

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

SUBCOMMITTEE ON GENERAL GOVERNMENT AND HIGHWAYS

Call to Order: By Chairman Quilici, on January 12, 1989, at 8:06 a.m.

ROLL CALL

Members Present: All members were present.

Members Excused: None.

Members Absent: None.

Staff Present: Clayton Schenck, LFA
Pam Joehler, LFA
Mary Liedle, secretary

Announcements/Discussion: Rep. Quilici announced the committee would open the hearing on supplemental requests.

HEARING ON SUPREME COURT SUPPLEMENTALS

Tape No. 9A

List of Testifying Proponents and What Group They Represent:

Jim Oppedahl, Supreme Court

List of Testifying Opponents and What Group They Represent:

None.

Proponent Testimony: (9A 1.08) Jim Oppedahl presented the request for character and fitness investigations. The original request of \$11,025 is reduced to \$8550 because they will not pick up the February bar exam this year, just the summer exam.

Questions From Subcommittee Members: (9A 3.34)) Rep. Swysgood: Is this a one-time request that will be funded by fees from now on?

DISPOSITION OF SUPREME COURT SUPPLEMENTAL

Tape No.8A

Motion: Senator Regan moved that the supplemental for \$8550 be approved.

Amendments, Discussion, and Votes: The motion PASSED unanimously.

HEARING ON SECRETARY OF STATE SUPPLEMENTALS

Tape No. 9A

Presentation and Opening Statement: Doug Mitchell announced this agency would present two supplementals.

List of Testifying Proponents and What Group They Represent:

Doug Mitchell, Secretary of State

List of Testifying Opponents and What Group They Represent:

None.

Proponent Testimony: (9A 6.46) Doug Mitchell presented two supplementals. The first was a request for an additional appropriation of \$35,000 to return to the original level of funding for FY89. (See exhibit 1)

The second supplemental request was for \$14,702.40 for termination pay resulting from the change in administration. (See exhibit 2)

Questions From Subcommittee Members: (9A 12.24) Sen. Regan: Are either one of them likely to transfer to another agency?

(9A 13.09) Sen. Stimatz: This sick leave is a quarter of their total isn't it?

HEARING ON STATE AUDITOR SUPPLEMENTAL

Tape No. 9A

List of Testifying Proponents and What Group They Represent:

Terry Lazure, State Auditor

List of Testifying Opponents and What Group They Represent:

None.

Proponent Testimony: (9A 13.53) Terry Lazure presented the State Auditor's Office request for a supplemental of \$19,115 for replacement of the warrant system equipment.

Questions From Subcommittee Members: (9A 15.13) Rep. Quilici: Is this supplemental for the new warrant writing system? That new system won't be on-line until July though, will it?

(9A 15.58) Rep. Swysgood: Is there any reason for the big difference in estimates?

(9A 16.48) Sen. Regan: What's the total equipment budget that they have and can they squeeze it out?

DISPOSITION OF STATE AUDITOR SUPPLEMENTAL

Tape No. 9A

Motion: Sen. Tveit moved to approve the supplemental for the State Auditor for \$19,115.

Amendments, Discussion, and Votes: The motion PASSED unanimously.

HEARING ON DEPARTMENT OF JUSTICE SUPPLEMENTALS

Tape No. 9A

Presentation and Opening Statement: Rep. Quilici stated that any requests that the analyst hasn't reviewed thoroughly will be put on hold but they would be heard and then addressed during the Justice budget hearing.

List of Testifying Proponents and What Group They Represent:

Mick Robinson, Department of Justice

List of Testifying Opponents and What Group They Represent:

None.

Proponent Testimony: (9A 20.09) Mick Robinson presented the supplemental requests. The first request was related to the Law Enforcement Academy. The supplemental

request for \$118,000 is the result of additional rent that had to be paid for the Law Enforcement Academy in Bozeman for the period of July 1 through the end of March, 1988 in connection with a lawsuit filed for the purchase of the academy.

The second request was a supplemental request for \$25,000 for the county attorney payroll. This is a result of the choice of three counties to switch their attorneys from part time to full time status. That is a legal right of the counties.

The third supplemental request was connected with the transportation and extradition of prisoners. The Department of Justice acts as accounting entity for these payments. The transportation is a reimbursement to the counties for transportation of prisoners to state correctional facilities. Extradition is based on Governor approval for the charges. The dollar amounts are higher than experienced in the past. The supplemental request was for \$60,000.

The third supplemental request was for \$164,000 for prisoner per diem charges which are reimbursed to the counties for arrests in connection with Highway Patrol activities. The aggressive enforcement of DUI laws has resulted in the increase in the last two fiscal years. This cost is not controllable by the Department of Justice or the Montana Highway Patrol but it is connected with the proper enforcement of the DUI laws.

The final supplemental request is a worker's compensation rate increase. The uniform officer rate increased from \$3.41 per \$100 earned to \$5.41 per \$100 earned. The rate increase began July 1, 1988. The amount requested is \$102,000. This is an expenditure of the Highway Patrol that is unanticipated and worthy of the supplemental request.

Questions From Subcommittee Members: (9A 23.34) Rep.

Swysgood: I'm going to ask you for a breakdown of these costs so I can get to the heart of this.

(9A 26.14) Rep. Swysgood: When was the lawsuit instituted?

(9A 26.26) Rep. Swysgood: When was the court decision rendered?

(9A 26.53) Rep. Swysgood: You said the legislative auditor's estimates were taken during what period of time?

(9A 27.23) Rep. Swysgood: Is there any way that those communities that instituted the lawsuit can be made to cough up this cost?

(9A 27.58) Sen. Regan: I suppose you'd have to go back in and ask for a judgement, is that right?

(9A 29.45) Sen. Stimatz: Did this ever really go to trial and get a decision from the court?

(9A 36.09) Sen. Stimatz: Mick, would you tell us a little bit on where the Department of Justice fits into this picture? Do they make the decision on extradition?

(9A 37.32) Sen. Stimatz: There is no choice for the Department of Justice, they just serve as the middle man, is that right?

(9A 45.03) Sen. Regan: If we allow this, won't we have to do this throughout all of state government?

(9A 45.48) Sen. Regan: Are there others that increased in worker's comp. rates?

(9A 47.28) Sen. Stimatz: This looks like a jump from an almost sedentary or office position to the high risk position which the patrolmen out on the road are in. Is this what happened, that they were underpaying for many years and then Worker's Comp. boosted it to their experience?

DISPOSITION OF DEPARTMENT OF JUSTICE SUPPLEMENTAL REQUEST
FOR COUNTY ATTORNEY PAYROLL

Tape No. 9A

Motion: Rep. Swysgood moved to grant the supplemental.

Amendments, Discussion, and Votes: Motion PASSED
unanimously.

DISPOSITION OF DEPARTMENT OF JUSTICE SUPPLEMENTAL FOR
TRANSPORTATION AND EXTRADITION OF PRISONERS

Tape No. 9A

Motion: Sen. Regan moved to approve the supplemental

request for an additional \$60,000 for the transportation and extradition of prisoners.

Amendments, Discussion, and Votes: The motion PASSED unanimously.

HEARING ON DEPARTMENT OF REVENUE SUPPLEMENTAL

Tape No. 9B

List of Testifying Proponents and What Group They Represent:

Jack Ellery, Department of Revenue

List of Testifying Opponents and What Group They Represent:

None.

Proponent Testimony: (9B .44) Jack Ellery presented a supplemental request for federal spending authority for \$63,040 for the child support enforcement division. The reason for this request is the increased caseload in the child support division.

Questions From Subcommittee Members: (9B 5.57) Sen. Regan: Is this an ongoing commitment?

(9B 7.49) Sen. Stimatz: I note that this is from federal funds. None of our general fund money is used to maintain compliance then is it?

(9B 8.29) Sen. Stimatz: Is this ongoing, will we run into the same situation next year in amounts larger than \$20,000 from the general fund?

DISPOSITION OF DEPARTMENT OF REVENUE SUPPLEMENTAL

Tape No. 9B

Motion: Rep. Nisbet moved to accept the supplemental request for spending authority for \$63,040 in federal monies.

Amendments, Discussion, and Votes: The motion PASSED unanimously.

HEARING ON DEPARTMENT OF MILITARY AFFAIRS SUPPLEMENTAL

Tape No. 9B

Presentation and Opening Statement: Doug Booker, Centralized Service Administrator for the Department of Military Affairs, introduced Chris Tweeten and Ken Cottrill. Chris represented the State in the settlement to be discussed and Ken was the Centralized Service Administrator before Doug took over.

List of Testifying Proponents and What Group They Represent:

Doug Booker, Department of Military Affairs
Chris Tweeten, Department of Military Affairs
Ken Cottrill, Department of Military Affairs

List of Testifying Opponents and What Group They Represent:

None.

Proponent Testimony: (9B 12.26) Doug Booker presented the request for the supplemental for backpay to firefighters at the Air Guard facility in Great Falls. (See exhibit 3)

9B 13.17) Chris Tweeten, Assistant Attorney General, explained the background of the incident. The lawsuit involved 10 current and former firefighters at the National Guard facility in Great Falls. The action was filed in 1984. It claimed the firefighters were working in excess of 40 hours in a week. They worked somewhere between 48 and 72 hours a week. They claimed that because they were working more than 40 hours in a week they were entitled to overtime compensation under the Montana wage an hour act. In June of 1988 settlement negotiations began. As part of the settlement the State agreed to pay overtime compensation to the firefighters for a period from December 1979 through September 1, 1985.

Chris explained the issues set out in the negotiations and those issues to be settled by the court.

(9B 22.48) Ken Cottrill informed the committee of his intent to settle part of this through a claim with the National Guard Bureau.

Questions From Subcommittee Members: (9B 19.57) Sen. Tveit: What was that backpay not included?

HEARING ON SALARY PAYOUT SUPPLEMENTALS

Tape No. 9B

List of Testifying Proponents and What Group They Represent:

Bob Kuchenbrod, Budget Office

List of Testifying Opponents and What Group They Represent:

None.

Proponent Testimony: (9B 30.41) Bob Kuchenbrod presented the proposal for salary supplementals for department directors and elected officials personal staff. (See exhibit 4)

Questions From Subcommittee Members: (9B 33.10) Rep.

Swysgood: There's some request from agencies that have already been in here with their supplementals. Why didn't they include these positions in their supplementals?

(9B 34.08) Sen. Regan: I look at your first one, for Department of Administration, you're asking for about \$19,000. What's your total budget in that division?

(9B 36.38) Sen. Stimatz: Family Services has been in operation about a year or less, is this Gene Huntington's \$16,000?

DISPOSITION OF SUPREME COURT OPERATIONS

Tape No. 10A

Motion: Rep. Swysgood moved to accept the LFA current level budget.

Amendments, Discussion, and Votes: Motion PASSED unanimously.

Motion: Sen. Regan moved to grant the law clerk upgrade at \$3977 in FY90 and \$4239 in FY91.

Discussion: Discussion followed with questions being answered by Jim Opped

ahl.

Amendments, Discussion, and Votes: The motion PASSED unanimously.

Motion: Sen. Regan moved to go with option B in regard to Montana Reports. (Option B states, "Repeal the law requiring the Supreme Court to distribute free copies of the Montana Reports, but fund 50 sets of current and as many backlogged volumes as the \$24,400 in fiscal 1988 and \$25,000 in fiscal 1989, which is included in LFA current level, would purchase.")

Discussion: Senator Stimatz asked how many volumes the money appropriated would purchase. Jim Oppedahl addressed the question. Discussion on the issues followed.

Amendments, Discussion, and Votes: Rep. Swysgood made a substitute motion to adopt option E. (Option E states, "Take no action. Leave current level funding as is, to fund 50 sets of current and backlogged volumes for internal distribution to the courts.")

The substitute motion PASSED unanimously.

Motion: Sen. Regan moved to approve \$12,000 for character and fitness fees.

Amendments, Discussion, and Votes: The motion PASSED unanimously.

Motion: Sen. Regan moved to appropriate \$20,000 each year of the biennium for travel.

Amendments, Discussion, and Votes: The motion PASSED with 4 members voting aye and 1 voting nay (Swysgood).

DISPOSITION OF BOARDS AND COMMISSIONS

Tape No. 10A

Motion: Rep. Nisbet moved to approve LFA current level budget.

Amendments, Discussion, and Votes: The motion PASSED unanimously.

Motion: Sen. Regan moved to approve an increase to \$25,600 in FY90 and \$22,300 in FY91 for limited courts training

costs and fees.

Amendments, Discussion, and Votes: The motion PASSED unani-
mously.

Motion: Rep. Swysgood moved to approve \$10,000 for FY91 for
November 1990 Certification test for judges of limited
courts.

Amendments, Discussion, and Votes: The motion PASSED
unanimously.

Motion: Sen. Regan moved to approve a budget finance
officer position at \$11,856 in FY90 and \$11,862 in
FY91.

Amendments, Discussion, and Votes: The motion PASSED with
Rep. Swysgood and Sen. Tveit voting nay.

DISPOSITION OF WATER COURTS

Tape No. 10B

Motion: Sen. Stimatz moved to accept LFA current level
budget for water courts.

Amendments, Discussion, and Votes: The motion PASSED
unanimously.

Motion: (11 A) Rep. Swysgood moved to increase the approved
LFA budget to reflect a \$2500 one-time charge for the
phone service upgrade and \$2000 for equipment for files
and copier machine.

Discussion: Sen. Regan voiced concern that if the increase
is appropriated, it will probably revert and so, the
budget would be inflated.

Amendments, Discussion, and Votes: The motion PASSED with
Nisbet, Swysgood and Quillici voting aye and Regan
voting nay.

DISPOSITION OF LAW LIBRARY

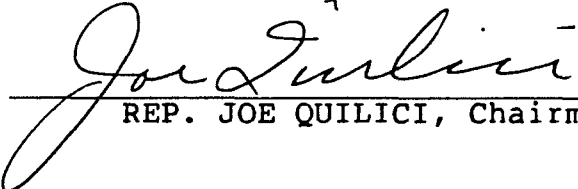
Tape No. 11A

Motion: Rep. Nisbet moved to approve LFA current level
budget.

Amendments, Discussion, and Votes: The motion PASSED
unanimously.

ADJOURNMENT

Adjournment At: 11:52 a.m.



REP. JOE QUILICI, Chairman

JQ/ml

1022.min

DAILY ROLL CALL

GENERAL GOVERNMENT AND HIGHWAYS SUBCOMMITTEE

DATE 1/12/89

NAME	PRESENT	ABSENT	EXCUSED
Representative Joe Quilici, Chair	✓		
Representative Jerry Nisbet	✓		
Representative Chuck Swysgood	✓		
Senator Larry Tveit, Vice Chair	✓		
Senator Pat Regan	✓		
Senator Lawrence Stimatz	✓		

SECRETARY OF STATE

STATE OF MONTANA

EXHIBIT 1
 DATE 1-11-89
 HB

Mike Cooney
 Secretary of State



Montana State Capitol
 Helena, Montana 59620

Request for \$35,000 Supplemental for FY89.

	Actual FY 88	Budget FY 89	Current FY89	Difference
RECORDS MANAGEMENT				
0 Full Time Equivalent (FTE)	24.00	24.00	24.00	0
1100 Salaries	411,073.64	430,017	351,485	(78,532)
1113 Longevity	1,533.68			0
1400 Employee Benefits	91,199.79	62,521	58,648	(3,873)
1500 Health Insurance		34,500	23,602	(10,898)
1600 Vacancy Savings		(21,910)		21,910
Total Level	503,807.11	505,128	433,735	(71,393)
2021 Contracted Services- Infl				
2022 Supplies & Materials - In				
2023 Communications - Inflatio				
2100 Contracted Services	280,645.80	240,356	280,324	39,968
2200 Supplies & Materials	31,704.06	32,282	40,607	8,325
2300 Communications	48,106.18	48,562	53,307	4,745
2400 Travel	13,373.77	5,209	7,092	1,883
2500 Rent	26,677.33	24,873	27,717	2,844
2700 Repair & Maintenance	5,424.32	6,335	5,166	(1,169)
2800 Other Expenses	3,403.63	3,322	2,723	(599)
Total Level	409,335.09	360,939	416,936	55,997
3100 Equipment	5,280.11		11,202	11,202
3400 Intangible Assets	250.00		0	0
Total Level	5,530.11	0	11,202	11,202
9000 Debt Service	3,733.89		38,657	38,657
Total Program	922,406.20	866,067	900,530	34,463
1100 General Fund	545,399.49	486,931	521,394	34,463
2464 UCC Bureau	377,006.71	379,136	379,136	0
Total Program	922,406.20	866,067	900,530	34,463

SECRETARY OF STATE
STATE OF MONTANA

EXHIBIT 2
DATE 1-12-80
HB 2

Mike Cooney
Secretary of State



Montana State Capitol
Helena, Montana 59620

Secretary of State
Request for Supplemental for Termination of Classified Employees

Reason -- Excessive amount of termination pay resulting from
change of administration.

Marian Campbell --	Gross	5,481.65	Annual Leave	354.5 hrs
	Insurance	57.50	Sick Leave	111.1 hrs
	Benefits	824.82		

Dean Robertson --	Gross	7,204.09	Annual Leave	545.9 hrs
	Insurance	57.50	Sick Leave	193.5 hrs
	Benefits	1,076.84		
	Total	14,702.40		

Department of Military Affairs

Supplemental for back pay to firefighters
from Dec. 27, 1979 - Aug. 31, 1985
and associated legal expenses

SETTLEMENT

Overtime	\$253,849.52
Benefits	32,889.53
Interest*	113,709.81
Total Settlement	\$400,448.86

PLAINTIFFS' LEGAL FEES** AND COSTS	\$130,243.87
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AGENCY LEGAL COSTS***	\$9,313.78
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BACKPAY FOR FIREFIGHTERS NOT INCLUDED IN LAWSUIT****	\$125,186.33
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TOTAL POTENTIAL SUPPLEMENTAL	\$665,192.84
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* As of Dec. 14, 1988- Until payment is made interest accrues at the rate of \$69.36 per day.

** Actual costs to be determined by court decision.

*** As of November 1988.

**** As of January 1, 1989.

Of the total cost \$525,635.19 will be presented to the National Guard Bureau for payment. This includes all the costs listed above except for plaintiffs' and agency legal costs. If the NGB makes this payment the general fund would have a potential payment of \$139,557.65. This figure will be contingent upon final legal costs.

SALARY PAYOUTS

<u>DEPARTMENT DIRECTORS:</u>	<u>General Fund</u>	<u>State Fund</u>	<u>Federal Fund</u>	<u>Prop. Fund</u>
Administration ✓	\$ 19,705	\$	\$	\$
Agriculture	19,294			
Commerce				24,846
Family Services	16,468		1,830	
Fish, Wildlife, & Parks			16,580	
Health	10,992			
Highways ✓		15,651		
Institutions	11,004			
Labor				10,038
Lands	17,103			
Military Affairs ✓	4,217			
Natural Resources	12,252			
Revenue ✓	19,219			
	406,456			
<u>Personal Staff-Elected Officials</u>				
Secretary of State	684	5,683		
Sup. of Public Instruction	28,154	2,873	8,499	
Governor's Office	68,299	10,563	28,935	
Justice	32,549	14,341		
Supreme Court	6,667			
<u>TOTALS</u>	<u>\$266,617</u>	<u>\$49,111</u>	<u>\$55,844</u>	<u>\$34,884</u>

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VISITOR'S REGISTER

AGENCY(S) _____ SUBCOMMITTEE _____
DATE 11/12/81
DEPARTMENT _____

NAME	REPRESENTING	SUP- PORT	OP- POSE
Ed Steigmetz	Monterey Water Court		
Dorothy Sazuro	State Auditor		
Debbie Van Vleet	"		
Mr. Oppeloh	Supreme Court		
Bob LUTTENBROD	BUDGET OFFICE		
JACK ELLEY	DEPT. OF REV.		
Sharon Thomas	Mt. Rip		
Gudy Meadows	State Law Library		
J. A. Turnage	Judiciary		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT.
IF YOU HAVE WRITTEN COMMENTS, PLEASE GIVE A COPY TO THE SECRETARY.