF

LEWIS AND CLARK COUNTY SHERIFFS OFFICE
WOLF CREEK SUB-STATION

CONTINUATION REPORT LEWIS AND CLARK COUNTY SHERIFF'S DEPARTMENT

PAGE ____ OF ____

1. OFFENSE/INCIDENT

2. TYPE OF REPORT

- ☐ INCIDENT/OFFENSE
☐ CRIME AGAINST PROPERTY
☐ CRIME AGAINST PERSON
☐ OTHER _____

3.

SCR NO.

On June 28, 29, 1980 I, (Douglas Todd), was on scheduled days off. These dates were also the dates of the Augusta rodeo in Augusta Mont. In my capacity as deputy Sheriff for Lewis and Clark County I was instructed to work in Augusta during the rodeo. I expressed my concern about working on my days off due to the fact that I had exceeded 90% of the Sheriff wage. According to state law a Deputy may not earn more than 90% of the Sheriff's wage and benefits in one year. In January of 1980 I was informed that I had exceeded 90% of the Sheriff's wage for that fiscal year and would not be paid for any overtime or holidays until after July 1, 1980. Due to another state law all Deputies are essentially on call 24 hours a day 7 days a week and must report to work at the Sheriff's direction regardless of if it is a pay shift or not. Therefore on June 28, 1980 I work 17 hours straight at the Augusta Rodeo. On June 29, 1980 I worked another 14 hours all on my days off. All time worked in Augusta was for no pay or other compensation.

Douglas R. Todd

☐ NARRATIVE CONTINUED
ON REVERSE SIDE

CONTINUATION REPORT

LEWIS AND CLARK COUNTY SHERIFF'S DEPARTMENT

PAGE ____ OF ____

1. OFFENSE/INCIDENT

2. TYPE OF REPORT

- ☐ INCIDENT/OFFENSE
☐ CRIME AGAINST PROPERTY
☐ CRIME AGAINST PERSON
☐ OTHER _____

3.

S C R No.

ON 6-28 29, 1980, I (MICHAEL A. McFERRIN) WAS SCHEDULED FOR days off. I had been instructed by The PATROL DIVISION CAPT. that I would be working The Augusta Rodeo IN Augusta, Montana.

At this time (June of 1980) I had exceeded my overtime of 90% of the Sheriff's wages, AS my rate of pay is 88% leaving 2% for compensation AS overtime. AS I WAS required to work my days off I worked 18 hours overtime on 6-28-80 and 14.5 hours on 6-29-80 for a total of 32.5 hours overtime which I recieved know compensation for.

To add to the problem further, working my days off meant that I had worked fifteen days in a row without days off.

This is a result of a State law saying that I can not make more than 90% of the Sheriff's wages, and I am expected to work without compensation and be available on call twentyfour hours a day, seven days a week.

The Augusta Rodeo is only one example of extra events or details that we are required to work and generally do not receive any compensation for.

Michael H. McFerrin
 Deputy Sheriff
 Lewis & Clark County

RECEIVED

FEB 6 1981

 MEAL COUNCIL 9
 AFSCME AFL-CIO

☐ NARRATIVE CONTINUED
 ON REVERSE SIDE

SHERIFF'S OFFICE

DANIELS COUNTY
SCOBEY, MONTANA
59263

Feb. 13, 1981
Scobey, Montana

Deputy Curt Petty
Lewis and Clarke County
15 North Lewis
Helena, Montana, 59601

Dear Sir:

Our overtime worked in the Daniels County Sheriffs Department for both the Sheriff and UnderSheriff run on the average of 40 to 45 hours a month. Some months run higher and some lower.

We will be putting in more hours of overtime in the near future because of greatly anticipated oil drilling and seismographic exploration in Daniels County.

We are the only full time sworn officers in the Dept.

These overtime hours are all worked without compensation and needless to say, is a strain on the individual officers and their families.

Yours truly



L. Warner Harrison, Sheriff
M. Fitch Hons, UnderSheriff
Daniels County, Scobey, Mont.



To Whom it May Concern: Re: NINETY PER CENT

DURING THE CALENDAR YEAR OF 1980 MY WAGES INCLUDING OVERTIME AND ALL OTHER COMPENSATION EXCEEDED NINETY PERCENT OF THE SHERIFF'S SALARY BY ABOUT \$365⁰⁰. INSTEAD OF RECEIVING MY NORMAL PAY ROLL CHECK OF \$545⁰⁰ GROSS WAGES I WAS PAID \$180⁰⁰ OF WHICH I HAD A NET WAGE OF \$140⁰⁰. I WAS NOT INFORMED THAT I WAS NEAR OR OVER THE NINETY PER CENT LEVEL UNTIL ABOUT TWO DAYS AFTER THE PAY PERIOD ENDED, AND WAS INFORMED THAT I COULD NOT BE PAID FOR HOURS WORKED DURING THAT PAY PERIOD THAT EXCEEDED THE NINETY PER CENT LEVEL.

Deputy Sheriff L.C.S.O.
David R. Zarske

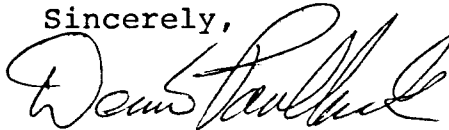
February 11, 1981

To Whom it may concern:

I am a Deputy Sheriff of Sheridan County. For a three week period, I have put in over 161 hours of which only 120 are eligible for payment. We work holidays, and are on twenty-four hour call every day without compensation.

I don't feel it is fair that we are required to enforce the laws when the same laws don't protect us. And in reference to this letter, you may contact any law enforcement personnel of any law enforcement agency, and I believe that they will agree with me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dennis Paulbeck".

Dennis Paulbeck
Deputy Sheriff of Sheridan County

DP/mak

PHONE
(406) 654-2350

Box 909
Malta, Montana

Office of
Mike Camp

Sheriff of Phillips County
Malta, Montana 59538

February 11, 1981

In the month of March, 1980, I worked 37 hours overtime
without receiving compensation of any kind.

Eugene Peigneux
Eugene Peigneux, Deputy
Phillips County
Malta, Montana

ROBERT A. JENSEN
SHERIFF
Phone 485-3445

SHERIFF'S OFFICE

McCone County, Montana
Phone 485-3405

CIRCLE, MONTANA 59215

JACK LINESAND
UNDER SHERIFF
Phone 485-2177

February 13, 1981

Curt Petty
Lewis and Clark Sheriff's Office
Helena, Montana 59601

Dear Mr. Petty:

In reference to over-time pay for law-enforcement personnel, I wish to express my personal feelings.

Most emergency work comes immediately, and those people working must work extra hours. There is no other trained personnel to handle most situations, except the people in the department. Due to shortage of manpower and the fact that most emergency situations may well extend over the normal person's work day, personnel cannot always be compensated for time off.

Even if additional help was available, the situation may not warrant time to neither get them nor time necessary to employ them for the situation at hand. In our work of law-enforcement, reliable, intelligent persons are a MUST!

Most emergencies occur on week-ends, holidays, and night hours, when a small department is not able to be fully covered and personnel must be called back. It is highly unlikely that a person who works a normal 8-hour day would take those extra hours without compensation.

All other emergency or essential life services such as telephone, electricity, ambulance, and Hospital personnel are compensated for their overtime.

It only seems logical that an agency with the prime purpose of protection of life and property should be entitled to compensation for their extra hours.

Sincerely,



Robert A. Jensen
McCone County Sheriff
Circle, Montana

James R Cashell
Deputy Sheriff
Gallatin County Sheriff's Department
Bozeman, Montana 59715

TO WHOM IT MAY CONCERN:

This letter is written in support of Senate Bill 375, and in particular the provision in SB 375 concerning overtime.

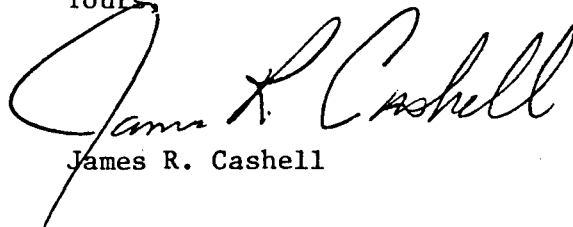
In the private sector overtime is mandated by statute to be paid for any hours or portions thereof worked over 40 hours. This is paid at time and a half. No such provision exists in the pay statutes applicable to Deputy Sheriff's.

As a night shift Deputy Sheriff I worked an average of 10 hours a week overtime for which I was not compensated. This time was considered as donated to the County. This did not include Court appearances and Hearings(most of which seem to be scheduled for the Deputies regular day off).

Over a period of a year this amounts to 12 weeks time which is donated to the County. This is time taken away from the Deputies family without compensation to either the Deputy or his family.

I would like to once again voice my support for SB 375 as a step towards upgrading the position of Deputy Sheriff to a position of equal standing with other professional Law Enforcement and Investigative positions.

Yours,

A handwritten signature in black ink, appearing to read "James R. Cashell". The signature is fluid and cursive, with the first name "James" and last name "Cashell" clearly legible. The signature is written over the typed name "James R. Cashell".

James R. Cashell

STATE ADMINISTRATION

AMENDMENTS TO HOUSE BILL 788

1. Page 1, line 11.

Following: "as"

Strike: "an electrical contractor"

Insert: " a master electrician"

2. Page 1, lines 18 and 19.

Following: "apprenticeship" on line 18

Strike: "and" through "years" on line 19

VISITORS' REGISTER

HOUSE STATE ADMINISTRATION COMMITTEE

ULL HB 789

Date 2/20

SPONSOR YARDLEY

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HOUSE STATE ADMINISTRATION COMMITTEE

Date 2/20

SPONSOR O'HARA

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE STATE ADMINISTRATION COMMITTEE

LL HB 558

Date 2/20

SPONSOR BROWN

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

3. Page 1, line 14.

Following: "to"

Strike: "subsections"

Insert: "subsection"

Following: "(2)"

Strike: "and (3)"

4. Page 1, line 18.

Strike: line 18 in its entirety

Reletter: subsequent subsections

5. Page 1, line 25.

Following: "(2)(a)"

Strike: remainder of line 25

6. Page 2, line 1.

Following: line 25 on page 1

Insert: "The"

Following: "assistant"

Insert: "listed in subsection (1)"

7. Page 2, lines 4 through 13.

Strike: subsection (b) in its entirety

Reletter: subsequent subsections

8. Page 2, lines 22 through 24.

Strike: subsection (3) in its entirety

9. Page 2.

Following: line 25

Insert: "NEW SECTION. Section 2. Compensation of undersheriff and deputy sheriff. (1) The sheriff shall fix the compensation of the undersheriff at 95% of the salary of that sheriff.

(2) (a) The sheriff shall fix the compensation of the deputy sheriff based upon a percentate of the salary of that sheriff according to the following schedule:

In counties with population of:

| | |
|-----------------------|------------|
| Below 15,000..... | 75% to 90% |
| 15,000 to 29,999..... | 70% to 90% |
| 30,000 to 65,999..... | 65% to 90% |
| 66,000 to 99,999..... | 60% to 90% |
| 100,000 and over..... | 55% to 90% |

(b) The sheriff shall adjust the compensation of the deputy sheriff within the range prescribed in subsection (a) according to a rank structure in the department.

(3) For purposes of this section, the term "compensation" means the base rate of pay and does not mean longevity payments or payments for hours worked overtime.

(continued)

NEW SECTION. Section 3. Option to establish workperiod in lieu of workweek. (1) A sheriff's department may establish a workperiod other than the workweek provided in 39-3-405 for determining when an employee must be paid overtime.

(2) The aggregate of all workperiods in a year, when expressed in hours, may not exceed 2,080 hours.

NEW SECTION. Section 4. Compensation for hours worked overtime. Any undersheriff or deputy sheriff who works in excess of his regularly scheduled workperiod must be compensated for the hours worked in excess of the workperiod at a rate of not less than 1 1/2 times the hourly rate at which he is employed.

NEW SECTION. Section 5. Longevity payments. Beginning on the date of his first anniversary of employment with the department and adjusted annually, a deputy sheriff or undersheriff is entitled to receive a longevity payment amounting to 1% of his annual salary for each year of service with the department. This payment shall be made in equal monthly installments.

Section 6. Section 39-3-406, MCA, is amended to read:"

All subsections of 39-3-406 are unchanged except (2) (k) and (2) (l); subsection (2) (m) is new:

"(k) an employee who is employed with his spouse by a nonprofit educational institution to serve as the parents of children who are orphans or one of whose natural parents is deceased or who are enrolled in such institution and reside in residential facilities of the institution so long as the children are in residence at the institution and so long as such employee and his spouse reside in such facilities and receive, without cost, board and lodging from the institution and are together compensated, on a cash basis, at an annual rate of not less than \$10,000; or

(l) an employee employed in planting or tending trees; cruising surveying, or felling timber; or transporting logs or other forestry products to a mill, processing plant, railroad, or other transportation terminal if the number of employees employed by his employer in such forestry or lumbering operations does not exceed eight; or

(continued)

(m) an employee of a sheriff's department who is working under an established workperiod in lieu of a workweek pursuant to (section 3).

NEW SECTION. Section 7. Construction in event of conflict. If there is a conflict between sections 2 through 5 and any other law, sections 2 through 5 govern with respect to undersheriffs and deputy sheriffs."

DO PASS AS AMENDED