

STATE ADMINISTRATION
MARCH 5, 1981
RM 436

The meeting of the House State Administration Committee was called to order at 8:00 a.m. on March 5, 1981 with Chairman Jerry Feda presiding. All members were present except Representatives Azzara and O'Connell.

Chairman Feda opened the meeting to a hearing on SB 257.

SENATE BILL 257-SPONSOR, Senator Steve Brown, introduced this bill to the committee. This bill increases the amounts authorized for expenses for the governor from a maximum of \$40 a day to \$55 for in-state travel and from a maximum of \$70 a day to \$95 for out-of-state travel. It also increases the amounts authorized for expenses for all other state employees from a maximum of \$21 a day for lodging to \$24 and \$12 a day to \$15.50 for in-state travel. For out-of-state travel for these employees, the lodging allowance is increased from a maximum of \$40 a day to \$50, and the meal allowance is increased from \$16.50 a day to \$22.50. Senator Brown said that with the present rate of inflation and the cost of living what it is, the current reimbursement is not sufficient. Many employees are having to pay out of their pockets for travel expense. This is not right, he stated, especially if the travel is part of their job.

PROPOSERS

TOM SCHNEIDER, Montana Public Employee's Assoc., submitted a copy of his testimony for the record. This copy is attached and is EXHIBIT 1 of the minutes.

OPPOSERS

There were no opposers present to testify on SB 257.

QUESTIONS BY THE COMMITTEE:

Sales: Do you think the fiscal note is accurate?

Brown: It will depend on the amount of travel, but there is no question but that it will have a significant fiscal impact.

Sales: What is being done to try and get a handle on this situation?

M. Brusett (Dept. of Adm.): The departments will have to limit the travel to absorb the cost of the increase. In our department we are reducing the amount of travel to absorb the cost.

Senator Brown closed the hearing on SB 257. He said that possibly this should be looked at by the appropriations committee in order to get a message to the directors that travel must be limited, but in terms of reimbursement, something must be done.

SENATE BILL 39-SPONSOR, Senator Goodover, introduced this bill at the request of the Legislative Council, which excludes from membership in the Public Employees' Retirement System persons employed for six months or less by the legislature or the Legislative Council to perform work related to the legislative session unless they file with the Public Employees' Retirement Board an election to become members.

PROPONENTS

DIANA DOWLING, Legislative Council, stated that the laws now mandate that employees join the system and the money may later be returned to them. This would simplify the system.

JIM TURCOTTE, Public Employees' Retirement System, said that the amount of withholdings involved has a minimal impact on the system and the P.E.R.S has no problems with this bill.

OPPONENTS

There were no opponents to SB 39.

QUESTIONS BY THE COMMITTEE:

There were none.

Senator Goodover closed the hearing on SB 39.

SENATE BILL 274-SPONSOR, Senator Eck, introduced this bill requested by the Department of Administration, which increases the compensation for members of quasi-judicial boards from \$25 a day to \$40.

PROPONENTS

Trish Moore, Department of Administration, stated that the Boards do not intend to make their services a profit making venture but they should be compensated for the type of service required. These members take time off from their jobs to serve on these Boards.

STATE ADMINISTRATION
MARCH 5, 1981
Page 3

SB 274 (cont.)

OPPONENTS

There were no opponents present.

QUESTIONS BY THE COMMITTEE:

Sales: Do they receive travel expenses on top of this \$25 a day?

Eck: They do receive travel expense money and lodging on overnight trips.

McBride: Are there some people who do not take the honorarium?

Eck: There are some who do not take it. State employee's are not entitled to it.

Spilker: Isn't there a bill in the legislature that will increase the mileage reimbursement?

M. Brusett: The mileage reimbursement amount is tied to federal ruling. We are not doing anything in the state legislature.

Sales: Do you have a list of the Boards we are talking about?

Moore: Yes. SEE EXHIBIT 2.

Senator Eck closed the hearing on Senate Bill 274.

SENATE BILL 46-SPONSOR, Senator Bob Brown, introduced this bill which requires presidential electors to cast their ballots for the persons who recieved the highest number of votes for president or vice president of the United States in the most recently conducted general election in Montana. He said that Montana is one of 29 states that does not have any law that legally binds electors to vote for popular candidates.

PROPONENTS

There were none.

OPPONENTS

There were none.

QUESTIONS BY THE COMMITTEE: SB 46

Sales: Why don't you just get rid of the electoral College?

Brown: This has been considered, but it is an advantage for smaller population states so the people of the state do not want to change it. We have the same number of Senators as New York.

Senator Brown closed the hearing on SB 46.

SENATE BILL 142-SPONSOR, Senator Blaylock, introduced this bill requested by the Department of Administration, which increases from \$70 to \$95 the amount of reimbursement authorized the governor for out-of-state travel.

PROPOSERS

MONA JAMISON, Legal Council, Governor's Office, appeared in support of this bill. She said that this bill will merely insure that the Governor does not have to pay out of pocket for lodging expenses.

MORRIS BRUSETT, Department of Administration, submitted a sheet that showed the "history of Governor's out-of-state per diem rates" and "approximate current rates in major cities". A copy of this is attached and is EXHIBIT 3 of the minutes. He stated that the amount being requested is an average amount.

OPPOSERS

There were none.

QUESTIONS BY THE COMMITTEE:

Spilker: Would the Governor have to submit receipts for the meals?

Jamison: No, because none of the other state employee's are required to hand in receipts.

Senator Blaylock closed the hearing on SB 142.

EXECUTIVE SESSION

Representatives Azzara and O'Connell were absent. Representative Azzara left proxy votes on several bills.

STATE ADMINISTRATION
MARCH 5, 1981
page 5

EXECUTIVE SESSION (cont.)

SENATE BILL 72

BE CONCURRED IN
AS AMENDED

Lois Menzies, staff researcher, explained the amendments to the committee. A copy of the amendments is attached to the minutes.

Representative Sales moved the amendments. Following discussion a vote was taken and carried unanimously.

Representative Sales moved SB 72 BE CONCURRED IN AS AMENDED. A vote was taken and carried unanimously with those present.

Representative Kanduch was assigned to carry SB 72 in the House.

SENATE BILL 86

BE NOT CONCURRED IN

Representative Sales moved SB 86 BE NOT CONCURRED IN. He said that the present system of getting initiatives on the ballot is difficult enough. It was brought out in the testimony that the AFL-CIO could not get an initiative on the ballot which proves that it is not an easy task.

A vote was taken on the motion and carried with 17 YES, and 2 NO. Representatives Kropp and Smith voted NO.

SENATE BILL 87

TABLED

Lois Menzies explained the amendments.

Representative Sales moved that the bill be amended so that all petitioning would be prohibited at the polls as well as the other amendments. See amendments attached.

A vote was taken on the motion to amend SB 87 and carried unanimously with those present.

Representative Spilker said that she would like the committee to pass consideration of SB 87 for the day because there may be a question on changing the intent of the bill and also the committee may want to wait and see what happens with HB 336 in the Senate since it could be a better bill.

EXECUTIVE SESSION (cont.)

Representative Spilker made a motion to TABLE SB 87.
A vote was taken on the motion and carried unanimously
with those present.

SENATE BILL 105

BE NOT CONCURRED IN
AS AMENDED

Representative Sales moved that SB 105 be amended to
strike the parts of the bill that require the petition
to be personally witnessed.

A vote was taken on the motion and carried unanimously
with those present.

Representative McBride said that the right to petition
is guaranteed by the Constitution and this bill is an
infringement on that right. Also, why should it be limited
to ballot issues?

Discussion followed.

Representative Mueller made a motion that SB 105 BE NOT
CONCURRED IN AS AMENDED. A vote was taken and carried
with 10 YES and 9 NO.

SENATE BILL 39

BE CONCURRED IN

Representative Pistoria moved that SB 39 BE CONCURRED IN.
A vote was taken and carried unanimously with those present.

Representative Briggs was assigned to carry SB 39 in the
House.

SENATE BILL 46

BE CONCURRED IN

Representative Mueller moved that SB 46 BE CONCURRED IN.
A vote was taken and carried unanimously with those
present.

Representative Phillips was assigned to carry SB 46 in
the House.

EXECUTIVE SESSION (cont.)

SENATE BILL 142

BE CONCURRED IN
AS AMENDED

Lois Menzies explained the amendment to the committee.
See amendments attached.

Representative Sales moved the amendments. A vote was taken and carried unanimously.

Representative Hanson moved that SB 142 BE CONCURRED IN AS AMENDED. A vote was taken and carried with 13 YES, 3 NO and 3 absent. Representatives Kropp, Smith and Briggs voted no.

Representative Dussault was assigned to carry SB 142 in the House.

SENATE BILL 257

BE CONCURRED IN
AS AMENDED

Representative Dussault said that the bill needed to be amended to be consistant with SB 142. She moved the amendments. (see attached) A vote was taken and carried unanimously with those present.

Representative Kanduch moved that SB 257 BE CONCURRED IN AS AMENDED. A vote was taken and carried with 10 YES, 6 NO and 2 absent. Representatives Smith, Kropp, Ryan, Briggs, Phillips and Feda voted no.

Representative Hanson was assigned to carry SB 257 in the House.

SENATE BILL 274

BE NOT CONCURRED IN

Representative Sales moved that SB 274 BE NOT CONCURRED IN.

Discussion on the motion was held. Representative Sales said that it is an honorary position and they do not have to serve if they don't want to. Representative Dussault said that they should still be fairly compensated.

A vote was taken on the motion and carried with 10 YES, 6 NO and 3 absent. Representatives Kanduch, Kennerly, Pistoria, McBride, Dussault and Hanson voted no.

STATE ADMINISTRATION
MARCH 5, 1981
Page 8

A motion was made to adjourn at 10:00 a.m.

Respectfully submitted,



G. C. "JERRY" FEDA, Chairman

Cathy Martin-Secretary

SENATE BILL 257

When one thinks of travel expenses, immediately the thought is a convention or meeting in a fancy resort. The majority of travel in Montana by state employees IS NOT that sort of travel. It is every day work such as auditors, inspectors, technicians, legislators, and supervisors. Most of these functions bring the state more revenue than it costs in travel expenses and most of the others are mandated travel.

The figures in Senate Bill 257 came from actual cost analysis, projections based on inflation and comparisons with surrounding states.

Surrounding States (Current Year Figures) -

Idaho	\$ 15.00	Meals	\$ 20.00	Lodging
Wyoming		\$ 45.00	Combined	
North Dakota	\$ 17.00	Meals	\$ 28.00	Lodging
Colorado	\$ 16.00	Meals	\$ 27.00	Lodging
Utah	\$ 12.50	Meals	\$ 22.50	Lodging
			\$ 25.00	Lodging - Salt Lake City

I realize that the fiscal note raises questions as to whether the current level of SB 257 can be funded. In the Senate SB 257 was sent to Finance and Claims after being passed on 2nd reading and after a hearing the lodging was amended from \$ 27.00 to \$ 24.00 and the bill passed out with one vote against it.

No one in the F and C committee thought the figures in SB 257 were out of line with the cost of travel, however, there was concern about the fiscal note and I want the committee to know that we share that concern.

One question which has to be answered is whether an employee should have to subsidize the employer by paying out of his/her pocket to do the job. I don't believe anyone thinks that is fair. REMEMBER we're not talking about high salaried employees, just every day working people.

FINALLY, the level of per diem established in SB 257 will be in effect for two years. With the current escalation of costs it is difficult to estimate what the level of travel expenses will have to be in two years but we do know that it is better to raise the figures each session rather than all at once. We would appreciate your support for SB 257.....THANK YOU.....

List of Quasi-judicial boards directly affected by 2-15-124, MCA and Senate Bill 274 with the number of board members in parentheses:

1. Board of Investments (5)
2. Mental Disabilities Board of Visitors (5)
3. Board of Housing (7)
4. Public Employees' Retirement Board (5)
5. Teachers' Retirement Board (6, 3 employees)
6. Board of Aeronautics (7, 2 employees)
7. Coal Board (7, 1 employee)
8. Commission on Federal Higher Education Programs (10)
9. Board of Labor Appeals (3)
10. Board of Personnel Appeals (5, 2 employees)
11. Human Rights Commission (5)
12. Board of Milk Control (5)
13. Board of Crime Control (18, 14 employees)
14. Board of Health and Environmental Sciences (7)
15. Board of Social and Rehabilitative Services (7)
16. Board of Pardons (4)
17. Board of Eugenics (7)
18. Highway Commission (5)
19. Board of Hail Insurance (5)
20. Board of Livestock (7)
21. Board of Natural Resources and Conservation (7)
22. Board of Oil and Gas Conservation (7)
23. Fish and Game Commission (5)

Subj: Senate Bill 142 - "An act to increase the amount of reimbursement authorized the Governor for out-of-state travel."

History of Governor's out-of-state per diem rates:

<u>Years</u>	<u>Daily rate</u>	<u>percentage increase</u>
prior to 1969	\$20	
1969 to 1975	\$60	17%-6 years 36%-6 years 58%-12 years
1975 to present	\$70	
proposed rate	\$95	

Approximate current rates in major cities *

<u>City</u>	<u>When rate compiled</u>	<u>Lodging</u>		<u>Meals</u>		<u>Total</u>	
		<u>Average</u>	<u>High</u>	<u>Average</u>	<u>High</u>	<u>Average</u>	<u>High</u>
Boston	Oct. 1980	\$ 55	\$78	\$25	\$40	\$80	\$118
Chicago	Oct. 1980	63	89	29	53	92	142
Denver	Jan. 1981	52	64	28	42	80	106
New York	April 1980	64	93	41	62	105	155
San Francisco	July 1980	69	99	30	39	99	138
Washington, D.C.	July 1980	62	97	33	50	95	147

* Source: "Runzheimer Meal - Lodging Cost Index", Runzheimer and Company, Rochester, Wisconsin. Prices quoted are for "first class" establishments, and therefore excludes "luxury" and "second-class" establishments.

STANDING COMMITTEE REPORT

MARCH 8,

19 81

SPEAKER

MR.

STATE ADMINISTRATION

We, your committee on

SENATE

having had under consideration

Bill No. **142**

**A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE AMOUNT
OF REIMBURSEMENT AUTHORIZED THE GOVERNOR FOR OUT-OF-STATE
TRAVEL; AMENDING SECTION 2-18-501, MCA."**

Respectfully report as follows: That

SENATE

Bill No. **142**

be amended as follows:

1. Page 2, line 8.

Following: "authorized"

Insert: "the"

2. Page 2, lines 8 and 9.

Following: "actual" on line 8

Strike: "and" through "expenses" on line 9

Insert: "cost of lodging in addition to a meal allowance"

3. Page 2, line 9.

Following: "\$70"

Strike: "\$95"

Insert: "\$30"

4. Page 2, line 18.

Following: "All"

Insert: "other"

~~XXXXXX~~ **BE CONCURRED IN AS AMENDED**

STANDING COMMITTEE REPORT

MARCH 5,

19 81

MR. **SPEAKER**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **SENATE**

Bill No. **105**

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT ONLY REGISTERED VOTERS OF THE STATE OF MONTANA MAY CIRCULATE AN INITIATIVE PETITION AND REQUIRING THAT THE REGISTERED VOTER WHO CIRCULATES THE PETITION PERSONALLY WITNESS THE SIGNATURES ON THE PETITION; AMENDING SECTION 13-27-302, MCA."

Respectfully report as follows: That **SENATE** Bill No. **105**
be amended as follows:

1. Title, lines 6 through 8.
Following: "PETITION" on line 6
Strike: "AND" through "PETITION" on line 8
2. Page 1, line 21.
Following: "circulating"
Insert: "or assisted in circulating"
3. Page 1, lines 22 and 23.
Following: "I" on line 22
Strike: "personally" through "I" on line 23
4. Page 1, line 23.
Following: "thereon"
Strike: "they"
Insert: "the signatures thereon"

~~DOES~~ **NOT BE CONCURRED IN AS AMENDED**

STANDING COMMITTEE REPORT

MARCH 5,

19 81

MR. **SPEAKER**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **SENATE**

Bill No. **257**

**A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE AMOUNT
AUTHORIZED FOR TRAVEL EXPENSES AND MEAL REIMBURSEMENT FOR
PERSONS IN STATE SERVICE; AMENDING SECTION 2-18-501, MCA."**

Respectfully report as follows: That **SENATE** Bill No. **257**
be amended as follows:

1. Page 2, line 7.
Following: "authorized"
Insert: "the"

2. Page 2, lines 7 and 8.
Following: "actual" on line 7
Strike: "and" through "expenses" on line 8
Insert: "cost of lodging in addition to a meal allowance"

3. Page 2, line 8.
Following: "\$70"
Strike: "\$95"
Insert: "\$30"

4. Page 2, line 17.
Following: "All"
Insert: "other"

~~DO PASS~~ **BE CONCURRED IN AS AMENDED**

STANDING COMMITTEE REPORT

MARCH 5

81

19

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE

Bill No. 72

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT A FISCAL NOTE AND STATEMENT ACCOMPANY CERTAIN INITIATIVE PETITIONS AND BALLOTS; PERMITTING COURT REVIEW OF THE FISCAL STATEMENT; AND PROVIDING FOR INCLUSION OF THE STATEMENT IN THE VOTER INFORMATION PAMPHLET; AMENDING SECTIONS 13-27-312, 13-27-306, AND 13-27-401, MCA."

Respectfully report as follows: That SENATE

Bill No. 72

be amended as follows:

1. Title, line 5.
Following: "CERTAIN"
Strike: "INITIATIVE"
Insert: "BALLOT ISSUE"

2. Title, line 6.
Following: "OF"
Strike: "THE"
Insert: "CERTAIN"

3. Title, line 7.
Following: line 6
Strike: "STATEMENT"
Insert: "STATEMENTS"

4. Title, line 8.
Following: "13-27-312,"
Insert: "13-27-315,"

Q6x866x

(CONTINUED)

5. Title, line 9.

Following: "13-27-316,"

Strike: "AND"

Following: "13-27-401,"

Insert: "AND 13-27-501,"

6. Page 3.

Following: line 14

Insert: "Section 2. Section 13-27-315, MCA, is amended to read:

"13-27-315. Statements by attorney general on issues referred by legislature. (1) Upon receipt of a copy of a ballot form under 13-27-310(2) for an issue proposed by the legislature, the attorney general shall order a fiscal note as provided in 13-27-312(1) if the issue has an effect on the revenues, expenditures, or the fiscal liability of the state. At the same time the explanatory statement is prepared under subsection (2), the attorney general shall prepare a fiscal statement of no more than 25 words to be forwarded to the secretary of state at the same time as the explanatory statement.

{1} (2) At the same time the attorney general, pursuant to 13-27-313, informs the secretary of state of the approval or rejection of a ballot form for an issue proposed by the legislature, the attorney general shall forward to the secretary of state a statement, not exceeding 100 words, expressing a true and impartial explanation of the purpose of the measure in plain, easily understood language. The statement may not be an argument and may not be written to create a prejudice for or against the issue. The statement prepared under this section is known as the attorney general's explanatory statement.

{2}= (3) If statements of the implication of a vote for or against a ballot issue have not been provided by the legislature, the attorney general shall prepare the statements. Requirements for statements of implication for ballot issues referred by the legislature are the same as those provided in 13-27-312 for other ballot issues. Statements of implication prepared by the attorney general must be returned to the secretary of state no later than the time specified for approval of the ballot form."

Renumber: subsequent sections

(CONTINUED)

7. Page 5.

Following: line 25

Insert: "Section 5. Section 13-27-501, MCA, is amended to read:

"13-27-501. Secretary of state to certify ballot form. The secretary of state shall furnish to the official of each county responsible for preparation and printing of the ballots, at the same time as he certified the names of the persons who are candidates for offices to be filled at the election, a certified copy of the form in which each ballot issue to be voted on by the people at that election is to appear on the ballot. Unless otherwise provided in the legislative act or petition placing the issue on the ballot, the secretary of state shall list for each issue the number, the method of placement on the ballot, the title, the attorney general's explanatory statement, if applicable, the fiscal statement, if applicable, and the statements of the implication of a vote for or against the issue that are to be placed beside the diagram for marking the ballot. The secretary of state shall use for each ballot issue the title of the legislative act or legislative constitutional proposal or the title provided by the attorney general or district court. Following the number of the ballot issue, the secretary of state shall include one of the following statements to identify why the issue has been placed on the ballot:

- (1) an act referred by the legislature;
- (2) an amendment to the constitution proposed by the legislature;
- (3) an act of the legislature referred by referendum petition; or
- (4) a law or constitutional amendment proposed by initiative petition."

BE CONCURRED IN AS AMENDED

REPRESENTATIVE KANDUCH

YOU HAVE BEEN ASSIGNED TO CARRY SENATE BILL SB 72.

JERRY FEDA, Chairman

REPRESENTATIVE HANSON ASSIGNED TO CARRY SB 257

REPRESENTATIVE BRIGGS

YOU HAVE BEEN ASSIGNED TO CARRY SENATE BILL SB 39.

JERRY FEDA, Chairman

REPRESENTATIVE PHILLIPS

YOU HAVE BEEN ASSIGNED TO CARRY SENATE BILL SB 46.

JERRY FEDA, Chairman

REPRESENTATIVE DUSSAULT

YOU HAVE BEEN ASSIGNED TO CARRY SENATE BILL SB 142.

JERRY FEDA, Chairman

VISITORS' REGISTER

HOUSE STATE ADM. COMMITTEE

ALL SB 39
SPONSOR GOODOVER

Date 3/5/81

SPONSOR GOODOVER

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

COMMITTEE

Date 3/5/81

SB 46
B. BROWN

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE STATE ADMINISTRATION COMMITTEE

BILL SB 274

Date 3/5/81

SPONSOR ECK

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

COMMITTEE

Date 3/5/81

S. BROWN

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.