

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

March 21, 1985

The forty-seventh meeting of the State Administration Committee was called to order by Chairman Jack Haffey in Room 331, Capitol, at 10 a.m. on Thursday March 21, 1985.

ROLL CALL: All the members were present.

CONSIDERATION OF HOUSE BILL 774: Representative Jerry Driscoll, House District 92, Billings, is the sponsor of this bill entitled, "AN ACT REVISING THE METHOD FOR DETERMINING YEARS OF EMPLOYMENT FOR THE PURPOSE OF CALCULATING LONGEVITY ALLOWANCES AND VACATION LEAVE CREDITS FOR CERTAIN PUBLIC EMPLOYEES; AMENDING SECTIONS..., MCA; AND PROVIDING AN APPLICABILITY DATE." Representative Driscoll said that House Bill 774 determines the way part time people would determine their longevity increase and when they would get additional vacation leave. Before the Attorney General's opinion, they used 12 months for a year, so after five years everyone received a longevity increase and they would be credited for five years work even if they were part time. After the Attorney General's opinion (Exhibit "1" attached hereto and by this reference made a part hereof) the people who worked part-time or 20 hours or less, had to work twice as long to get a year of longevity. This bill simply puts it back to where it was before the Attorney General's opinion with 12 calendar months being one year.

PROPOSERS: Tom Schneider, Montana Public Employees Association, supports this bill. Mr. Schneider said HB-774 would put the calculation of qualifying time for benefits back to the way it has been since the inception of longevity vacation in 1971. Mr. Schneider entered a chart showing what the Attorney General's opinion did to permanent half time employees. (See Exhibit "2" attached hereto and by this reference made a part hereof.) Mr. Schneider told the Committee that under the Attorney General's opinion part-time employees have to work twice as long, and he does not think this was the intent of the legislation passed in 1971. Mr. Schneider said that this bill should not cost any money because until this Attorney General opinion which happened during the present fiscal year, these costs were already budgeted for.

Mary Lou Garrett, ICCW, supports this bill. Ms. Garrett said that they support this bill because it eliminates the confusion of using an hourly base for determining years of service, which in turn requires additional staff hours to calculate and the record keeping has been inconsistent between agencies. She said that HB-774 will clarify the exact time period for years of service, regardless of the numbers of hours worked by an employee and makes for a simplified and fair distinction for

years of service worked. (Exhibit "3" attached hereto.)

Sue Romney, University System, supports this bill. Ms. Romney felt the change would be cumbersome to handle.

Richard Hall, State Auditor, P/P/P System, entered an amendment to the bill suggesting that there should be a fiscal note showing how this change-over would be paid for. He told the Committee that they had already switched the system according to the Attorney General's opinion. Mr. Hall felt that the amendment he was suggesting would save the state \$10,000, and allow the existing automatic record keeping system to continue to operate without affecting the apparent intent of this bill. (For more of Mr. Hall's testimony see Exhibit "4" attached hereto and by this reference made a part hereof.)

OPPONENTS: There were no opponents.

COMMITTEE QUESTIONS: Senator Harding told Mr. Schneider that she understood him to say a full credit for a full year worked. Mr. Schneider replied that that's correct. Senator Lynch asked Mr. Hall, did you change your system? Mr. Hall replied, yes we did. Senator Lynch said didn't you kind of question that, we were meeting in 20 days and we would be back to the way we were. Mr. Hall replied that they felt they should be in compliance with the law as soon as possible, and this would get the system off and running. Senator Lynch asked if this change-over was out of the budget. Mr. Hall replied that it was taken out of a contingency fund. Senator Lynch asked why this next change-over couldn't be out of the contingency fund. Mr. Hall replied that they could request the funding now and we would be able to handle it next year. He further told Senator Lynch that he did not think that this bill would put them back to the beginning. Senator Farrell said that he did not understand the amendment. Mr. Hall explained them to him as listed on his testimony sheet. (Exhibit "4".) Senator Farrell asked how is this computed? Mr. Hall replied that currently the system is automated so that they get credit for each hour in service. 2,080 hours they would get full credit, but under Attorney General's opinion, they would only get credit for half in a year if they only worked 20 hours. Senator Haffey said that the bill that is presented is a bill that says if the bill is passed, the qualifying time for benefits goes back to the way it has been handled prior? Representative Driscoll said that that was the intent. Senator Haffey said and then all the agencies would be treated the same. Mr. Hall said that they did not find a great deal of consistency between agencies. Mr. Schneider reminded the Committee that they were not just dealing with state agencies. This affects local government and the university systems. Sue Romney said that this amendment would not help them because they are not on central payroll, and their employees only work nine months, so the amendment would not solve their problems. There was more discussion with Mr. Hall regarding the his amendment, and then Senator Haffey asked that Valencia Lane, staff Attorney, go

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over this amendment and correct its language to fit the language of the bill, and to meet with Mr. Hall, Mr. Schneider, Ms. Romney, and Ms. Garrett, and then to check the whole thing over with Representative Driscoll.

Representative Driscoll closed by apologizing to the Committee. He said that he had never seen the amendment and that it had not been brought up in the House, and he thought this was a simple bill. HOUSE BILL 774 is closed.

EXECUTIVE ACTION ON HOUSE BILL 774: Executive action on this bill will be deferred until Friday, March 22, 1985, after the participants have an opportunity to meet and discuss the amendment. (Senator Manning will carry the bill.)

CONSIDERATION OF HOUSE BILL 421: Representative Ray Brandewie, House District 49, is the sponsor of this bill entitled, "AN ACT TO ALLOW THE DEPARTMENT OF COMMERCE TO USE UNSALARIED AIR SEARCH AND RESCUE VOLUNTEERS FOR WHOM THE DEPARTMENT MUST PROVIDE WORKERS' COMPENSATION COVERAGE; AMENDING SECTIONS..., MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." Representative Brandewie said this is a simple bill and it is all contained in the new section, Section 1. The Division of Aeronautics is to pay Workers' Compensation for unsalaried air search and rescue volunteers. He said there was no fiscal impact because of user taxes.

PROPOSERS: Mike Ferguson, Aeronautics Division, Department of Commerce, supports this bill. Mr. Ferguson said this would help with volunteers during air search operations.

OPPOSERS: There were no opposers.

COMMITTEE QUESTIONS: Senator Mohar said there were a lot of people involved in search and rescue operations, such as police and sheriffs deputies and he wanted to know if they were covered under this. Mr. Ferguson replied no. Senator Harding explained that local governments pay workers' compensation for these volunteers.

Representative Brandewie said he was closed. HOUSE BILL 421 is closed.

EXECUTIVE ACTION ON HOUSE BILL 421: Senator Mohar made a motion that HOUSE BILL 421 be concurred in. Question was called, and the Committee voted unanimously that HOUSE BILL 421 BE CONCURRED IN. (Senator Mohar will carry this to the floor.)

CONSIDERATION OF HOUSE BILL 160: Representative Ed Grady, House District 47, is the sponsor of this bill entitled, "AN ACT REQUIRING THE FILING OF RECORDS OF MOBILE HOMES IN THE SAME A SIMILAR MANNER AS THOSE OF MOTOR VEHICLES; REQUIRING FILING OF NOTICE OF INTENTION TO TRANSFER TITLE; AMENDING SECTION..., MCA."

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Representative Grady said the purpose of HB-160 is to provide a paper trail so the county assessor and county treasurer can find the owners of mobile homes and see that the person responsible for the payment of taxes receives the tax notice. He said that as the law now stands, the title is usually sent directly to the purchaser and there is no county record. Representative Grady said that this bill provides for transfer of titles through the county treasurers' offices. In the event the sale is by contract and the title is not transferred until the final payment is made, a notice of intention to transfer must be filed with the county clerk and recorder (new Section 5). The reason that recording is with the clerk and recorder is because that office typically is the office recording ownership of property. This follows the procedure that is utilized in contract for deed transactions where a Notice of Purchaser's Interest is filed with the Clerk and Recorder. Representative Grady felt that this would insure that the taxes were paid on mobile homes.

PROPOSERS: Gloria Paladicheck, Montana County Treasurer's Association, supports this bill. Ms. Paladicheck felt that this bill creates more work but it is necessary. She told the Committee that they have a lot of trouble keeping track of mobile homes. She said they are sold and they have a terrible time trying to find the new owner in order to tax the mobile home. She felt that it was very beneficial to have this all done through the clerk and recorder's office.

Gordon Morris, Montana Association of Counties, supports this bill. He felt that this would pickup a lot of revenue for the counties that have been on the books. He felt the bill was straight.

OPPOSERS: There were no opposers.

COMMITTEE QUESTIONS: Senator Harding explained the difference between filing with the clerk and recorder's office and recording. She said if the papers were to be returned to the people, they would have to be recorded instead of filed. Representative Grady said that he did not think they would need them back, so filing would work. Senator Mohar said that he felt there should be a fee charged the people filing these papers instead of it coming out of the general fund. Mr. Morris felt that the return in taxes would more than pay for this. Larry Majerus said that in the original draft, this was under Title 61 and you pay a \$3.00 fee to pay for the cost. Now that it has been moved to Title 15, I can't find it and it should be added. Senator Conover remarked that in Yellowstone County they had a terrible time keeping track of these mobile homes. Senator Harding wanted to be sure that this only refers to moveable mobile homes and not those permanently set up. Mr. Morris said yes. Senator Farrell said it looked like Mr. Majerus's

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office already furnished a list to the county. Mr. Majerus replied that they did, but that could be six months down the road. Senator Haffey asked that Gloria Paladicheck, from the Treasurer's Association, Gordon Morris, and Larry Majerus, meet with Valencia Lane on the above matters and put together some language to address these concerns. Representative Grady said that Charles Graveley had worked on this and was very familiar with it, but he was out of town. Senator Haffey asked Valencia Lane to contact Charles Graveley also and work it out with them.

Representative Grady closed by saying that he thinks this legislation will make it simpler and quicker to pick-up these mobile homes and that this closes another loophole. HOUSE BILL 421 is closed. (Someone will be assigned to carry this bill.)

CONSIDERATION OF HOUSE BILL 775: Representative John Harp, House District 75, is the sponsor of this bill entitled, "AN ACT CLARIFYING THE DISTRIBUTION PROCEDURE FOR FOREST RESERVE MONEY; PROVIDING THAT DISTRIBUTION TO THE COUNTIES NEED NOT BE MADE UNTIL THE STATE TREASURER RECEIVES FULL PAYMENT OF FEDERAL FOREST RESERVE FUNDS; AMENDING SECTION..., MCA; AND PROVIDING AN EFFECTIVE DATE." Representative Harp said that this is a simple bill to solve a problem of the State Auditor's office. He said that they pay out 75% of the forest reserve money to the counties on October 1st and they have to estimate how much that will be. When they receive all the money, they find that many counties are overbudgeted or underbudgeted. He said this bill would help the counties because they would know exactly how much money they should have. He gave an example in Lincoln County of a gross overpayment and how it had to be paid back. Representative Harp said this would also help the Auditor's office because it would simplify their bookkeeping.

PROPOSERS: Wayne Phillips, State Auditor's office, supports this bill. Mr. Phillips said the real issue is who gets this money and when. He said that this would simplify the whole process.

OPPOSERS: Tom Marvin, Commissioner from Mineral County, opposes this bill. Mr. Marvin said that Mineral County is the Ethiopia of Montana and they need this money as soon as possible. He told the Committee that this money determines their tax base. Mr. Marvin told the Committee that one of the big problems was the loss of accrued interest during the delay. He said that he sympathized with the State Auditor, but told the Committee that his county needed that money in October so they could set their mill levy. Mr. Marvin said that they are going to lose some of their tax base next year when the Bonneville Power leaves the county.

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Gordon Morris, Montana Association of Counties, opposes this bill. Mr. Morris said that this was the same as SB-127 which was killed in Local Government Committee. He said the State Auditor's office was trying to do the same thing with this bill that they failed to do with the other one. Mr. Morris said that these counties are entitled to three-fourths of this money and if they don't receive it in October, they lose a lot of interest. He said the State Auditor's office was simply trying to ease their work load at the counties' expense.

COMMITTEE QUESTIONS: Senator Lynch asked why there is no fiscal note. Mr. Morris said that he spoke to David Hunter and he said one had not been requested. I think there should have been one. This will have a tremendous impact on local government. Somewhere in the neighborhood of one-half million dollars. Mr. Morris said if you take 5.9 million times .0833% you get \$491,000 if his math is correct. Senator Harding asked what is the percentage for counties and schools? Mr. Morris replied 33 1/3rd goes to schools and 2/3rds to roads. Senator Mohar said that he was all ready to vote for this bill for Lincoln County and now he's not so sure. Senator Mohar asked why they were not getting all the money in October. Mr. Phillips replied that the Federal Government hedges trying to figure out what they get and it is balanced out in taxes. Three-fourths goes to the state Treasurer and three months later actual receipts are tabulated and that is adjusted up or down.

Representative Harp closed by saying that he didn't want to take money from the counties. He said he comes from forest country and if they feel this bill can be amended to satisfy everyone it is okay with him. Representative Harp said that oil and gas counties' money goes into the general fund and passes right back to those counties. We were simply trying to help the State Auditor's Office. HOUSE BILL 775 is closed.

EXECUTIVE ACTION ON HOUSE BILL 775: Senator Haffey asked Valencia Lane, staff Attorney, to meet today with Wayne Phillips, Tom Marvin, and Gordon Morris to see if something can be worked out with this bill. No action will be taken on this today, it will be held until Monday, March 25, 1985, if possible.

EXECUTIVE ACTION ON HOUSE BILL 291: Senator Lynch made a motion that House Bill 291 be concurred in. Senator Mohar made a substitute motion that the Committee adopt his amendments which would increase the employee's contribution to this retirement system. Senator Manning spoke against the amendment saying that these men were going to be asked to work 25 years instead of 20 and they do not have social security benefits. He said he did not feel the amendment was necessary. Senator Lynch spoke against the amendment saying that he felt the highway patrol could use all the support they could get. Question was called, and with Senator Mohar voting yes, the Committee voted no on his motion so it failed. Senator Haffey said a vote would be taken on Senator Lynch's original motion. Question was called,

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and the Committee voted unanimously that HOUSE BILL 291 BE CONCURRED IN. (Senator VanValkenburg will carry this to the floor.) (See Exhibit "6" for amendment.)

EXECUTIVE ACTION ON HOUSE BILL 292: Senator Manning made a motion that HOUSE BILL 292 be concurred in. Question was called, and the Committee voted unanimously that HOUSE BILL 292 BE CONCURRED IN. (Senator VanValkenburg will carry this to the floor.)

The meeting was adjourned at 11:17 a.m.



SENATOR JACK HAFFEY, CHAIRMAN

DATE _____

COMMITTEE ON _____

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

Exhibit 21
HB-774
3-21-85

Crosby Attorney General Opinion Service
2210 E. 6th Helena, Montana

VOLUME NO. 40

OPINION NO. 61

COUNTY OFFICERS AND EMPLOYEES - Vacation accrual rate
for county employees under section 2-18-612, MCA;

EMPLOYEES, PUBLIC - State and local government
employees' vacation accrual rate;

EMPLOYEES, PUBLIC - State employees' longevity allowance
accrual rate;

HOURS OF WORK - One year of service under sections
2-18-304 and 2-18-612, MCA, equals 2,080 hours;

MONTANA CODE ANNOTATED - Sections 2-18-101(7), 2-18-303,
2-18-304, 2-18-306, 2-18-601(2), 2-18-611, 2-18-612,
2-18-617, 2-18-618;

OPINIONS OF THE ATTORNEY GENERAL - 39 Op. Att'y Gen. No.
78 (1982).

- HELD: 1. Under section 2-18-304, MCA, a state employee
must be in a pay status for 2,080 hours in
order to be credited with a year of service
for longevity accrual purposes.
2. Under section 2-18-612, MCA, a public employee
must be in a pay status for 2,080 hours in
order to be credited with a year of employment
for vacation accrual purposes.

31 July 1984

Morris Brusett, Director
Department of Administration
Sam W. Mitchell Building
Helena MT 59620

Dear Mr. Brusett:

You have requested my opinion concerning the following
questions:

1. Whether a state employee, as defined in
section 2-18-101(7), MCA, must be in a
pay status for 2,080 hours to be credited
with one year of service toward the
longevity period under section 2-18-304,
MCA?

2. Whether an employee, as defined in section 2-18-601(2), MCA, must be in a pay status for 2,080 hours to be credited with one year of employment toward the vacation accrual rate under section 2-18-612, MCA?

A longevity allowance is added to the salary of "each employee who has completed 5 years of uninterrupted state service." § 2-18-304, MCA. The term "year" is not defined in this section, nor is it defined in section 2-18-612, MCA, which provides:

Rate earned. Vacation leave credits are earned at a yearly rate calculated in accordance with the following schedule, which applies to the total years of an employee's employment with any agency whether the employment is continuous or not:

Years of employment	Working days credit
1 day through 10 years	15
10 years through 15 years	18
15 years through 20 years	21
20 years on	24

[Emphasis added.]

For purposes of administration of the longevity and vacation statutes, you wish to know whether a year of service is equivalent to 2,080 hours.

According to the principles of statutory construction, if the language of a statute is plain, unambiguous and direct, the plain meaning of the words is to be followed. Dunphy v. Anaconda Co., 151 Mont. 76, 438 P.2d 660 (1968). In the construction of a statute, the legislative intent is to be pursued, if possible. § 1-2-102, MCA. Statutes must be read together and harmonized to give effect to the legislative intent. Gaffney v. Industrial Accident Board, 133 Mont. 448, 324 P.2d 1063 (1958).

Within Title 2, chapter 18, MCA, definitions of the word "year" appear in several other sections. In sections 2-18-306, 2-18-611 and 2-18-618, MCA, "year" is defined as 2,080 hours for calculation of hourly wages, vacation credits and sick leave credits. On the other hand, the language of sections 2-18-303 and 2-18-617, MCA, refers specifically to "fiscal year" and "calendar year," respectively. The descriptive terms "fiscal" and "calendar" are omitted from the sections concerning longevity and vacation accrual. If the Legislature had intended calculations to be based upon a fiscal or calendar year, it would have expressly inserted one of these descriptive terms. In construing a statute, it is not my function to insert words which have been omitted.

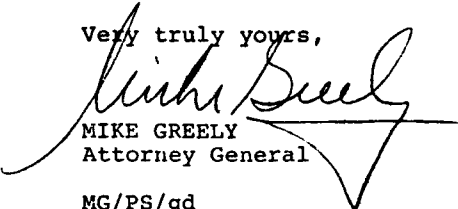
In a previous opinion, I concluded that a normal work year consists of 2,080 hours of labor and that a "year of service" for purposes of deputy sheriffs' longevity therefore consists of 2,080 hours. 39 Op. Att'y Gen. No. 78 at 299 (1982). Similarly, in this situation, the statutes appear to express a general legislative intent that a year of service or employment is equivalent to

2,080 hours. Thus, I conclude that in calculating an employee's past employment for longevity or vacation accrual purposes, the agency or unit of local government should utilize an hourly basis. You have informed me that different practices may have existed in the agencies in the past, and that you intend to adopt new rules to implement a uniform practice. Under the recent decision of the Montana Supreme Court in Wage Appeal of Montana Highway Patrol Officers v. Board of Personnel Appeals, 41 St. Rptr. 154, 676 P.2d 194 (1984), it is permissible to change the method of computing benefits in order to comply with the legislative intent, so long as the change is prospective in application.

THEREFORE, IT IS MY OPINION:

1. Under section 2-18-304, MCA, a state employee must be in a pay status for 2,080 hours in order to be credited with a year of service for longevity accrual purposes.
2. Under section 2-18-612, MCA, a public employee must be in a pay status for 2,080 hours in order to be credited with a year of employment for vacation accrual purposes.

Very truly yours,


MIKE GREELY
Attorney General

MG/PS/gd

MONTANA

PUBLIC

EMPLOYEES

ASSOCIATION

1426 Cedar Street • P.O. Box 5600

Helena, Montana 59604

Telephone (406) 442-4600

February 18, 1985

3-21-85

HOUSE BILL 774

House Bill 774 would put the calculation of qualifying time for benefits back to the way it has been since the inception of longevity vacation in 1971. On July 31, 1984 the Attorney General changed that calculation by his ruling (copy attached).

What that opinion basically says is that a person who works on a permanent part-time basis not only has the benefit pro-rated but also must work for an extended period of time to qualify. Here is a simple chart showing what has happened to permanent half time employees.

<u>ORIGINAL LAW</u>			<u>AFTER AG OPINION</u>	
<u>Full Time Employee</u>		<u>Part-time Emp.</u>	<u>Full Time Emp.</u>	<u>Part-time Emp.</u>
Vac. thru 10 Yrs.	15 days	7½ days	15 days	7½ days*
10 thru 15	18 days	9 days	18 days	7½ days
15 thru 20	21 days	10.5 days	21 days	7½ days**
20 years on	24 days	12 days	24 days	9 days***

* Must now wait 12 months instead of 6 months to qualify

** Increase to 9 days upon completion of 20 year.

*** Would increase to 10.5 after completion of 30 years and to 12 days after completion of 42 years.

LONGEVITY

A permanent half time employee must now work for 10 years instead of 5 to receive half of the longevity or basically \$ 5.00 per month.

This bill should not cost any money because until this Attorney General Opinion which happened during the present fiscal year, these costs were already budgeted for.

I want to thank you very much for your support of HB 774.

Sincerely,

Thomas E. Schneider

Eastern Region

(Mailing Address) 502 Nelson
Billings, Montana 59102
(Phone) (406) 652-3530

Western Region

(Mailing Address) 1420 Jackson
Missoula, Montana 59801
(Phone) (406) 728-4768



TESTIMONY

H.B. 774

My name is Mary Lou Garrett, I represent the Interdepartmental Coordinating Committee for Women, known as the ICCW. ICCW represents 44% of the employees in state government.

ICCW endorses H.B. 774 as it eliminates the confusion of using an hourly base for determining years of service, which in turn requires additional staff hours to calculate and the record keeping has been inconsistent between agencies.

H.B. 774 will clarify the exact time period for years of service, regardless of the numbers of hours worked by an employee and makes for a simplified and fair distinction for years of service worked.

With information provided by the Department of Administration, ICCW agrees with the proposals of H.B. 774 and asks your support in passage of this bill on behalf of state employees.

NAME: Richard W. Hall DATE: 3/21/85

ADDRESS: State Auditors Office

PHONE: _____

REPRESENTING WHOM? State Auditor / P/P/P System

APPEARING ON WHICH PROPOSAL: H B 0 774

DO YOU: SUPPORT? _____ AMEND? OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Recommendations on House Bill 0774

Presented by:

Richard Hall
Payroll/Personnel/Position Control System Co-ordinator
Central Payroll Division
State Auditors Office

Introduction

The Payroll/Personnel/Position Control System is responsible for maintaining the leave and service records for all state employees paid through the Central Payroll System. This presentation is on behalf of the State Auditors Office.

Intent

It is not my intent to comment on the personnel policy contained in this bill but merely to suggest a modification to the language of the bill which will save the State \$10,000 and allow the existing automatic record keeping system to continue to operate without affecting the apparent intent of this bill.

Impact of Calendar Month Credit

This bill defines years of service in terms of calendar months. All service to the state is currently recorded in hours per pay period. It is therefore impossible for our system to automatically record, and notify agencies, of upcoming changes to an employees number of longevity increments or leave accelerator code in conformance with the definition of service contained in this bill. In October of 1984 a fully automatied recording and notification system for Longevity and Leave Accelerator Codes was implemented at a cost of \$15,000. This also involved a large manual effort on the part of all agencies. This Bill will require us to undo the changes implemented in October 1984. We anticipate this cost to be in excess of \$10,000 which is double the amount contained in the fiscal note. All agencies will be required to assist in this proceedure. We anticipate that passage of this bill in its current form will place an additional workload on all agencies.

Recommendation

If the Committee chooses to pass this bill the following amendments would eliminate the costs mentioned.
Section 1. (2) be amended to read.
For the purpose of determining years of service under this section, an employee must be credited with 1 year of service for each 2080 hours of service following his date of employment. An employee must be

credited with 80 hours of service for each biweekly pay period in which he was in a pay status regardless of the actual number of hours of service.

Section 2. (1) The following statement be inserted.
For calculating vacation leave credits, 2080hours (26 pay periods x 80 hours) shall equal 1 year.

Section 3 (2) be ammended to read.
For the purpose of determining years of employment under this section, an employee eligible to earn vacation credits under 2-18-611 must be credited with 1 year of employment for each period of 26 biweekly pay periods in which he was in a pay status regardless of the number of hours of service in any one pay period.

Summary

Changing the language of the bill from calendar months to hours in a pay period will enable an automated system to be maintained and avoid wasting \$25,000 of State funds.

Amendment to House Bill 0774

Section 1. (2) be amended to read.

"For the purpose of determining years of service under this section, an employee must be credited with 1 year of service for each 2080 hours of service following his date of employment. An employee must be credited with 80 hours of service for each biweekly pay period in which he was in a pay status regardless of the actual number of hours of service."

Section 2. (1) The following statement be inserted.

"For calculating vacation leave credits, 2080hours (26 pay periods x 80 hours) shall equal 1 year."

Section 3 (2) be ammended to read.

"For the purpose of determining years of employment under this section, an employee eligible to earn vacation credits under 2-18-611 must be credited with 1 year of employment for each period of 26 biweekly pay periods in which he was in a pay status regardless of the number of hours of service in any one pay period."

Exhibit "5"
HB-160
3-21-85

To: Rep. Ed Grady

From: Charles Graveley

Re: H.B. 160

The purpose of HB 160 is to provide a paper trail so the county assessor and county treasurer can find the owners of mobile homes and see that the person responsible for the payment of taxes receives the tax notices.

As the law currently stands, when a transfer of the title of a mobile home is made, the transfer is not required to be processed through the county treasurer. The seller (owner) of the home can send the title directly to the registrar of motor vehicles in Deer Lodge and have the title returned to the buyer of the home. When this occurs, there is no paper trail to inform the taxing officials of the transfer and therefore the ownership records in the county assessor's office are not current.

When a mobile home is sold on a contract (and today, many such homes are sold on contract because of their resale value) there is no transfer of the title until such time as the home is fully paid and the contract satisfied. Most often, the title is held by an escrow agent with instructions to transfer title only after the final payment is made. When that occurs, the escrow agent typically sends the title to Deer Lodge with instructions to make the transfer and return the title to the purchaser. Again, no paper trail exists so the taxing authorities can give notice to the proper persons.

This
The bill provides for transfer of titles through the county treasurers offices. In the event the sale is by contract and the title is not transferred until the final payment is made, notice of intention to transfer must be filed with the county clerk and recorder. (New Section 5)
The reason that recording is with the clerk and recorder is because that office typically is the office recording ownership of property. This

follows the procedure that is utilized in contract for deed transactions where a Notice of Purchaser's Interest is filed with the Clerk and Recorder.

This bill should place no additional record keeping requirements on the registrar because they are currently handling the transfers of mobile home titles under title 61 of the code.

It is a bill drafted with the protection of the "owners" of mobile homes in mind. If the owners do not receive the tax notices, they cannot be expected to pay the taxes. If they do not pay the taxes, the homes are scheduled for tax sale and may be lost because of non-payment of taxes. Their interests must be protected.

And, of course, the job of the assessors is simplified because there will be a trail of ownership interests and the notices for taxes due can be sent to the proper persons.

President Mt. Asso. of Co. Treasurers
Gloria
Gordon

Not adopted Exhibit "6"
HB-291
3-21-85

Proposed amendments to HB 291, third reading (blue):

1. Page 4, line 10.

Following: "6~~1~~%"

Strike: "6.59%"

Insert: "7.55%"

2. Page 4, line 25.

Following: "16~~5~~7%"

Strike: "18.58%"

Insert: "17.62%"

STANDING COMMITTEE REPORT

March 21 1985

MR. PRESIDENT

We, your committee on **STATE ADMINISTRATION**

having had under consideration **HOUSE BILL** No. **421**

third reading copy (**blue**)
color

(Senator Mohar will carry)

DEPT. OF COMMERCE USE OF AIR SEARCH VOLUNTEERS

Respectfully report as follows: That **HOUSE BILL** No. **421**

BE CONCURRED IN

DOPEX

DOPEX

Chairman.

STANDING COMMITTEE REPORT

March 21 1985

MR. PRESIDENT

We, your committee on **STATE ADMINISTRATION**

having had under consideration **HOUSE BILL** No. **291**

third reading copy (**blue**)
color

(Senator VanValkenburg

REVISING PROVISIONS OF THE HIGHWAY PATROLMEN'S RETIREMENT SYSTEM

Respectfully report as follows: That **HOUSE BILL** No. **291**

BE CONCURRED IN

XXXXXX

XXXXXXXXXX

Chairman.

STANDING COMMITTEE REPORT

March 21 1985

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE BILL No. 292

third reading copy (blue)
color

(Senator VanValkenburg)

**MINIMUM MONTHLY RETIREMENT ALLOWANCE FOR HIGHWAY PATROLMEN &
BENEFICIARIES**

Respectfully report as follows: That HOUSE BILL No. 292

BE CONCURRED IN

XXXXXX

XXXXXXXXXX

Chairman.