

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

March 19, 1985

The forty-fifth meeting of the State Administration Committee was called to order by Chairman Jack Haffey in Room 331, Capitol, at 10 a.m. on Tuesday, March 19, 1985.

ROLL CALL: With Senator Tveit being excused, all the other members were present.

CONSIDERATION OF HOUSE BILL 601: Representative Bob Thoft, District 63, is the sponsor of this bill entitled, "AN ACT EXEMPTING SMALL IRRIGATION DISTRICTS FROM AUDIT BY THE DEPARTMENT OF COMMERCE; AMENDING SECTION ... AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." Representative Thoft said that 601 is a bill brought before you to exempt small irrigation districts from being audited by the Department of Commerce. He said the bill is simple and there is adequate protection built into the bill in case there is some question about whether or not an audit is needed. Representative Thoft said he was comfortable with the safeguards built into the bill.

PROPOSERS: James McKinley, Tiffin Tracts Water Users Association of Stevensville, Montana, supports this bill. Mr. McKinley told the Committee that his Association with legally adopted rules and regulations now has the responsibility to distribute the water and pay the costs of the Association. His Association was audited by the State of Montana for 1982 and 1983. He believes that the cost was excessive and the results far less than should have been expected. Mr. McKinley said that during 1982 and 1983, they had a total of 12 items of income and 13 items of expense or a total of 25 entries. The audit of these 25 items cost them a total of \$259.88. \$208 for the audit, \$40 for typing and \$11.88 for printing. During this two year period, they spent a total of \$1,294.48. \$259.88 of this was for the audit. Mr. McKinley also told the Committee that the audit was not completed and wasn't done right because they have a bank account in Stevensville plus money held for us by the County Treasurer. (For more of Mr. McKinley's testimony see Exhibit "1" attached hereto and by this reference made a part hereof.)

Julie Wallace, Sunset Irrigation District, supports this bill. Ms. Wallace showed the Committee the books of the district and the ledger that they keep the accounts in. The ledger dated from 1945 and only covered 46 pages. Ms. Wallace said it cost them \$516 to have them audited by the state. She said the auditor claimed that it took 14 hours to audit their books, but she doesn't see how that could be. She said her district does not actually handle any money, it is taken care of by the County Treasurer. Ms. Wallace urged the Committee to support this bill. (See Exhibit "2" attached hereto.)

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OPPONENTS: There were no opponents.

COMMITTEE QUESTIONS: Senator Lynch asked Valencia Lane, staff attorney, if they were audited by the Department of Commerce. Ms. Lane replied that they were. Senator Lynch asked if they do fire districts also. Representative Thoft replied that if there is a need, there will be done every year, and if anyone complains they will respond to the water districts. Senator Hirsch asked what would happen if there was no audit and someone complained. Valencia Lane replied that the district court is involved and holds those records and has supervisory responsibility for irrigation districts.

Representative Thoft closed by urging the Committee to give this a favorable look. HOUSE BILL 601 is closed.

EXECUTIVE ACTION ON HOUSE BILL 601: Senator Lynch made a motion that HOUSE BILL 601 be concurred in. Question was called, and the Committee voted unanimously that HOUSE BILL 601 BE CONCURRED IN. (Senator Mohar will carry this to the floor.)

CONSIDERATION OF HOUSE BILL 629: Representative Robert Pavlovich, House District 70, is the sponsor of this bill entitled, "AN ACT REALLOCATING MONEY FROM FINES COLLECTED FROM PERSONS APPREHENDED OR ARRESTED BY A SHERIFF OR DEPUTY SHERIFF FOR A MOTOR VEHICLE VIOLATION; AMENDING SECTIONS..., MCA." Representative Pavlovich said that this is a bill locating fines by the Sheriff or Deputy Sheriff, and we would like that money to go to the counties where the arrest occurred.

PROPOSERS: John P. Scully, Sheriffs and Peace Officer's Association, supports this bill. Mr. Scully told the Committee that Representative Pavlovich's testimony was a little misleading. He told the Committee that this is where the fines are supposed to go, so they are taking no money out of the general fund. Mr. Scully told the Committee that sometimes the justice of the peace gets many small fines and some go to the highway patrol and some go to the counties and they just get them mixed up together. All this bill would do is make it clear where the money belongs and a means to insure this. Mr. Scully said that they do not think there is an impact, as this will just clarify the system.

OPPONENTS: There were no opponents.

COMMITTEE QUESTIONS: Senator Lynch asked Mr. Scully about city fines. Mr. Scully said that city fines go into city coffers. He said there was another bill that talks about where these go. Mr. Scully said that Tom Schneider of Montana Public Employees Association, advised that this would take nothing away from the retirement systems. Mr. Scully said that once the money was paid into the highway patrol, there was no way to discover it without going through all the records for all the counties.

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Representative Pavlovich said he was closed. HOUSE BILL 629 is closed.

EXECUTIVE ACTION ON HOUSE BILL 629: Senator Manning made a motion that HOUSE BILL 629 be concurred in. Question was called, and the Committee voted unanimously that HOUSE BILL 629 BE CONCURRED IN. (Senator Lynch will carry this to the floor.)

CONSIDERATION OF HOUSE BILL 576: Representative Harry Fritz, House District 56, Missoula, is the sponsor of this bill entitled, "AN ACT PROVIDING FOR COMPENSATION FOR MEMBERS OF THE STATE LIBRARY COMMISSION; AMENDING SECTION..., MCA; AND PROVIDING AN EFFECTIVE DATE." Representative Fritz said this bill pays \$50 to members of state library board when they attend their board meetings. He said it was standard with other boards regarding compensation for elected officials under Section 2-15-124, which authorizes compensation for members of quasi-judicial boards. Representative Fritz feels that they are entitled to \$50 per day, unless they are full time employees of the state. Representative Fritz said he could see no reason to discriminate against them.

PROPOSERS: Sara Parker, Montana State Library, supports this bill. Ms. Parker told the Committee how dedicated this board is and what a good job they have done. She feels this bill would provide equity, and would assist them with incidental costs to help cover the expenses they incur as they leave businesses and family obligations to serve the cause of libraries. (For more of Ms. Parker's testimony see Exhibit "3" attached hereto and by this reference made a part hereof.)

Brenda Schye, Montana Arts Advocacy, supports this bill. Ms. Schye feels that this bill will acknowledge their valuable contribution to the citizens of Montana, and recognizes their efforts as being as important as those of other state boards. She urged the Committee's support. (See Exhibit "4" attached hereto.)

OPPOSERS: There were no opposers.

COMMITTEE QUESTIONS: Senator Harding asked if we didn't pass House Bill 394. Representative Fritz replied that we had. He said that this bill had started separately, and that if House Bill 394 passes, this act is void. Senator Mohar asked if a quasi-judicial board had rulemaking authority. Ms. Parker said yes, they do have rulemaking authority, and they have determination of such things as appeal of court's awards and other things and in that sense, they are quasi-judicial.

Representative Fritz said he was closed. HOUSE BILL 576 is closed.

EXECUTIVE ACTION ON HOUSE BILL 576: Senator Manning made a motion that HOUSE BILL 576 be concurred in. Senator Mohar made a substitute motion that we table HOUSE BILL 576. He felt that bills should not be entered into the system just to have them there because of the cost to the system. Senator Haffey recommended

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that we hold this bill in Committee until we see what is going to happen to HOUSE BILL 394, which should be on third reading shortly. Senator Manning withdrew his motion. Senator Mohar withdrew his motion, and the Committee decided to wait and see what happens to House Bill 394 before acting on HOUSE BILL 576.

The meeting was adjourned at 10:30 a.m.


SENATOR JACK HAFFEY CHAIRMAN

ROLL CALL

STATE ADMINISTRATION

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date

NAME	PRESENT	ABSENT	EXCUSED
SEANTOR JACK HAFHEY, Chairman	✓		
SENATOR LES HIRSCH, Vice-Chairman	✓		
SENATOR JOHN ANDERSON	✓		
SENATOR MAX CONOVER	✓		
SENATOR WILLIAM FARRELL	✓		
SENATOR ETHEL HARDING	✓		
SENATOR J. D. LYNCH	✓		
SENATOR DICK MANNING	✓		
SENATOR JOHN MOHAR	✓		
SENATOR LARRY TVEIT			✓

DATE _____

COMMITTEE ON _____

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretariat)

Exhibit 4
HB-601
3-19-85

NAME: James Montgomery DATE: Mar. 19, 1983
ADDRESS: 282 So. Kipton Rd. Stevensville Md 21780

PHONE: 777-5800

REPRESENTING WHOM? Tiffin Tracts Water Users Assn.

APPEARING ON WHICH PROPOSAL: HB 601

DO YOU: SUPPORT? yes AMEND? _____ OPPOSE? _____

COMMENTS: (See attached sheet)

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Feb. 13, 1985

Gentlemen:

We are representing Tiffin Tracts Water Users Association of Stevensville, Montana. I am Jim McKinley, Sec. Treas., and this is Tom Myers, President of our Association.

Our Association has decreed water rights out of Kootenai Creek dating June 1, 1885 and April 1 1898 for 260 inches of water. Before subdivision these water rights were held by three small farms. Now we serve 28 seperate parcels.

The Association with legally adopted rules and regulations now has the responsibility to distribute the water and pay the costs of the Association.

The Tiffin Tract Water Users Association was audited by the State of Montana for 1982 and 1983. We believe that the cost was excessive and the results far less than should have been expected.

During 1982 and 1983 we had a total of 12 items of income and 13 items of expense or a total of 25 entrys. The audit of these 25 items cost ~~us~~ a total of \$259.88. \$208.00 for the Audit, \$40.00 for typing and \$11.88 for printing. During this two year period we spent a total of \$1294.48. \$259.88 of this was for the audit.

In addition when the auditor found that we had a Bank Account in Stevensville plus money held for us by the County Treasurer he did not complete the financial audit. All records were in his hands and could have been completed in a matter of hours.

We were billed for and paid for the audit on Dec. 15, 1983. The Audit Report Letter of Transmittal to us was written on July 17, 1984. Our letter outlining the action we planned to take was sent to the Audit Bureau on Sept. 6, 1984. We have not recieved a reply.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Sara Parker

DATE: March 19, 1975

ADDRESS: 1515 E. 5th, Helena

PHONE: 444-3115

REPRESENTING WHOM? Montana State Library

APPEARING ON WHICH PROPOSAL: # 576

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: MCA 32-1-101 prohibits the State Library
Commission members from receiving the
per diem which other citizens who serve
on that board receive. This bill would
provide parity with other boards. The
Commission is an extremely hard working
group of individuals. They would meet then
with incidental costs to help cover the
expenses they incur as they have business
and family obligations to serve the cause
of libraries.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Exhibit 4
HB-576
3-19-85

Montana Arts Advocacy

committee of the Montana Institute of the Arts Foundation

TESTIMONY TO THE SENATE STATE ADMINISTRATION COMMITTEE
March 19, 1985
HB 576

I am Brenda Schye, and I represent the Montana Arts Advocacy, a cross-section of Montanans who are committed to ~~the development of~~ our state's cultural and artistic growth.

Without a doubt, one of the greatest cultural resources of our state is its strong network of libraries, which are centers for information and research, recreation, and lifelong learning. Much of the credit for the outstanding library services in this state lies with the State Library Commission.

This bill acknowledges their valuable contribution to the citizens of Montana, and recognizes their efforts as being as important as those of other state boards. We therefore encourage your support of HB 576.

K. Paul Stahl—Helena
James Poor—Great Falls
Mary Hudspeth—Glendive
Charles Tooley—Billings
Eric Myhre—Helena

Donna Gray—Pray
B.J. Hawkins—White Sulphur Springs
Claudette Morton—Helena
Reed Robinson—Missoula
Deborah Schlesinger—Helena

Sydney Sonneborn—Miles City
C. Karen Stanton—Hardin
J.D. Holmes—Helena
John Koch—Miles City
Joan Hendricks—Executive Secretary-Billings

STANDING COMMITTEE REPORT

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MR. PRESIDENT

We, your committee on **STATE ADMINISTRATION**

having had under consideration **HOUSE BILL** No. **629**

third reading copy (**blue**)
color

(Senator Lynch will carry)

ALLOCATION OF MOTOR VEHICLE VIOLATION FINE MONEY

Respectfully report as follows: That **HOUSE BILL** No. **629**

BE CONCURRED IN

XXXXXX

XXXXXXXX

Chairman.

STANDING COMMITTEE REPORT

March 19 19 85

MR. PRESIDENT

We, your committee on **STATE ADMINISTRATION**

having had under consideration..... **HOUSE BILL** No... **601**.....

third reading copy (blue)
color

(Senator Mohar will carry)

SMALL IRRIGATION DISTRICTS EXEMPT FROM AUDIT

Respectfully report as follows: That..... **HOUSE BILL** No... **601**.....

BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXXXX~~

.....
Chairman.