

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

April 10, 1981

The Senate State Administration committee was called to order by Senator Pete Story, Chairman, on the above date in room 442 of the State Capitol Building at 10 a.m.

ROLL CALL: All members were present except Senator Towe.

CONSIDERATION OF HOUSE BILL 580:

AN ACT ESTABLISHING COMPENSATION AND EXPENSES
FOR ELECTED STATE OFFICIALS, SUPREME COURT
JUSTICES, DISTRICT JUDGES, THE COMMISSIONER
OF CAMPAIGN FINANCES AND PRACTICES, THE CHAIR-
MAN AND MEMBERS OF THE STATE TAX APPEAL BOARD,
AND LEGISLATORS...

Rep. Jerry Feda, sponsor, said this bill was introduced at the request of the Montana Salary Commission. A committee had taken state averages and discovered Montana is low. They increased the salaries 8.7 per cent to coincide with consumer increase. The bill had passed the house with no dissent.

PROPOSERS: Tom Harrison, from the Montana Judges Association, favored the salary commission's report and submitted an enclosure.

There were no opponents, so it was opened up to questions by the committee. Sen. Kolstad asked for an explanation of the crossed-out figures, which had been last year's figures. He expressed concern for the high rate of increase.

Rep. Feda reiterated that the committee vote was unanimous to concur in this bill. The hearing was closed.

GOVERNOR'S APPOINTMENTS: A confirmation hearing of Mr. Gary Wicks was considered by the committee for the Director of the Department of Highways. This was precipitated by Rep. Pistoria's protest of his appointment at the hearing on 4-8-81. Sen. Hafferman read a letter from Jim Racicot, a copy of which is enclosed.

Sen. Hafferman asked Mr. Wicks if Gross Vehicle Weight Division police officers should be armed for their protection, stressing that they often work late at night and carry money. He answered by saying these officers are in a different situation with their primary responsibility based on their record. He does not believe

these police officers should be armed because they usually are not faced with the same problems as police officials. He stated Don Copley, administrator of GVW, had done a review deciding the policy that they would not be armed.

Sen. Hafferman expressed concern for the rumor that Wicks had done irreparable harm to Colstrip 3 and 4. Wicks responded that irreparable harm is a judgment with which he would have to disagree. He felt it had been an overstatement.

Sen. Hammond asked Wicks why he felt he is an outstanding appointee and how he could help the state. He answered that he would not say he is outstanding, but the experiences he has had in government give him good understanding of the highway department. He stated his education, admitting he is not trained as an engineer. He stated his priorities for the highway: 1. Funding is the most important problem that is faced--\$600,000,000 over the next ten to twelve years will be needed to upgrade the system. Senate Bill 841 has ended federal assistance to the state in 1983. This would be a loss of 25-30 million dollars a year. It is clear that Montana needs a major reconstruction program. The second priority is legislative concern of cost and efficiency in running the highway department. 3. He is interested in improving the measure of how the people will do their jobs, and he is implementing programs that will deal with incentives. 4. He recognizes the need to deal with personnel problems. 5. He wants to eliminate the delay in the approval stage to get highways constructed; it now takes about seven years.

Sen. Kolstad asked him how many are under his employ; answer, 2,000. He asked him if he had ideas of eliminating wasted effort, citing examples of surveying roads every year. Wicks agreed with him that it is a duplication of effort and that it needs management direction.

Sen. Hafferman remarked to Mr. Wicks that he had written a good letter on the canyon coalition, but it was unclear to him whether he was for a four-lane or two-lane highway. Wicks replied that the highway proposal is undergoing a court-ordered environmental review, and that taking a position now would prejudice that review.

Rep. Paul Pistoria was recognized by request of committee member Sen. Hafferman, and he stated he was not satisfied. He made references back to 1977 and reminded them Governor Judge had fired Wicks. Chairman Story ruled his speech out of order.

Sen. Ryan asked Wicks if his leave from the governor's employ was resignation or if he was fired. He answered by saying it is safe to say that he was fired, mentioning that he was not asked to resign, but the message was that he would not be reassigned.

Sen. Kolstad asked him how many different jobs he had left after moving from the state of Montana. He mentioned deputy assistant security for land and water for the Department of Interior, other similar offices, two years in Washington, D.C., state director of BLM in Utah in 1979. Governor Schwinden had offered him the job as director of highways in December.

Sen. Kolstad asked him what he thinks is the greatest waste in the highway department, and Wicks answered that he wants to take a closer look at the positions that they have and see if they are justified. He admits there is room for efficiency and for saving money.

Sen. Story said it is rumored that Montana is spending a million dollars per mile; other states \$400,000 per mile. He asked him if this figure is close to the truth. He answered it had come up in appropriations with the basis being an editorial in December comparing a section of Montana highway to a North Dakota highway. It was looked into by the Tax committee, and they found two different situations were being compared-- a four-lane highway where one half was already built, so the cost comparisons were not adequate.

Sen. Story asked him why we do not use two of the lanes and add two along side the adjacent highways that are in existence. Wicks said there are only 90 miles left to complete, so those opportunities are unavailable.

There being no further questions, the hearing was closed.

CONSIDERATION OF HOUSE JOINT RESOLUTION 20:

...REQUESTING AN INTERIM STUDY OF THE CURRENT OVERALL FUNCTIONS AND STAFFING OF THE DEPARTMENT OF INSTITUTIONS TO DETERMINE THE EFFECTIVENESS OF THE DELIVERY OF INSTITUTIONAL SERVICES BY THE STATE; AND REQUIRING A REPORT OF THE FINDINGS OF THE STUDY TO THE LEGISLATURE

Rep. Red Menahan stated this is an interim study of the staffing problems.

PROPOSERS: Curt Chisholm, Department of Institutions, stated there seems to be a considerable misunderstanding. In the past they have opposed but they now support the study. If one

is done, it might clarify the number of FTE in the department and the method under which patients are treated.

There were no opponents, so questions were asked by the committee. Sen. Story asked how it fits in with the bill that Sen. Haffey sent and was told that that bill was to consolidate Warm Springs and Galen. Sen. Story clarified the fact that if the resolution passed, they would be incorporated, and the team would meet at the same time.

Sen. Ryan asked Rep. Menahan if he had a specific division in mind, and he specified that the whole staff would be studied. The representative told Sen. Hammond that he wants to see their purpose and direction because there are problems in the prison and at the mental institutions. Sen. Hammond asked him if he thought a study will do this, and he answered yes. If the money is not appropriated, the ones who are hurt will be the patients. Hammond expressed his disapproval of studies, and Menahan admitted he does not like studies either. He said there is a need for an over-sight committee because nothing is being done properly, and a report would be given to the legislature.

The hearing was closed.

ACTION ON CONFIRMATION OF GARY WICKS: Sen. Johnson moved the name of Gary Wicks be confirmed as director of the Department of Highways. Discussion resumed, and Sen. Hafferman said they should let him know what they want and get him to change his direction. He remarked that he would be in a department where he could not do much harm. Sen. Johnson stated she has worked with him, and she said he is a ruthless administrator.

Sen. Hammond asked if there had been any conversation with the governor as to why he was chosen. Larry Fasbender, liaison for the governor, stated he is an outstanding appointee because of his administrative abilities, pointing out his experiences in Utah. He told the committee he was put into that position not because of his political convictions but because of his administrative abilities.

Sen. Johnson moved the appointment of Gary Wicks be confirmed; roll call vote resulted in a DO PASS; majority ruled with Senators Story and Ryan voting No. Sen. Towe was absent.

Chairman Story announced that the appointments of Keith Colbo and Gerald Mueller to the Northwest Electric Power and Conservation Council would not be heard today because of their prior commitment to be out of town. Sen. Towe had requested real hearings on the two men because he needed to know more about what they are planning to do in the newly created positions.

Sen. Kolstad requested that the confirmations be done today even though Sen. Towe is absent. He moved the confirmation of Mr. Colbo; unanimous oral vote carried.

In regard to Mr. Mueller, some members claimed they did not know him, and Mr. Fasbender said he has been energy advisor to Governor Schwinden and has spent time on the northwest power bill and its passage to Congress with agreement to the other states. He said he has technology on the bill.

Sen. Hafferman questioned Mr. Fasbender on Mueller's stand on growth of the bill and his fairness. He could not answer the stand question but said he is very objective and fair. Sen. Hafferman stated he asked these questions because these two positions are vital to the state but people who do not want development could harm the state.

Fasbender said they want to do the best they can for Montana, and the energy in Montana will be the end total which the board is working. That is why the men were appointed.

Sen. Kolstad moved that Gerald Mueller be confirmed and concurred in; motion carried unanimously.

ACTION ON HOUSE BILL 580: Sen. Kolstad pointed out he had made an error in looking at the increase. There was discussion between the members, and Sen. Hafferman moved DO PASS; see roll call vote. This motion did not pass and resulted in a do not pass. This was not the final vote. There was another at the end of this meeting, and the final action was done on April 14.

CONSIDERATION OF HOUSE JOINT RESOLUTION 26:

...REQUESTING AN INTERIM STUDY OF THE RESPECTIVE BENEFITS OF INSTITUTIONAL CARE AND COMMUNITY CARE FOR RECIPIENTS OF SERVICES IN YOUTH PROGRAMS; DEVELOPMENTAL DISABILITIES PROGRAMS; AND MENTAL HEALTH, ALCOHOLISM, AND DRUG TREATMENT PROGRAMS AND OF THE FEASIBILITY OF REORGANIZATION OF FUNCTIONS PERFORMED ON BEHALF OF THE RECIPIENT GROUPS.

Rep. Jack Moore stated this bill is for developmentally disabled children that are in institutions. This is a study of the entire situation regarding the developmentally disabled emotionally disturbed children throughout the state.

PROPONENTS: Judith Carlson, SRS; Curt Chisholm.

There were no opponents, so it was opened up to questions of the committee. Sen. Hammond asked who will make the study and was told that the legislative finance committee over the next biennium will do it. Sen. Story mentioned that there are several other studies of a similar nature, and Rep. Moore stated that the studies that remain will be consolidated and made into one study.

Sen. Ryan asked if there is legislative financial backing. Rep. Moore said all will be closely studied with the problem aspect of it, and a plan will be developed that will be most beneficial to the state.

The hearing was closed.

ACTION ON HOUSE JOINT RESOLUTION 26: Sen. Johnson moved it DO PASS; motion carried with Sen. Hammond voting No.

ACTION ON HOUSE JOINT RESOLUTION 20: Sen. Johnson moved DO PASS; motion carried with dissention by Senators Towe and Hammond; Sen. Hafferman will carry the bill.

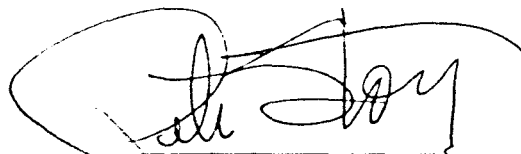
RECONSIDERATION OF HOUSE BILL 580: Sen. Kolstad moved to reconsider action of this bill done earlier in the meeting. Sen. Ryan voted no, but the motion carried. Sen. Kolstad proposed amendments, suggesting the figures that can be found on the standing committee report with the exception of the salary for the Superintendent of Public Instruction. He amended it lower this date, but the final vote left it the way it was presented.

Discussion involved Sen. Ryan asking how arrival was made regarding the new figures, and Sen. Kolstad said there was nothing scientific, but more control and cutbacks are needed. Sen. Ryan pointed out the old addage whereby one knows the salary when he runs for office. The members of the committee discussed the salaries proposed in the bill and the amended ones presented by Sen. Kolstad. Sen. Ryan posed the question whether they are giving the reward for a job well done or for just anything being done.

Sen. Hammond said the Superintendent of Public Instruction should be equal to the attorney general, but the committee disagreed. The amendments were moved and passed.

Sen. Kolstad moved the bill DO PASS, AS AMENDED; motion carried with dissenting votes by Senators Ryan and Hammond. Sen. Story will carry the bill. This was not the last vote. It was reconsidered on April 14, 1981.

ADJOURNMENT: 11:20.



Handwritten signature of Pete Story, Chairman.

PETE STORY, CHAIRMAN

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

VOTE ON GARY WICKS FOR
DIRECTOR FOR THE DEPARTMENT OF HIGHWAYS

Date APRIL 10, 1981 Bill No. Time

NAME	YES	NO
Senator Pete Story, Chairman		X
Senator Allen Kolstad, V. Chairman	X	
Senator William Hafferman	X	
Senator H. W. Hammond	X	
Senator Jan Johnson	X	
Senator Patrick Ryan		X
Senator Thomas Towe		

Barbara Simic
Secretary

Pete Story
Chairman

Motion: Sen. Johnson moved confirmation and concurrence in; motion
carried. Sen. Towe was absent.

(include enough information on motion—put with yellow copy of
committee report.)

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date APRIL 10, 1981 HOUSE Bill No. 580 Time

DO PASS

NAME	YES	NO
Senator Pete Story, Chairman	X	
Senator Allen Kolstad, V. Chairman		X
Senator William Hafferman	X	
Senator H. W. Hammond		X
Senator Jan Johnson		X
Senator Patrick Ryan		X
Senator Thomas Towe		

Barbara Simic
Secretary

Pete Story
Chairman

Motion: Sen. Hafferman moved DO PASS; motion failed and resulted in
a DO NOT PASS; further action resulted in a DO PASS, AS AMENDED;
moved by Sen. Kolstad. Sen. Towe was absent. Sen. Story will carry.

(include enough information on motion—put with yellow copy of
committee report.)

ROLL CALL

STATE ADMINISTRATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 4-10

NAME	PRESENT	ABSENT	EXCUSED
Senator Pete Story, Chairman	✓		
Senator Allen Kolstad, V. C.	✓		
Senator William Hafferman	✓		
Senator H. W. Hammond	✓		
Senator Jan Johnson	✓		
Senator Patrick Ryan	✓		
Senator Thomas Towe			

Each day attach to minutes.

29 JAN 1981
RT 2 Box 374
LIBBY MT 59923

Senator William Hattenman
Capital Station
Helena, MT 59601

Senator Hattenman,

Here are some ideas you might use during
Gary Wick Confirmation Hearing

As you are aware, the Gross Vehicle Weight
Division has 45 Sworn Law Enforcement Officers,
all have been Academy Trained, ^{THE} Same Schooling
Required for City Police and Sheriff Deputy's

These G.V.W. Officers have Powers of Arrest
and ARE Required to serve Court ordered
Arrest Warrants.....

According to the F.B.I. Crime Reports
1,123 officers were killed in the line
of duty between 1969 and 1978. The
Majority were performing the following activities

1. Attempting Arrest 242
2. Robbery in Progress 211
3. Family Disturbance 178
4. BURGLARY in Progress 76

MAKING ARRESTS AND TRAFFIC STOPS ARE
A ROUTINE DUTY REQUIRED BY YOUR G.U.W.
LAW ENFORCEMENT OFFICERS "Total 377 OFFICERS
Killed"

M.C.A. 61-12-201 thru 61-12-206 AUTHORIZED
THE DEPT OF HIGHWAY TO APPOINT PEACE OFFICERS
SECTION 61-12-203 REQUIRES THE DEPT OF HIGHWAY
TO PROVIDE UNIFORMS AND BADGES FOR ALL G.U.W.
OFFICERS WHICH THE DEPT HAS DONE

THE SAME SECTION STATES "AUTHORIZED EMPLOYEES
MAY NOT CARRY FIREARMS UNLESS OFFICIALLY ATTACHED

THE PAST DIRECTOR ISSUED A MEMO FORBIDDING
OFFICERS TO WEAR FIREARMS FOR SELF PROTECTION
(I UNDERSTAND THAT RON RICHARDS TOLD DON COPLEY
TO ASK FOR MONEY TO ARM ALL G.U.W. OFFICERS BEFORE
HE RESIGNED. I CAN'T BACK THAT UP BUT A CALL
TO COPLEY 449 2476 WOULD CONFIRM IT)

YOU MIGHT ASK MR WICKS IF HE THINKS
POLICE OFFICERS SHOULD BE ARMED FOR THEIR
SELF PROTECTION. IF HE SAYS NO - ASKS
HIM IF HE THINKS THE STATE HAS THE RIGHT
TO ASK A G.U.W. OFFICER TO PERFORM A TASK THAT
EVERY OTHER OFFICER IN THE STATE IS ARMED FOR
WHILE PERFORMING THE SAME DUTY - - -

I don't believe that State ever intended
to place a Law Enforcement Office in
uniform & badge - Enforce State Law -
Make Arrests ; serve Arrest Warrants
With out offering That person a means of
protection -

That all I can think of wish
you Luck during the Construction -

Sincerely,

James V. Rancist

STANDING COMMITTEE REPORT

APRIL 10

19 81

PRESIDENT

MR.

STATE ADMINISTRATION

We, your committee on

HOUSE JOINT RESOLUTION

having had under consideration Bill No. **20**

MENEHAN (HAFFEY)

House Joint Resolution

Respectfully report as follows: That Bill No. **20**

BE CONCURRED IN

~~XXXXXX~~

STANDING COMMITTEE REPORT

APRIL 10

81

19

PRESIDENT

MR.

STATE ADMINISTRATION

We, your committee on

HOUSE JOINT RESOLUTION

having had under consideration Bill No. **26**

MOORE ()

HOUSE JOINT RESOLUTION

Respectfully report as follows: That Bill No. **26**

BE CONCURRED IN

~~XXXXXX~~
DO PASS

STANDING COMMITTEE REPORT

APRIL 10

19 81

MR. ...**PRESIDENT**.....

We, your committee on **STATE ADMINISTRATION**

having had under consideration **HOUSE** Bill No. **580**
FEDA (STORY)

Respectfully report as follows: That..... **HOUSE** Bill No. **580**

, third reading copy, be amended as follows:

1. Page 1, line 25

Strike:	"\$43,360	\$47,023"
Insert:	"\$43,000	\$45,000"

2. Page 2, line 2

Strike:	"\$1.077	\$\$33,671"
Insert:	"\$0,000	\$32,000"

3. Page 2, line 5.

Strike:	"\$44,447	\$\$48,204"
Insert:	"\$43,000	\$45,000"

4. Page 2, line 8

Strike:	"\$43,360	\$47,023"
Insert:	"\$42,000	\$44,000"

XXXXXX
DO PASS

CONTINUED

HOUSE BILL 580, page 2

5. Page 2, line 10

Strike:	"\$39,555"	\$42,887"
Insert:	"\$38,000"	\$40,000"

6. Page 2, line 12

Strike:	"\$28,685"	\$31,071"
Insert:	"\$28,000"	\$30,000"

7. Page 2, line 17.

Strike:	"\$31,077"	\$33,671"
Insert:	"\$30,000"	\$32,000"

8. Page 2, line 19

Strike:	"\$28,685"	\$31,071"
Insert:	"\$27,500"	\$29,000"

9. Page 2, line 21

Strike:	"\$27,870"	\$30,185"
Insert:	"\$27,000"	\$28,500"

10. Page 3, line 1

Following:	"\$37,999"
Strike:	\$42,273"
Insert:	"\$40,000"

11. Page 3, line 2

Following:	"\$39,999"
Strike:	"\$45,841"
Insert:	"\$42,500"

12. Page 3, line 10

Following:	"grade"
Strike:	"8"
Insert:	"9"

13. Page 4, line 10

Following:	"\$22,999"
Strike:	"\$23,794"
Insert:	"\$22,500"
Following:	"and"
Strike:	"\$25,754"
Insert:	"\$24,000"

14. Page 5, line 6

Following:	"\$29,276"
Strike:	"\$23,554"
Insert:	"\$22,000"

STATE ADMINISTRATION

HOUSE BILL 580, page 3

15. Page 5, line 7
Following: "\$21,779"
Strike: "\$25,493"
Insert: "\$24,000"

AND, as so amended,

BE CONCURRED IN