

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

January 28, 1987

The meeting of the State Administration Committee was called to order by Chairman Sales on January 28, 1987 at 9:00 a.m. in Room 437 of the State Capitol.

ROLL CALL: All committee members were present.

CONSIDERATION OF HOUSE BILL NO. 239: Rep. Brandewie, House District #49 and sponsor of the bill, stated HB 239 is a simple bill that deals with a complicated concept. This bill authorizes the use of the National Geodetic Survey 1983 Coordinate System for defining and stating points on the face of the earth within Montana. The 1927 Coordinate System now being used in Montana has to be adjusted by an error factor. The 1983 system is more accurate. He assured the committee that use of this system would not change the legal description of their property. He submitted a handout explaining the provisions of his bill (Exhibit #1). He asked the committee to amend HB 239 on page 9, line 5 by striking "wholly".

PROPONENTS: Bob Custer, Montana Association of Land Surveyors, stated the current system is based on a computation of the earth surface developed in 1927. In 1983 a new mathematical model was developed which allows for more precise measurement. It provides for a single zone for the State of Montana to replace the three zones that are currently in use. The bill provides for a delayed abandonment of the 1927 data. The 1983 system must be used after July 1, 1993.

Gene Phillips, Montana Land Title Association, stated support for the bill as amended.

Margaret Clark, Department of Commerce, said the Department supported the bill for three reasons: 1) it will allow the use of more precise satellite survey measuring techniques; it may reduce the survey costs to the landowner for large survey projects, and 3) it allows for the present system to be used until July 1, 1993.

OPPONENTS: None

DISCUSSION OF HOUSE BILL NO. 239: Rep. Cody asked Mr. Custer how the new system is going to affect the people in real estate. He replied that they will not be affected by this new bill in their use of their present terminologies. Rep. Campbell asked Mr. Custer if the county surveyors will be able to take advantage of the new coordinate system and he replied "yes".

Rep. Brandewie closed by saying he hoped the bill will pass.

CONSIDERATION OF HOUSE BILL NO. 238: Rep. Bradley, House District #79 and sponsor of the bill, stated the bill was presented on behalf of the Department of Military Affairs to change the disaster and emergency laws. She noted that the bill clarifies that the principle executive officer of the local governing body has the authority to evacuate an area. Currently, the governor is the only authorization to order an evacuation. Also the bill prohibits payment of funds for flood-related damages to those political subdivisions that are sanctioned under the National Flood Insurance Program.

PROPONENTS: Rick Bondy, Department of Natural Resources and Conservation, stated his support of the bill because of its favorable impact on the floodplain program. When a flood occurs, about 70% of the disaster costs are avoided if a management program is in effect.

George DeWolf, Administrator, Disaster Emergency Services, Division of the Department of Military Affairs, stated that many of the statutes concerning his division were enacted in the 50's at which time nuclear preparedness was the division's sole mission. This bill updates the statutes.

Jan Henry, Staff Member, Disaster and Emergency Services Division, submitted a handout describing the department's position on the bill (Exhibit #2). He said that by authorizing local governments, rather than the governor, to evacuate, local government will be better able to respond to emergency situations.

Gordon Morris, Montana Association of Counties, stated support for the bill.

Paul Spengler, Lewis & Clark County Emergency and Disaster Services Coordinator, supported the bill. He stated it is a common sense idea to allow the local political officers to have the authority to order an evacuation. Quick decisions are necessary to save lives. He submitted written testimony (Exhibit #3).

OPPONENTS: None

DISCUSSION OF HOUSE BILL NO. 238: Rep. Nelson asked what political subdivisions were on the federal sanction list. Rep. Bradley said 10 cities and towns and 8 counties were. The cities and towns are: Ekalaka, Forsyth, Glendive, Jordan, Neihart, Polson, Shelby, Sheridan, Sunburst and Red Lodge. The counties are: Garfield, Mineral, Prairie, Mussellshell, Powder River, Roosevelt, Rosebud and Sanders.

Discussion of HB 259 was closed by Rep. Bradley urging its adoption.

CONSIDERATION OF HOUSE BILL NO. 259: Rep. Winslow, House District #89 and sponsor of the bill, stated this bill addresses an issue that is

before this legislature and that is the possibility that there will be an accommodations tax passed during this session. With a 4% tax, there would be about a \$.96 per day increase on per diem. If this bill is not passed, the state employees will either have to come up with \$.96 out of their own pocket or the hotels/motels would have to "eat that other dollar". This bill simply calls for the state to pay the additional 4% tax so the employees or the motels don't have to pay it.

PROPOSERS: Tom Schneider, Montana Public Employees Association, stated the bill is necessary if there is to be a room tax bill passed. The language needs to be clarified. He supports the bill and stated there has only been a \$1.00 increase in lodging rates since 1979.

Phil Strobe, representing the Lodging Industry which is a voluntary trade association, said the industry supports the bill. One of his concerns has been that if a room tax passed this legislature, that state employees would be excluded from paying the tax. He feels Rep. Winslow's proposal is the preferable way to go and urged its adoption by the committee.

Vern Sitter, representing the Montana Innkeepers Association, expressed support for the bill. He asked that the tax apply to everyone who travels through the hotel.

Kathy Fabiano, Administrator of the Accounting Division of the Department of Administration, requested this bill be passed.

David Evenson, Montana University Systems, expressed support of the bill.

OPPOSERS: None

DISCUSSION OF HOUSE BILL NO. 259: Rep. Phillips asked Rep. Winslow if it wouldn't be easier to raise the allowance to \$25.00 to simplify the accounting. Ms. Fabiano responded that under the current rules for state travel, an employee can be reimbursed \$24.00. That means if the room cost is \$23.00 and the tax is \$.96, the employee would receive \$23.96. If the room is \$24.00 and the tax is \$.96, the employee still only receives \$24.00. If the lodging reimbursement rate was increased to \$25.00, motel/hotel owners would likely increase room rates to \$25.00 and the problem with the tax still remains.

Rep. Winslow closed the discussion on HB 259 stating that the bill is an important measure for those that must travel.

CONSIDERATION OF HOUSE BILL NO. 244: Rep. Peterson, House District #1 and sponsor of the bill, stated it was a teachers' retirement bill that would allow a teacher who has been injured in an employment-related

injury to buy back up to two years service in the retirement system.

PROPOSERS: David Senn, Administrator Teachers' Retirement Division, stated the cost of the bill will be shared by the employee and the employer. There are a small number of people affected by the bill. He submitted written testimony (Exhibit #4).

Eric Feaver, President, Montana Education Association, said he supports the bill. It will not bankrupt the retirement system. No one individual will be able to be eligible to buy back more than two years of service under this provision.

OPPOSERS: None

DISCUSSION OF HOUSE BILL NO. 244: None

Rep. Peterson closed by saying that for the injured person, the provisions of the bill are an important part of the retirement plan.

The committee recessed at 10:10 a.m. and reconvened for executive action at 10:20 a.m.

DISPOSITION OF HOUSE BILL NO. 244: Rep. Peterson moved DO PASS, seconded by Rep. Roth. Motion passed 16-1, Rep. Cody voting no.

DISPOSITION OF HOUSE BILL NO. 238: Rep. Pistoria moved DO PASS, seconded by Rep. Sales. Rep. Nelson offered a substitute motion to TABLE the bill until Tuesday, February 3, 1987. The motion was seconded by Rep. Cody and passed on a vote of 12-5, Reps. Fritz, Roth, Campbell, Jenkins and Pistoria voting no.

DISPOSITION OF HOUSE BILL NO. 239: Rep. Peterson moved DO PASS, seconded by Rep. Cody. Rep. Phillips moved the sponsor amendment (to delete "wholly" on page 9, line 5), seconded by Rep. Whalen. The motion carried 16-1, Rep. Fritz voting no. At the researcher's suggestion, Rep. Fritz moved to strike on lines 6 and 7, page 5 "stations marked on ground" because the catch line is inconsistent. Rep. Campbell seconded the motion which passed unanimously. Rep. O'Connell made a motion to DO PASS AS AMENDED, seconded by Rep. Pistoria. The vote was unanimous.

DISPOSITION OF HOUSE BILL NO. 259: Rep. Roth moved DO PASS, seconded by Rep. O'Connell. Motion carried unanimously.

DISPOSITION OF HOUSE BILL NO. 325: Rep. Fritz moved the amendments submitted by Gene Huntington in response to MACO's concerns on pages 61 and 62 DO PASS (Exhibit #5), seconded by Rep. Phillips. Motion carried

unanimously. Rep. Fritz moved Gene Huntington's amendments on pages 15 and 55 (Exhibit #6) DO PASS, seconded by Rep. Holliday. Motion carried unanimously. Rep. Stratford moved DO PASS on her amendment (Exhibit #7), seconded by Rep. Fritz. The motion carried unanimously. Rep. Holliday moved DO PASS on Gene Huntington's amendments on pages 43, 45, 46 and 47 (Exhibit #8), seconded by Rep. Compton. The motion carried unanimously.

Rep. Whalen moved to revise Mona Jamison's amendment (Exhibit #9) in three places, seconded by Rep. O'Connell: 1) in the middle of the first page, change "quarterly" to "monthly"; 2) under subsection 2 of 41-3-1113, after "80%", strike "or more" and then after "been", strike "expended" and insert "obligated" so it would read: "If 80% of the budget provided for in 41-3-1106 has been obligated, the youth court may not make any further placements..."

Rep. Whalen explained that the purpose of the amendment proposed by Mona Jamison is to retain the youth court jurisdiction over disposition of children after they are in the system. He felt the bill should not transfer that function over to the new department because matters other than the best interests of the children will be brought to bear on the decisions concerning disposition of the children. In making those decisions, Rep. Whalen feels it is best left to an independent, impartial judge who can look at the people that are advocating on both sides of the issue, on behalf of the children, and on behalf of SRS. He feels if that function is transferred to the Department of Social & Rehabilitation Services, it will be analagous to having a criminal case in which you try somebody for murder. If he is found guilty by the jury, instead of the judge sentencing him, you have the correctional institution sentence him. If there's space available in the prison, he may be sentenced to a prison term. If there is no space, he may not receive any prison sentence. Decisions on how the children should be cared for should not be made by people who are in a department that have other things they have to be concerned about other than disposition of the children.

Mona Jamison said she totally supported the three revisions to the amendment proposed by Rep. Whalen.

Gene Huntington felt Rep. Whalen's amendments were "a step backward". The three revisions to the amendment were unanimously adopted. Rep. Whalen moved DO PASS on the Jamison amendment as revised; Rep. O'Connell seconded.

Rep. Pistoria said he did not want to act on the amended amendments today. He expressed concern about taking jurisdiction away from the judges. He has doubts about how the new department is really going to be administered and controlled.

Rep. O'Connell said that when she first saw the bill, she liked it and its content but never realized just what was involved. She spoke to her local judge, and he told her the legislature is moving in too much haste on this issue. She suggested TABLING the bill until all those that are involved throughout the state have some idea about what is going on. With all the calls and letters she has received, she had to sit back and realize she is here as a representative of the people and the people out there have no idea of what is going on and it's important that they do.

Rep. Peterson said she totally agrees with Rep. O'Connell. Perhaps not enough time has been taken. She, too, has had calls from people involved saying "What's going on?" and "What are you trying to ram down our throats?" She suggested postponing the decision and doing a 2-year study.

Rep. Fritz stated his opposition to the amendment and suggested Rep. Mercer respond to the proposed amendments. Rep. Mercer said he has several problems with the 80% amendment. One is that probation officers are excluded from the system. It's unfortunate to exclude someone from a system if you're trying to comprehensively deal with an issue. If you're going to make a political compromise, there ought to be some sense to it, and what sense does an 80% plan make? I don't think it makes any sense because if it's as high as 80%, then you've essentially lost your whole budget because they can spend up to 80% before the state has anything to say about it. If the reason you're leaving that authority with the probation officers is because you think they'll do the right thing by the kids, why are you allowing them to do the right thing for 80% of the kids and the wrong things for the 20% remaining? The only responsible action by this committee is to do the same thing the advisory council did and that's "bite the bullet" on the probation officers and include them in the system. They are still going to be making these decisions but having them in the system would just put them in the same line of command as everybody else.

On a roll call vote, the DO PASS motion on the Jamison amendments with the three revisions FAILED 7-11.

Rep. O'Connell moved to TABLE the bill, seconded by Rep. Pistoria. On a roll call vote, this motion FAILED 7-11.

Rep. Fritz moved DO PASS AS AMENDED with the statement of intent attached, seconded by Rep. Roth. The motion FAILED 8-10 on a roll call vote. The vote was reversed. The bill received a DO NOT PASS AS AMENDED (10-8).

ADJOURNMENT: There being no further business to come before the committee, the hearing adjourned at 12:00 noon.

DAILY ROLL CALL

State Administration COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Jan. 28, 1987

NAME	PRESENT	ABSENT	EXCUSED
Walt Sales	✓		
John Phillips	✓		
Bud Campbell	✓		
Dorothy Cody	✓		
Duane Compton	✓		
Gene DeMars	✓		
Harry Fritz	✓		
Harriet Hayne	✓		
Gay Holliday	✓		
Loren Jenkins	✓		
Janet Moore	✓		
Richard Nelson	✓		
Helen O'Connell	✓		
Mary Lou Peterson	✓		
Paul Pistoria	✓		
Rande Roth	✓		
Tonia Stratford	✓		
Timothy Whalen	✓		

Explanation of Proposed Amendments to the
Montana Coordinate System 70-22-201 MCA

EXHIBIT T 1
DATE 1/28/87
HB 239

These amendments will update the current law to allow the use of the recently completed National Adjustment. All other states have adopted or are in the process of adopting similar legislation.

Major elements of proposed legislation:

- 1) Defines the 1983 Coordinate System and allows its use.

The current 1927 coordinate system is based upon Clark's spheroid of 1866. The 1983 Coordinate System is based upon a new mathematical model of the earth developed through the space program in 1980.

- 2) Establishes a new single zone coordinate system for Montana.

The current 1927 coordinate system has three zones. The 1983 system will be one single zone which will be much simpler to use.

- 3) Provides for delayed abandonment of the 1927 coordinate system.

The 1927 system can be used until July 1, 1993.

Who developed this legislation?

The Montana Association of Registered Land Surveyors in cooperation with the National Geodetic Survey (NGS) developed this legislation in order to allow the use of the 1983 Coordinate System as published by NGS. The legislation is based upon a model act prepared by the American Congress on Surveying and Mapping.

Effects of this legislation

This legislation does not change the methods or requirements for property surveys. These surveys will continue to be done in the same manner and tied to the rectangular survey system of sections and townships.

This legislation does not require the use of the Montana Coordinate System. Those who have used it in the past will continue to use the new simplified system and new users may find the new system economically justifiable.

This legislation does not effect the cost of private surveys. Again, those who use the system do so because it is cost effective.

This legislation will facilitate the use of satellite survey measuring equipment in Montana. Satellite measuring requires the use of the more precise 1983 Coordinate System.

Currently the primary use for state plane coordinates is as a data base for large engineering projects.

State plane coordinate systems are used by federal agencies, utility companies, mineral exploration companies and others on large-area (several square miles) mapping and control projects. The list of potential users will extend to every type of survey as the cost of satellite measurement comes down.

This legislation defines the grid system to be used so that all users can depend upon and use each other's work.

HOUSE BILL 238

TESTIMONY OF THE DEPARTMENT OF MILITARY AFFAIRS - DIVISION OF
DISASTER AND EMERGENCY SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY
THE LAW RELATING TO DISASTER AND EMERGENCY SERVICES; AND AMENDING
SECTIONS 10-3-101, 10-3-103, 10-3-311 AND 10-3-401, MCA."

It is the position of this Department to support this bill.

SEARCH AND RESCUE
10-3-101 AND 10-3-103

Page 2 Title 10-3-101 (3) and 10-3-103 (9) identifies as a state
lines 5-7 responsibility to "prepare for prompt and efficient
and search, rescue, recovery, care and treatment of persons
Page 4 lost, entrapped, victimized or threatened by emergencies
Lines 21- or disasters," and defines "search and rescue." The
25 state has little capabilities in this area, and this
section of the law conflicts with the capabilities and
responsibilities of local governments which are
infinitely better prepared to handle this function.

MITIGATION
10-3-103

Page 4 The definition of "Disaster and Emergency Services" does
Lines 4, not include the concept of "hazard mitigation." The
7 and 8 concept of mitigating hazards either before they occur or
after a disaster has occurred was not in existence when
this law was developed. It has since become a major
focus of Disaster and Emergency Services effort and
activities.

DISASTER EXPENDITURES
10-3-311

Page 6 The National Flood Insurance Administration identifies
Lines 4-10 floodplains, issues maps and requires regulation of
development in floodplains by local governments. Local
governments which have National Flood Insurance Program
(NFIP) identified floodplains and which choose not to
participate in the program are put on the NFIP sanction
list. Federal disaster relief funds under a Presidential
Disaster Declaration are not available for political sub-
divisions or residents of political sub-divisions on the
NFIP sanction list. The state should not be expending
general funds, provided for in 10-3-312, to assist
jurisdictions which receive either Presidential or State
Disaster Declarations for flooding, if they are not
willing to regulate their floodplains.

EVACUATION
10-3-401

Page 7 While Title 10-3-104 (2) (b) gives the Governor authority
Lines 6-23 to order evacuations; and to control ingress and egress
under 10-3-104 (2) (c), there is no clearly defined
authority to do so at the city or county levels by the
principle executive officers. In situations which
require timely action such as in hazardous materials
incidents, dam failures or expected flooding, confusion
over who can order evacuations can jeopardize lives and
property.

1-28-87

EXHIBIT #3
DATE 1/28/87
HB 238

Statement in support of HB 238 by Paul Spengler, Lewis and Clark County
Disaster & Emergency Services Coordinator.

The purpose of the National Flood Insurance Program is to encourage cities and counties to regulate their flood plains and control growth in these areas in order to protect life and property. Local government has the legal and moral responsibility to protect the public from known hazards, the most common being flood plains. If political subdivisions do not regulate development in the flood plain to protect their citizens, then they do not deserve to receive taxpayer money for assistance following a flood. Flood plain management mitigates flooding by reducing a community's exposure and vulnerability to the flood waters by prohibiting development in high hazard areas or requiring flood proofing of developments in the flood plain. This amendment is reasonable and it will serve as an effective inducement for cities and counties to enroll in the National Flood Insurance Program and adopt sound flood plain regulations to protect the public.

Title 10 only allows the governor to order an evacuation of the public for its safety. Obviously, this is impractical and does not facilitate a legal evacuation at the local level. It is vital that state law allows for the principal executive officer in a city or county to order an evacuation to save lives. This would clear up any questions about the authority to make such a decision, and allow for the speedy evacuation of citizens from a disaster area.

House Bill 244

TESTIMONY

prepared by
David L. Senn
Teachers' Retirement Board

TITLE

An act to allow a member of the Teachers' Retirement System to purchase creditable service for time lost due to an employment related injury which entitled him to Workers Compensation payments and providing an effective date.

This bill will give members the option of continuing service in the Teachers' Retirement System when the member is absent because of an injury related to employment, covered by the Teachers' Retirement System which entitles him to Workers' Compensation payments. He/she may contribute to the retirement system upon their return to membership an amount equal to the contributions which would have been made to the system on the basis of the compensation at the commencement of the absence plus interest accruing one year from the date they return to employment. Whenever a member elects to contribute their contributions due, the employer shall contribute an amount equal to what the employer contributions would have been had the member not been absent from service. However, interest due on the employer contributions is optional. If the employer does not elect to pay the interest, it will become the obligation of the employee. The maximum amount of membership service allowable under this provision is two years.

For example, if an employee with an annual salary of \$24,000.00 were to purchase two years, the employee contributions due would be \$3,381.12. The employer contributions would be \$3,565.44. If payment is not made within one year of returning to work, interest will be charged at the same rate as that credited to members accounts.

DLS:dlh

Proposed Bill
Amendment to HB 325 (Introduced bill)

at the request of Gene Huntington, in response to Montana
Association of Counties

1. Page 61, line 14.
Following: "shall"
Strike: "annually"
Insert: "monthly"
2. Page 62, line 2.
Following: "county's"
Strike: "payment"
Insert: "obligation"
3. Page 62, lines 5 and 6.
Following: "due" on line 5
Strike: the remainder of line 5 through "year" on line 6
Insert: "monthly"

The purpose of this amendment is to provide for monthly payments for counties instead of two payments per year. This will avoid cash flow problems for the counties.

Amendments to HB 325 (Introduced bill)

1/27/87

Proposed by Gene Huntington

1. Page 15

Following: line 13

Insert: "NEW SECTION: Section 16. County contribution for salaries and travel of protective services employees.

(1) Upon the transfer of certain functions of the county welfare department to the department of family services as provided in section 12 , the salaries and travel expenses as provided in 2-18-502 and 2-18-503 of protective services employees shall be paid by the department of family services. The county commissioners shall reimburse the department of family services from county poor funds in an amount equal to that county's expenditures for salaries and travel expenses of protective services employees in fiscal year 1987.

(2) On or before the 20th day of the month following the month for which the payments were made for protective services employees' salaries and travel, the department of family services shall present to the county commissioners a claim for the required reimbursements. The county commissioners shall make such reimbursements within 20 after the presentation of the claim."

Renumber: subsequent sections

2. Page 55.

Following: line 7

Insert: "(3) The county shall reimburse the department for one-half of the payments not reimbursed to the department by the federal government until the county expenditures reach a level equal to the county's level of expenditures for foster care in fiscal year 1987. When a county's level of expenditure for any year reaches the level of expenditure for foster care in fiscal year 1987, the county shall reimburse the department for one quarter of the payments above the fiscal year 1987 expenditure level."

Renumber: subsequent sections

The purpose of these amendments are to include current practice for county reimbursement for protective services (#1) and to include in statute the reduced county matching rate for foster care set forth in the budget in Appropriations.

EXHIBIT # 7
DATE 1/28/87
HB 325

Amendment to HB 325 (Introduced bill)

1. Page 55.

Following: line 7

Insert: "(4) If a county's level of expenditure for foster care in fiscal year 1987 is \$10,000 or less, the county's level of expenditure for purposes of determining the county's percentage of reimbursement set forth above shall be the level of expenditures for fiscal year 1987 or the average of expenditures for fiscal years 1984 through 1987, whichever is lower."

Amendment to HB 325 (Introduced bill)

1/27/87

at the request of Gene Huntington, in response to Montana Association of Counties

1. Page 43, line 5.
Following: "~~services~~"
Insert: "welfare department or office of human services"
2. Page 43, line 8.
Following: "~~services~~"
Insert: "welfare department or office of human services"
3. Page 45, line 25.
Following: "~~services~~"
Insert: "welfare department or office of human services"
4. Page 46, lines 10 and 11.
Following: "general," on line 10
Insert: the remainder of line 10 through "the" on line 11
5. Page 46, line 12.
Following: "~~attorney~~"
Insert: "welfare department attorney, or office of human services attorney"
6. Page 47, line 3.
Following: "~~services~~"
Insert: "welfare department or office of human services"

The purpose of this amendment is to return the statute to its original form, so that the expenditures for the hiring of additional legal assistance for the county attorney can be paid from the county poor fund instead of general fund.

PROPOSED AMENDMENTS TO HB 325, INTRODUCED COPY.

Delete all amendments to section 41-3-1114 in section 45 of the bill. Delete the repeal of 41-3-1106, 41-3-1113, and 41-3-1121 and amend those sections and 41-3-1114 as follows. Then amend the remainder of the act to take the youth court and its probation officers out of the act and maintain the status quo of current law.

41-3-1106. Allocation of money to judicial districts -- transfers between budgets -- reports. (1) The department shall allocate placement budgets, based upon historical placement patterns and current placement trends, to the judicial districts for the substitute care of youth in need of supervision or delinquent youth. The budget must be for a fiscal year beginning July 1 and must be determined by the department prior to July 1. The department shall send a written copy of each judicial district's budget to the district's youth court and chief youth court probation officer. The department must monitor each district's budget expenditures and submit to the youth court and its chief probation officer ~~quarterly~~ reports stating the beginning budget amount for the fiscal year and the percent spent as of the end of the quarter. The youth court judge or judges and chief probation officer must, upon receipt of a quarterly report, meet and examine the report and determine whether the rate of budget expenditures makes it advisable to consider changing the youth court's placement decision policies in order to remain within the budget. (1) MONTHLY

(2) If the department determines that the balance in a district's budget is or may be insufficient to adequately fund the youth court's and department's substitute youth care placements under this part for the remainder of the fiscal year, the department may transfer to the district's budget account

funds in the budget account of a district that the department determines will or may end the fiscal year with a surplus in the budget account.

{2} (3) The placement budgets may be monitored by a youth court committee as provided for in 41-5-105 or a foster care review committee as provided for in 41-3-1115.

41-3-1113. Authority of judge to commit youth. A (1) Except as provided in subsection (2), a youth court judge may in his discretion place a delinquent youth or a youth in need of supervision in a youth care facility for any period of time up to the child's 21st birthday, subject to the approval of the facility's sponsoring nonprofit corporation or association.

(2) If 80% ^② ~~or more~~ of the budget provided for in 41-3-1106 has been expended the youth court may not make any further placements for the remainder of the fiscal year and the department shall, after considering the youth court's placement recommendations, place all youths that the court determines must be placed.

③
OBLIGATED

41-3-1114. Continuing jurisdiction of youth court. The youth court ~~placing a delinquent youth or a child in need of supervision in a youth care facility~~ retains continuing jurisdiction over the a youth placed under this part until the youth becomes 21 years of age or is otherwise discharged by order of the court.

41-3-1121. Foster care payments for youth court placements.
(1) The youth court may establish procedures for finding, maintaining, and administering substitute care and foster homes approved by the court for youth within the provisions of this part.

(2) Pursuant to 41-3-1112, the department shall make a foster care payment for a child placed by the youth court or the department if:

(a) the child is placed in a youth care facility licensed by the department or by an appropriate licensing authority from another state;

(b) the youth court, with respect to placements made by it, enters into an agreement according to federal regulations with the department for the placement of children;

(c) the placement of the child is reviewed as required by 41-3-1115; and

(d) the youth court retains supervision of the child in placement.

DLC1645/JM/JM1

STANDING COMMITTEE REPORT

January 28

19 37

Mr. Speaker: We, the committee on STATE ADMINISTRATION

report HB 244

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

Chairman

JMS

FIRST

WHITE

____ reading copy (_____)
color

STANDING COMMITTEE REPORT

January 28

19 87

Mr. Speaker: We, the committee on STATE ADMINISTRATION

report HB 259

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

Chairman

MS.
FIRST

reading copy (WHITE)
color

STANDING COMMITTEE REPORT

January 28

19 87

Mr. Speaker: We, the committee on STATE ADMINISTRATION
report HB 239

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

Chairman

Revise coordinate system used for land surveys

AMEND AS FOLLOWS

1. Page 5, lines 6 and 7

Strike: "--" on line 6 through "ground" on line 7

2. Page 9, line 5.

Strike: "wholly"


FIRST

WHITE

reading copy (_____)
color

J. J. Noble

ROLL CALL VOTE

State Administration

COMMITTEE

DATE 1/28/87 BILL NO. 238 NUMBER _____

NAME	AYE	NAY
Walt Sales		
John Phillips		
Bud Campbell		✓
Dorothy Cody		
Duane Compton		
Gene DeMars		
Harry Fritz		✓
Harriet Hayne		
Gay Holliday		
Loren Jenkins		✓
Janet Moore		
Richard Nelson		
Helen O'Connell		
Mary Lou Peterson		
Paul Pistoria		✓
Rande Roth		✓
Tonia Stratford		
Timothy Whalen		

TALLY 12 5

Secretary _____

Chairman _____

MOTION: _____

De Pass as Amended

Unanimous

ROLL CALL VOTE

State Administration

COMMITTEE

DATE 1/28/87 BILL NO. 239 NUMBER _____

NAME	AYE	NAY
Walt Sales		
John Phillips		
Bud Campbell		
Dorothy Cody		
Duane Compton		
Gene DeMars		
Harry Fritz		
Harriet Hayne		
Gay Holliday		
Loren Jenkins		
Janet Moore		
Richard Nelson		
Helen O'Connell		
Mary Lou Peterson		
Paul Pistoria		
Rande Roth		
Tonia Stratford		
Timothy Whalen		

TALLY

Secretary

Chairman

MOTION: _____

DePesa

ROLL CALL VOTE

State Administration

COMMITTEE

DATE 1/28/87 BILL NO. 244 NUMBER _____

NAME	AYE	NAY
Walt Sales	✓	
John Phillips	✓	
Bud Campbell	✓	
Dorothy Cody		✓
Duane Compton	✓	
Gene DeMars	✓	
Harry Fritz	✓	
Harriet Hayne	✓	
Gay Holliday	✓	
Loren Jenkins	✓	
Janet Moore	✓	
Richard Nelson	✓	
Helen O'Connell	✓	
Mary Lou Peterson	✓	
Paul Pistoria	✓	
Rande Roth	✓	
Tonia Stratford	✓	
Timothy Whalen	✓	

TALLY

16 1

Secretary

Chairman

MOTION: _____

De Pass

Unanimous

ROLL CALL VOTE

State Administration

COMMITTEE

DATE 1/28/87 BILL NO. 259 NUMBER _____

NAME	AYE	NAY
Walt Sales		
John Phillips		
Bud Campbell		
Dorothy Cody		
Duane Compton		
Gene DeMars		
Harry Fritz		
Harriet Hayne		
Gay Holliday		
Loren Jenkins		
Janet Moore		
Richard Nelson		
Helen O'Connell		
Mary Lou Peterson		
Paul Pistoria		
Rande Roth		
Tonia Stratford		
Timothy Whalen		

TALLY

Secretary

Chairman

MOTION: _____

To Table

ROLL CALL VOTE

State Administration

COMMITTEE

DATE

BILL NO.

325

NUMBER

NAME	AYE	NAY
Walt Sales		✓
John Phillips		✓
Bud Campbell	✓	
Dorothy Cody		✓
Duane Compton		✓
Gene DeMars	✓	
Harry Fritz		✓
Harriet Hayne		✓
Gay Holliday		✓
Loren Jenkins		✓
Janet Moore		✓
Richard Nelson	✓	
Helen O'Connell	✓	
Mary Lou Peterson	✓	
Paul Pistoria	✓	
Rande Roth		✓
Tonia Stratford		✓
Timothy Whalen	✓	

TALLY

7

4

Secretary

Chairman

MOTION:

Do Pass on Whalen's Amendment

ROLL CALL VOTE

State Administration

COMMITTEE

DATE 1/28/87 BILL NO. 325 NUMBER _____

NAME	AYE	NAY
Walt Sales		✓
John Phillips		✓
Bud Campbell		✓
Dorothy Cody	✓	
Duane Compton		✓
Gene DeMars	✓	
Harry Fritz		✓
Harriet Hayne		✓
Gay Holliday		✓
Loren Jenkins		✓
Janet Moore		✓
Richard Nelson	✓	
Helen O'Connell	✓	
Mary Lou Peterson	✓	
Paul Pistoria		✓
Rande Roth		✓
Tonia Stratford	✓	
Timothy Whalen	✓	

TALLY

7 11

Secretary

Chairman

MOTION: _____

*Do Pass
as amended*

ROLL CALL VOTE

State Administration

COMMITTEE

DATE _____ BILL NO. 325 NUMBER _____

NAME	AYE	NAY
Walt Sales		✓
John Phillips		✓
Bud Campbell		✓
Dorothy Cody		✓
Duane Compton	✓	
Gene DeMars	✓	
Harry Fritz	✓	
Harriet Hayne	✓	
Gay Holliday	✓	
Loren Jenkins	✓	
Janet Moore	✓	
Richard Nelson		✓
Helen O'Connell		✓
Mary Lou Peterson		✓
Paul Pistoria		✓
Rande Roth	✓	
Tonia Stratford		✓
Timothy Whalen		✓

TALLY

8 10

Secretary

Chairman

MOTION: _____

Approved on Whalen's Amendment

ROLL CALL VOTE

State Administration

COMMITTEE

DATE _____ BILL NO. 325 NUMBER _____

all streets of Detroit

NAME		AYE	NAY
Walt Sales	<i>aye</i>		<input checked="" type="checkbox"/>
John Phillips			<input checked="" type="checkbox"/>
Bud Campbell			<input checked="" type="checkbox"/>
Dorothy Cody		<input checked="" type="checkbox"/>	
Duane Compton	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Gene DeMars	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Harry Fritz	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Harriet Hayne	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Gay Holliday	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Loren Jenkins	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Janet Moore	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Richard Nelson		<input checked="" type="checkbox"/>	
Helen O'Connell		<input checked="" type="checkbox"/>	
Mary Lou Peterson		<input checked="" type="checkbox"/>	
Paul Pistoria	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Rande Roth	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Tonia Stratford		<input checked="" type="checkbox"/>	
Timothy Whalen		<input checked="" type="checkbox"/>	

8 / 10

TALLY

7

11

Secretary

Chairman

MOTION: _____

VISITORS' REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO. 259

DATE 1/28/87

SPONSOR Winslow

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
<i>[Signature]</i>	<i>MPEA</i>	X	
KATHY FABIANO	Administration	X	
Phil Strape	MICA	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

STATE ADMINISTRATION COMMITTEE

BILL NO. 238

DATE 1/28/87

SPONSOR Bradley

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
RICHARD BONDY	DNRC	X	
JOHN HAMILL	DNRC	X	
JAN HENRY	DIV. OF D.E.S.	X	
Gordon Morris	MACO	X	
Hugh [unclear]	DES	X	
Tom Helveron	MACO	X	
Paul Spengler	Mt. Assoc. of D.E.S.	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

STATE ADMINISTRATION COMMITTEE

BILL NO. 239

DATE 1/28/87

SPONSOR Brandwein

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Bob Custer	Mont. Assoc. of Rep. Hand. Supply	X	
Margaret Clark	Department of Commerce	X	
GENE PHILLIPS	MLTA	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO. 244

DATE 1/28/87

SPONSOR Peterson

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
David Sear	Teachers Retirement	✓	
Eric Horn	MEA	c	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.