

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

January 9, 1985

The meeting of the State Administration Committee was called to order by Chairman Walter Sales on January 9, 1985 at 8:00 a.m. in Room 317 of the State Capitol Building.

Chairman Sales announced to the Committee that the meeting on Friday would be held at 9:30 a.m. because of conflicting meetings that are being held. Also the Governor will speak before the combined bodies at 10:30 a.m.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL NO. 87: Rep. Joe Quilici, District #71, appeared before the Committee as sponsor of the bill which was introduced at the request of the Department of Military Affairs. This has also been studied by an interim committee. This Department is partially funded by the federal government but these funds cannot be assigned to states until shortly before the end of the federal fiscal year which is September 30th. The Department needs this bill so that they can get the money from the federal government to build or maintain some of the facilities. This is money that has been turned back by other states which did not use it. This would make for better buildings in the state but also the "Build Montana Program" will put a lot of people to work in Montana. This is a chance to get some federal funds into the state with no cost to the State of Montana.

PROPOSERS: Gen. Duffy of the Department of Military Affairs appeared as a proponent to the bill. Money is turned back by some states and reallocated to others. The Department had the authority to do some work at Ft. Harrison so they convinced the federal government to let them do the contracting. He also said that the federal government only pays 6% to pay the architect where the federal government pays 10%. They cannot spend any money unless this legislation is passed.

Barbara Martin representing the Governor's State Building Construction Advisory Council supported the bill. The Council felt this would be of benefit to the state.

There were no further proponents and no opponents present.

DISCUSSION OF HOUSE BILL NO. 87: Rep. Pistoria asked if we had maybe missed the boat in the past and lost some of this money. Gen. Duffy said that they had been able to pick up some of this money that had been turned back, however, some was lost. If they know the money is going to be available they go to the Legislature and ask for spending authority. In some instances, Gen. Duffy himself has accepted the liability instead of the State of Montana. Rep. Quilici said that if this money is turned back

during the interim the money cannot be appropriated. If they have a chance for additional funds we want to see that they receive them.

Rep. Jenkins asked how much money is being discussed. Rep. Quilici said that depends on how much money is turned back from other states. Kenneth Cottrill of the Department of Military Affairs said that this has, at times, been \$200-300,000. They were authorized \$86,000 to repair the roof at Ft. Harrison. That was in their long range building request so they accepted it. There are no matching funds; these are 100% federal funds.

Rep. Quilici closed his presentation on HB 87.

CONSIDERATION OF HOUSE BILL NO. 3: Rep. Bob Marks, District #75, introduced this legislation at the request of the Joint Interim Subcommittee No. 2. At the present time there is a minimum fee for fire protection for classified forest landowners of \$6. The Subcommittee decided it would be more equitable to raise the minimum fee up to a minimum of \$30 rather than increase the charge for larger blocks of land. These smaller tracts usually have a home on them and the incidence of fire is greater on these smaller tracts. The Committee felt that there is interest on the part of everybody to prevent fires and the landowner should not have to pay all of the costs. Chairman Sales asked Rep. Marks if this bill would have to have a Statement of Intent. Rep. Marks did not believe this would be necessary as they already have the rulemaking authority.

PROPOSERS: Dennis Hemmer of the Department of State Lands read his statement to the Committee, a copy of which is attached to these minutes as Exhibit #1. He also stated that these smaller tracts of land are the ones that are of concern. Most of them are made up of subdivisions, some are up small canyons which have limited access and most have homes on them and there is the potential for loss of lives.

There were no further proponents and no opponents present.

DISCUSSION OF HOUSE BILL NO. 3: Rep. Harbin asked if this was going to be a graduated increase building up to the \$30. The answer was that this was the intention of the legislation - that it would gradually increase. Mr. Hemmer said that at this time there is no schedule for increases. Rep. Pistoria asked if federal aid is available on state owned forest land to which Mr. Hemmer said that this bill addresses state and private lands. The federal government comes in when a certain threshold is reached and after a higher threshold they pay 100%. Rep. Holliday wanted to know exactly what is a protection district. Mr. Hemmer said basically that a county sets up boundaries and votes for protection by the State. Basically, everything west of the Continental Divide is protected by this with the exception of communities. East of the Divide it would be what would be called the foothills.

Land that is in close proximity to these areas can be protected without increasing the cost - this can be done by subscription.

There were no further questions from the Committee.

In closing, Rep. Marks said that the maximum minimum fee of \$30 is approximately the same as the 16¢ per acre that is charged for larger tracts of land. At 16¢ per acre this would work out to about 187A. The background material used in the Subcommittee is available to anyone that would like to check it. The person to contact would be Paul Verdon the Legislative Council Staff Person.

CONSIDERATION OF HOUSE BILL NO. 5: Rep. Manuel, District #11, stated that this is not a bill to raise pay but to clarify what is already being done. He explained the changes in the bill by sections. Prior authorization must be obtained in order for a legislator to be entitled to reimbursement for mileage, salary and expenses as provided in 2-18-501 and 502.

There were no proponents or opponents present.

DISCUSSION OF HOUSE BILL NO. 5: Rep. O'Connell questioned whether this bill had anything to do with the Legislature taking a 4-day break at transmittal deadline. It was her understanding that under Section 1(2) they would not be paid for the 4-day break. She felt that many people do not go home for these four days, their expenses are still incurred and they should be paid for those four days. Diana Dowling of the Legislative Council said that the legislators were paid for 3 days of the 4-day break but this bill does not address that at all. Legislators have automatically been entitled to be paid for one round trip per session. This bill entitles legislators to three additional round trips to their place of residence but claim forms must be turned in. Diana Dowling said that this is an old law and possibly was to prevent long recesses while still being paid.

Rep. Quilici said that a fiscal note was not needed on this bill - it is not going to cost any more money. This is just a clarification. There should not be any added expenditures and the money is already there but prior authorization must be obtained.

There were no further questions from the Committee. Rep. Manuel closed his presentation of HB No. 5.

CONSIDERATION OF HOUSE BILL NO. 82: Rep. Peck, District #15, explained the concept of the bill which would be to pay each legislator \$200 per month between sessions, less an amount for each day spent on authorized legislative business for which he is otherwise paid. He said he had studied this thoroughly and believed it was a significant piece of legislation if we are going to maintain people in the legislature. Many can't afford to run for the legislature. Legislators are a Grade 8 on the State pay scale and

he understood that Doormen and Security Guards for the Session were classified as Grade 9 so they would be paid more than the legislators.

Rep. Peck had talked with a member of the North Dakota Salary Commission who said that the members of the N.D. Legislature are paid for weekly trips home each and every week of the session; and they are paid \$180 per month during the interim. The Salary Commission has recommended that this be increased to \$200 per month. Rep. Peck felt that the Montana Salary Commission has recommended an excessive amount. Rep. Ream's bill asks for \$40 per month which would not cover expenses. A legislator should not have to serve at a loss of income. He presented some figures showing how a person loses money while he is here.

A discussion was held concerning whether or not the Legislature could raise its salary or expenses relative to the effective date on the bill which is 7/1/85. To make it more palatable to the public they felt it should be 7/1/87. There are alternatives to this bill; the \$200 can be reduced, a substitute bill could be introduced to authorize the Salary Commission to study the legislator's salaries with followup on the Commission's recommendations - give them some authority or abolish the Commission. Another approach would be to consider Rep. Ream's bill and approach it from purely an expense standpoint.

There were no further proponents and no opponents present.

DISCUSSION OF HOUSE BILL NO. 82: The Salary Commission is an appointed body to make recommendations to the Legislature for increases in elected official's pay. The Commission has no authority, they can only make recommendations. Rep. Cody asked Rep. Peck why he didn't take one of the alternative approaches and he replied that he felt the legislators are entitled to \$200 per month.

Rep. Pistoria said that some of the legislators have met with the Salary Commission in Great Falls and it has always been their understanding that the Legislature cannot raise their own compensation according to the 1972 Constitution. This would have to be changed by a vote of the people. Rep. Phillips said that the Legislature is the only body of state government that can appropriate and spend money. Rep. Pistoria said that approximately \$240,000 would be spent for 8 months for the House members and \$400,000 for the other 12 months during the interim. This figure does not include members of the Senate.

In closing, Rep. Peck urged that the bill receive a Do Not Pass recommendation. He said that this would be a signal to the people of the state that the Legislature is going to hold the line on spending, including their own compensation.

A short recess was held with executive action set for 9:20 a.m.

Hearing resumed at 9:20 a.m.

DISPOSITION OF HOUSE BILL NO. 3: Rep. Smith moved HB 3 DO PASS, seconded by Rep. Harbin. It was the consensus of the committee members in these protected areas that this was a very good piece of legislation. Motion CARRIED UNANIMOUSLY.

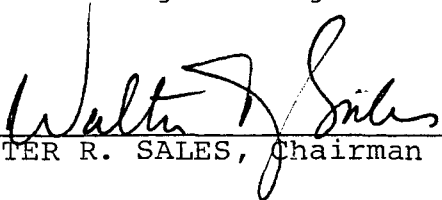
DISPOSITION OF HOUSE BILL NO. 5: Rep. Fritz moved that HB 5 DO PASS, seconded by Kennerly. Motion CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 82: Rep. Phillips moved that HB 82 DO NOT PASS, seconded by Rep. Compton. Rep. Smith said he would like to see this bill on the floor of the House for discussion by the complete body. Chairman Sales felt that if it was killed in Committee Rep. Peck would be able to get the signatures required to get it onto 2nd Reading if that is what he wants to do. Rep. Harbin said that perhaps it could be tabled which would postpone any action but Chairman Sales didn't encourage that. Rep. Smith said that perhaps the bill should be killed in Committee and Rep. Peck could bring it out on the floor with the necessary signatures.

Rep. Garcia made a substitute motion DO PASS AND AMEND THE EFFECTIVE DATE TO 7/1/87. Roll call vote: 14-4. MOTION FAILED.

The question was then called for Rep. Phillips' original motion DO NOT PASS. Roll call vote: 14-4. MOTION CARRIED.

There being no further business the meeting was adjourned at 9:40 a.m.


WALTER R. SALES, Chairman

(Type in committee members' names and have 50 printed to start).

DAILY ROLL CALL

State Administration COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 1/9/85

NAME	PRESENT	ABSENT	EXCUSED
Chairman Walter Sales	✓		
V-Chairman Helen O'Connell	✓		
Campbell, Bud	✓		
Compton, Duane	✓		
Cody, Dorothy	✓		
Fritz, Harry	✓		
Garcia, Rodney	✓		
Hayne, Harriet	✓		
Harbin, Raymond	✓		
Holliday, Gay	✓		
Jenkins, Loren	✓		
Kennerly, Roland	✓		
Moore, Janet	✓		
Nelson, Richard	✓		
Peterson, Mary Lou	✓		
Phillips, John	✓		
Pistoria, Paul	✓		
Smith, Clyde	✓		

(Type in committee name, committee members' names, and names of secretary and chairman. Have at least 50 printed to start.)

ROLL CALL VOTE

HOUSE COMMITTEE STATE ADMINISTRATION

DATE 1/9/85 HB Bill No. 82 Time 9:39

NAME	YES	NO
Sales, Walter		X
O'Connell, Helen	X	
Campbell, Bud		X
Compton, Duane		X
Cody, Dorothy		X
Fritz, Harry	Y	
Garcia, Rodney	Y	
Hayne, Harriet		X
Harbin, Raymond		X
Holliday, Gay		✓
Jenkins, Loren		X
Kennerly, Roland		X
Moore, Janet		X
Nelson, Richard	Y	
Peterson, Mary Lou		X
Phillips, John		
Pistoria, Paul		X
Smith, Clyde		✓
		X

Louise L. Sullivan
Secretary

Walter Sales
Chairman

Motion: Substitute

Substitute motion by Rep. Garcia, seconded by Fritz DO PASS

AS AMENDED. (Amendment would be to change effective date to

7/1/87). MOTION FAILED.

(Include enough information on motion -- put with yellow copy of committee report.)

(Type in committee name, committee members' names, and names of secretary and chairman. Have at least 50 printed to start.)

ROLL CALL VOTE

HOUSE COMMITTEE STATE ADMINISTRATION

DATE 11/9/85 HB Bill No. 82 Time 9:41

NAME	YES	NO
Sales, Walter	X	
O'Connell, Helen		X
Campbell, Bud	X	
Compton, Duane	X	
Cody, Dorothy	X	
Fritz, Harry		X
Garcia, Rodney		X
Hayne, Harriet	X	
Harbin, Raymond	X	
Holliday, Gay	X	
Jenkins, Loren	X	
Kennerly, Roland	X	
Moore, Janet	X	
Nelson, Richard		X
Peterson, Mary Lou	X	
Phillips, John	X	
Pistoria, Paul	X	
Smith, Clyde	X	

Louise L. Sullivan
Secretary

Walter Sales
Chairman

Motion: Original Motion by Rep. Phillips, seconded by
Rep. Compton DO NOT PASS. MOTION CARRIED.

(Include enough information on motion -- put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

January 2

19 55

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 3

First reading copy (White)
color

RAISE MINIMUM FOREST FIRE PROTECTION ASSESSMENT TO \$30

Respectfully report as follows: That HOUSE Bill No. 3

DO PASS

STANDING COMMITTEE REPORT

January 9

19 15

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 37

First reading copy (White)
color

ALLOW MILITARY AFFAIRS TO AUTHORIZE FEDERAL BUILDINGS -
ALLOW DEPT. OF ADMINISTRATION TO DO CONTRACTING

Respectfully report as follows: That HOUSE Bill No. 37

DO PASS

STANDING COMMITTEE REPORT

January 9, 1905

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No.

First reading copy (White color)

CLARIFY LEGISLATOR COMPENSATION AND EXPENSES

Respectfully report as follows: That HOUSE Bill No.

DO PASS

25 1/9/05

STATE PUB. CO.
Helena, Mont.

Walter R. Sales

Chairman.

COMMITTEE SECRETARY

STANDING COMMITTEE REPORT

January 9

19 85

MR. SPRAKER

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 82

First reading copy (White)
color

PROVIDE A MONTHLY SALARY FOR LEGISLATORS BETWEEN SESSIONS

Respectfully report as follows: That HOUSE Bill No. 82

DO NOT PASS

~~DO PASS~~

JR 1/9/85

STATE PUB. CO.
Helena, Mont.

Walter R. Sales,

Chairman.

COMMITTEE SECRETARY

Exhibit #,
1/9/85-
HB # 3

TESTIMONY - HOUSE BILL #3

DENNIS HEMMER - STATE LANDS COMMISSIONER

The Department of State Lands supports House Bill #3 which came as a recommendation of the Joint Interim Subcommittee No. 2. As way of background, the Forest Service protects two million more acres of state and private land than the state protects of Forest Service land. Historically the Forest Service has agreed to protect this acreage for the assessment, which up to this time has been 16¢ per acre. However, approximately two years ago the Forest Service notified the Department that it would either have to reduce the imbalance or pay full protection cost for those two million acres. This full protection cost would be somewhere between 44¢ and 66¢ per acre. The Department during the last session and in presentations to the Interim Subcommittee recommended that the state engage in a phased reduction. As long as the state stays in its phased reduction, the Forest Service will continue to charge the assessment cost of 16¢ per acre on the remaining acreage. However, if the state does not assume the increased protection, then the Forest Service will charge the full suppression cost. Through either option, it will cost the state more money.

The Department has recommended the \$30 maximum, as contained in House Bill #3. The forest fire assessment collection has historically provided one third of the fire protection budget. This one-third private share to two-thirds public share appears to conform with the benefits received by each party. The share of the fire assessment funds provided by small ownerships, however, does not appear to be equitable in light of the values being protected and the increased fire incidence on small ownerships. For these reasons, the Department has recommended the increase in the minimum fee to \$30. It would not be the Department's intention to immediately increase the assessments to the full \$30. Rather, depending on the outcome of the block assumption, each biennium the Department would increase the assessment sufficiently to cover the increased costs.

The Department of State Lands supports the adoption of House Bill #3 in order to provide sufficient funding and maintain an adequate level of protection.

VISITOR'S REGISTER

HOUSE

COMMITTEE

BILL 35, 82, 87

DATE 1/9/85

SPONSOR _____

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.