

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

SUBCOMMITTEE ON GENERAL GOVERNMENT AND HIGHWAYS

Call to Order: By Chairman Quilici, on February 7, 1989, at 8:59
a.m.

ROLL CALL

Members Present: All members were present.

Members Excused: None

Members Absent: None

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

Announcements/Discussion: Rep. Quilici announced the committee would address some supplementals concerning the Law Enforcement Academy, Military Affairs and transition pay. The hearing on the Legislative Council and Consumer Counsel would follow.

HEARING ON DEPARTMENT OF JUSTICE: LAW ENFORCEMENT ACADEMY
SUPPLEMENTAL REQUEST

Tape No. 50A

Presentation and Opening Statement: Clayton Schenck told the committee the Department is requesting a supplemental of \$117,901 in general fund monies. The LFA recommended the supplemental come from the Motor Vehicle Fund since that is the program funding source.

Testifying Proponents and Who They Represent:

Mick Robinson, Department of Justice

Proponent Testimony: (50A 2.24) Mick Robinson presented a detailed outline of the full supplemental request to the committee. (See exhibit 1)

Testifying Opponents and Who They Represent:

None.

Questions From Subcommittee Members: (50A 6.19) Rep. Swysgood:

Were any of these major repairs anticipated and asked for in the 90-91 budget?

Mick Robinson said the only items requested in the budget were for mattress and linen replacement.

(50A 8.29) Rep. Swysgood: When the Department finally got to the position where they could buy the buildings were the roof problems addressed and deducted from the purchase price?

Mick Robinson responded that he was not involved in the negotiations. He said there was an evident need for roof repairs but he could not comment on whether they were addressed in the negotiations.

(50A 9.58) Rep. Quilici: What happens if you don't get this?

Mick Robinson said there is no flexibility in the Law Enforcement Academy budget and he doesn't know how the Department of Justice would be able to handle it.

DISPOSITION OF DEPARTMENT OF JUSTICE: LAW ENFORCEMENT ACADEMY
SUPPLEMENTAL REQUEST

Tape No. 50A

Motion: Rep. Swysgood moved to approve \$93,316 of the \$117,901 requested. (This would be general fund money.)

Discussion: Sen. Stimatz asked what kind of shape the motor vehicle fund is in. Clayton Schenck said it's going to be about \$600,000 in the negative. Sen. Stimatz asked how much of that is real dollars and how much is bookkeeping transfers. Clayton responded that about \$250,000 reflects bookkeeping transfers which would still leave about a \$4000 deficit for the biennium. Sen. Stimatz asked what has to be done to take care of the negative \$4000. Clayton said unless it's supplemented with general fund, the committee would have to reduce appropriations from one of the programs.

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

HEARING ON DEPARTMENT OF MILITARY AFFAIRS SUPPLEMENTAL REQUESTS
Tape No. 50A

Presentation and Opening Statement: Doug Booker told the committee they would be addressing the firefighter supplemental that was addressed earlier and there were also

two additional requests in the areas of disaster and emergency services and administration. The committee was presented with a detailed breakdown of the requests. (See exhibit 2)

(50A 31.40) Pam Joehler addressed the supplemental request for administration costs. She said the agency is asking to have vacancy savings included in the supplemental request, which is not usually done for other agencies. The termination payouts have already been paid. Pam looked at the status of the budget this morning, which reflects to the end of January and the department is 52% expended in the administration program. In terms of time that has transpired from the beginning of the fiscal year, the year is between 54 and 58% completed. The 52% expenditure reflects the payout already. If they've already managed to pay it out with only 52% of the budget expended, Pam questions whether they really need it.

Testifying Proponents and Who They Represent:

Doug Booker, Department of Military Affairs
Ken Cottrill, Department of Military Affairs
Ken Grieb, Department of Military Affairs

Proponent Testimony: (50A 20.46) Ken Cottrill gave a background of the lawsuit that has led to the request for a supplemental of \$117,901. The lawsuit occurred because firefighters were working 24 hour shifts but were not paid for sleep time. The expenses are the payment for the 8 hours of each 24 hour shift, benefits (including social security and PERS) and interest, which is statutory. He indicated that the federal government will pay all expenses except legal costs.

(50A 33.09) Doug Booker spoke to Pam Joehler's comments. He said that Pam was accurate except there are two positions in the administration program that, to date, have been paid out of the army program and the expenditures have to be moved into the administration program. One of them is a split funded position that is paid out of the army program because it's on the army contract, until that army contract is made. Once that amount is made, all the expenditures are transferred into the administration program. Those do not show on SBAS but the paperwork has been done and it will show on the February SBAS. The secretary position, to make up vacancy savings, has been paid out of program 12. Those expenses will have to be moved to the administration program as well. \$20,000 in expenditures have to be moved into administration this month. In actuality, the expenditures are beyond 51% of the budget.

Testifying Opponents and Who They Represent:

None.

Questions from subcommittee members: (50A 26.59) Rep. Quilici:
Are you saying that if this planner position isn't filled
you won't get any federal money?

Ken Grieb responded that the department would risk holding
up federal disaster money.

(50A 27.43) Rep. Swysgood: The federal funds you're talking
about that would be held up, is that up to the \$50,000?

Ken Grieb said no, we're speaking on two issues. The
disaster preparedness improvement plan was originally
established at a cap of \$25,000 from the federal government.
They have since lifted the cap and the department is
eligible for \$50,000 from the federal government for this
program. However, the program has to be matched 50-50. (50%
by the state general fund money) What is being discussed
here is the money received for disaster assistance. As an
example, in the 1981 presidential declaration in our state
the state was involved, ten counties and also individuals.
The federal dollars received here were \$5,416,000 for the
1981 flood. Subsequent to that there have been two other
presidentially declared disasters. So, in the past 8 years
we have received approximately \$8,500,000 in federal money
on presidentially declared disasters. The only information
the department has is a letter dated January 4 advising them
plans must be in effect before the disaster monies can be
made available.

(50A 35.57) Sen. Tveit: If these have been paid (referring
to termination costs), do we have to authorize that then or
what do we have to do?

Pam Joehler said the department is asking to have this money
put back into their budget.

(50A 36.32) Rep. Swysgood: What percentage of the fiscal
year is gone now?

Pam Joehler said 54% of the payroll and 58% of the year to
date.

(50A 37.04) Rep. Swysgood: Would the \$20,000 that they have
to transfer make up 3%?

Ken Cottrill said it would actually be about 18%

(50A 38.29) Sen. Regan: Could Pam look at this a little
closer before we make a decision?

Rep. Quilici said Pam would work with the department and
then come back to the committee.

DISPOSITION OF DEPARTMENT OF MILITARY AFFAIRS SUPPLEMENTAL
REQUESTS

Tape No. 50A

Motion: Sen. Stimatz moved to approve \$687,270 for the firefighter supplemental with the \$148,872 in general funds to be line-itemed for legal costs.

Discussion: There was discussion regarding what the total amount of the supplemental would be. It was clarified that the total would be \$687,270, this includes \$148,872 in state general funds and \$538,398 in federal funds.

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

Motion: Sen. Stimatz moved to approve \$10,980 for disaster and emergency services.

Discussion: It was noted that of the \$10,980, \$5,490 would be general fund money.

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

HEARING ON TERMINATION PAY INCLUDED IN HB301

Tape No. 50A

Presentation and Opening Statement: (50A 40.21) Bob Kuchenbrod, OBPP, said he's looked at what departments could absorb the termination pay. He said he also prepared a list of elected officials and staff terminations by name as requested by Sen. Regan and Sen. Stimatz.

(50A 45.10) Pam Joehler said with regard to the Governor's office request, the amount they are requesting now is the same amount originally requested. In the executive office the legislature did appropriate \$25,000 biennial contingency appropriation. At the end of January there was \$18,400 of that remaining. None was spent in FY88 so the difference between \$25,000 and \$18,000 has been spent so far in this current year. Pam asked if the governor's office could use that to fund a portion of the request. The air transportation program also has expended less for their operating expenses for the time elapsed. Maybe some money could be taken out of that and moved over to help pay for this. In the other programs there isn't any money available. If you could take about \$10,000 out of the air transportation and \$18,000 from the contingency fund that would reduce the total amount by about \$28,000.

Flo Smith said since the committee hasn't gone over the Governor's budget yet, perhaps the contingency fund should be discussed. There is a contingency fund that is for unanticipated occurrences. To take the balance of \$18,000 may handicap the new Governor.

Clayton Schenck said in looking into which agencies could perhaps absorb the termination pay he found that the Secretary of State and the Superintendent of Public Instruction were both exceeding their current appropriations and would not be able to absorb the costs. The Department of Justice is below their expenditures in general funds and could probably make up the termination costs in their budget. The Judiciary had no real gap in their budget. They have a budget of \$4.2 million in general fund and may have the potential to absorb the termination costs.

Testifying Proponents and Who They Represent:

Bob Kuchenbrod, OBPP
Mick Robinson, Department of Justice
Ed Smith, Clerk of Supreme Court
Carolyn Doering, Department of Commerce

Proponent Testimony: (50A 42.19) Bob Kuchenbrod spoke in favor of the supplementals for termination pay for elected officials and staff and for the Department of Commerce and the Department of Agriculture. The Department of Commerce and the Department of Agriculture are still included in the supplemental request as they cannot absorb this into their budgets. With regard to the elected officials is the issue of staffing. People have to be on the job in order to do the job. People were hired in January to replace the people indicated on the list. A handout presenting the requested supplementals for termination of elected officials and staff and the commerce and agriculture issues was given to the committee. (See exhibit 3)

Bob Kuchenbrod said he is leery of saying the \$18,000 in the contingency fund could be tapped for this purpose. It may already be obligated for other purposes.

Department of Justice

(50B 5.09) Mick Robinson stated that Clayton's comments about flexibility within the Department of Justice troubled him with the program approach. He said there may be flexibility within the Motor Vehicle Division in which Furois was an employee and there would be flexibility in the Highway Patrol where Landon's dollar amount would be included. The first four individuals were within the legal services program and Mr. Racicot was in the county prosecutor's bureau and those programs do not have the flexibility to absorb those dollar amounts.

Clerk of the Supreme Court

(50B 8.13) Ed Smith said that while his budget is contained within the judiciary there is no cushion in there. He asked the committee to approve \$6600 as his budget cannot absorb that amount.

Departments of Commerce and Agriculture

(50B 10.52) Bob Kuchenbrod said he went through these budgets program by program and item by item and the \$10,174 is the amount needed for the Department of Agriculture and \$5200 is needed in Commerce. Mr. Kuchenbrod does not feel there is any way these departments can come up with the money in their existing budgets. The Department of Agriculture came up with \$9000 in other areas of the budget and the remaining \$10,174 is what they still need.

(50B 15.01) Carolyn Doering said the Coordinator of Indian Affairs serves at the pleasure of the Governor. His payout will be \$5200. He is currently on staff and has been notified as of January that he will not be reappointed as the Coordinator of Indian Affairs. The department does not know how long he will be there. They have made a projection of March 10. His payout will be \$5200. The Coordinator of Indian Affairs budget is \$81,000 for FY89. Of that, about \$57,000 is salaries. There was another instance that came up that put the office more in the hole than they would have been. The Department of Administration did a review of administrative assistants. They did a desk audit at the Coordinator of Indian Affairs office and determined that the grade 10 administrative assistant was not properly classified. That position was raised to a grade 12. There was nothing that could be done except to pay. That's an additional \$2000 so there's no way they can afford to pay out the termination cost from within the budget.

Testifying Opponents and Who They Represent:

None.

Questions From Subcommittee Members: (50A 43.13) Sen. Regan:

Why is Marc Racicot on this termination list when he's sitting over in the Department of Justice?

Bob Kuchenbrod responded that Mr. Racicot has gone from a state employee to an elected official. Elected officials can't accumulate annual leave or sick leave. Therefore, he's eligible for termination pay.

Departments of Commerce and Agriculture

(50B 13.36) Rep. Swysgood: Why aren't these people listed by name?

Bob Kuchenbrod said in the Department of Agriculture the individual is Keith Kelly. In Commerce, the affected party is Clayborn.

DISPOSITION OF TERMINATION PAY INCLUDED IN HB301

Tape No. 50A

SECRETARY OF STATE

Motion: Sen. Stimatz moved to approve the supplemental request of \$6,367 for the Secretary of State's Office.

Discussion: Clayton Schenck said the Secretary of State's Office is currently exceeding their appropriations to date and would have a problem absorbing the termination pay.

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

GOVERNOR'S OFFICE

Discussion: Rep. Quilici said he wanted to get more information on the Governor's budget before taking action on that budget.

SUPERINTENDENT OF PUBLIC INSTRUCTION

Motion: Rep. Nisbet moved to approve the \$39,526 supplemental request for the Superintendent of Public Instruction.

Discussion: Clayton Schenck said this office would have difficulty absorbing the cost.

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

DEPARTMENT OF JUSTICE

Motion: Sen. Stimatz moved to approve the amounts indicated (exhibit 3) for Bauernfeind, Flink, Hansen, Roberts and Racicot.

Discussion: Rep. Quilici asked if the department had flexibility for Furois and Landon. Mick Robinson said the vacancy savings in those programs would be sufficient to absorb these. The reason they were included was because there was a memo from the Governor's Office to include all of the transition payments resulting from elected officials. These two could be absorbed within the programs but the others could not. It would require a significant program transfer that probably will not be available at the end of the year.

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

CLERK OF THE SUPREME COURT

Motion: Rep. Nisbet moved to approve the supplemental request of \$6667.

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

DEPARTMENT OF AGRICULTURE

Motion: Rep. Nisbet moved to approve \$10,174 for the Department of Agriculture supplemental.

Discussion: There were questions as to whether Rep. Nisbet wanted to include the Department of Commerce in the motion. He said he did not.

Amendments, Discussion, and Votes: The motion FAILED with Sen. Stimatz and Rep. Nisbet voting aye.

DEPARTMENT OF COMMERCE

Motion: Sen. Stimatz moved to approve \$5200 for the supplemental request for the Coordinator of Indian Affairs.

Discussion: Rep. Quilici commented that with an \$81,000 budget and \$57,000 of that salaries, there is not a great deal of leeway. Rep. Quilici said the subcommittee doesn't have the Department of Commerce budget and asked what the total budget for the department is. Clayton Schenck said it is \$7 million. Rep. Quilici asked if they could make a transfer to come up with the \$5200. Carolyn Doering said a good portion of that is the District Court Reimbursement Program. There is really nowhere to get the funds.

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

HEARING ON LEGISLATIVE COUNCIL

Tape No. 50B

Testifying Proponents and Who They Represent:

Sen. J.D. Lynch, outgoing chairman, Legislative Council
Robert Person, Legislative Council

Proponent Testimony: (50B 18.41) Sen. J.D. Lynch said the Legislative Council has a budget that's reasonable. The legislature asked them to be frugal and they have done so.

Sen. Lynch said there are some areas of controversy within the budget that come up every year and they are before the committee again. The Council can no longer continue not paying dues to the National Conference of State Legislators (NCSL) and the Council of State Governments (CSG). The Council has been paying half dues and sometimes no dues and the groups have been carrying them. Both organizations are worthwhile. The Council has cut down membership. Last session they cut from ten committees to five on NCSL and from eight to four on CSG. The question always comes up about the value of these organizations. They are valuable not only to legislators but to the staff as well.

(50B 22.02) Bob Person gave a background of the Legislative Council. The Legislative Council was established in 1957. The Council provides a variety of support services to the legislature. Council staff work under the general supervision of an eight-member bipartisan committee composed of four members of the House and four members of the Senate. Council services include bill drafting, clerical preparation of bills for introduction using automated equipment, and the engrossing and enrolling of bills; printing and distribution of legislative proceedings, session laws, and journals of the House and Senate, and the preparation of indexes to the same; provision of legislative research and reference committee staffing; provision of interim investigation authority; service as the agency of interstate cooperation; preparation and publication of the Montana Code Annotated statute text and Annotations; review of the text of proposed ballot measures; review of proposed administrative rules; provision of information about the legislature to the public; operation of the legislative intern program and other services as assigned by the legislature.

The Council is operated under four programs: feedbill, operations, interim studies and conferences and reimbursable activities. The feedbill program is for bill appropriated funds for the operation of the legislature. The operations program pays for the people and the basic operations required to support the core staff activities of the agency. A budget of \$1.8 million in 1990 and \$2.2 million in 1991. The budget provides for a decrease of 1 FTE in the permanent staff. A .5 FTE decrease is proposed for FY91 as the Council will drop a session drafting position in anticipation that the law school program currently engaged in will be continued into the future. They are proposing to retain three positions at the current level even though they were not used fully over the past interim. These positions include one FTE secretary, .6 FTE secretary and a legal position. They propose to maintain these positions to support a more characteristic level of work in the future. Mr. Person requested that the budget not be line-itemed as it has in the past. The interim studies and conferences program exists to process and monitor the expenditures of the various legislative interim committees and conferences.

The proposed budget includes funding for studies by interim committees established by the legislature under Section 5-5-202 through 5-5-217; other interim committees established by permanent law; and interstate cooperation organizations in which the legislature has been a participant.

Appropriations in this budget are for the most part biennial; dues for the CSG and the NCSL being the principal exception. Travel budgets are restored to the level proposed in the 1987 legislature. The reimbursable activities program supports the publication and distribution of the Montana Code Annotated Statute Text, Annotations, and ancillary publications issued under Sections 1-11-301 and 1-11-303 and supports the provision of reimbursable services provided by the Council.

Testifying Opponents and Who They Represent:

None.

Questions From Subcommittee Members: (50B 41.39) Sen. Regan: I realize you don't like line-iteming, nor does any other agency, but there are sufficient reasons for doing it? Why shouldn't we do it?

Bob Person responded that in the past dues, travel and associated costs for the same activity required separate lines. They are one time expenditures and a whole account for each item has to be set up for SBAS. This consumes time and energy that could be spent on other things.

(50B 44.21) Sen. Regan: Apparently we contracted with the legal department at Missoula for the first time this session. Do you save staff time? What is the end result? Are you contracting with third year law students for bill drafting as a kind of work study?

Bob Person said what the Council accomplishes is a reduction in personal services for bill drafters. The former program did not work for getting bill drafters. The Council then contacted the University Law School to see if they would be interested in working with the Council. A proposal to drop three of the session drafters in lieu of transferring \$50,000 from personal services to contracted services. There is a contract with the Law School with a cap of \$50,000. It probably will not cost that much.

(50B 47.23) Rep. Swysgood: This \$50,000 that you have budgeted for U of M drafting contracts, who gets that money?

Bob Person said it is predominantly used as salary reimbursement for the students who do the drafting and to the coordinator of the program.

(51A .17) Rep. Swysgood: Do you feel comfortable that the work suffices and doesn't require too many redos based on

the work that the regular Council staff would do?

Bob Person said redos are always a problem but they're no more or less a problem with law students. The Council is especially pleased with the research the students do.

(51A 1.14) Sen. Tveit: What's the salary for the NCSL for? Also the dues have more than doubled from last year to this year. Why? I know last year we cut back on travel. Could you address that area?

Bob Person said the decision was made by the legislature two years ago that only half of the assessed dues would be paid. So the actual expenditure compared to the amount this time will first, be doubled to get back to what we should have paid before and then the dues have increased too.

(51A 3.39) Sen. Tveit: If we only paid half the dues, what kind of services do we get?

Bob Person said that these organizations are organizations of state government entities. The CSG is supported by legislatures and the NCSL is supported by and for legislatures. Periodically a number of states go through fiscal crises and the organizations understand that. The only thing they ask is that they not be singled out and treated differently than other organizations. To the extent that they were comfortable that was the case they maintained Montana membership and they maintained services to Montana during that time.

(51A 5.01) Sen. Tveit: What is the salary for?

Bob Person said that is a budgeting tool. When legislators travel out of state they always receive a salary and expense reimbursement. It wasn't broken down in the budget before and therefore, following legislative intent no salary could be paid without a budget amendment.

(51A 7.36) Sen. Regan: Are you telling me when a legislator goes to NCSL they get their regular salary of \$52.00 per day?

Bob Person responded yes, and they get their actual motel costs, airline costs and meals and registration.

(51A 9.44) Sen. Regan: If you designated the committee, did the committee chairman then decide who would go?

Sen. Lynch said if the Council picks the members, they also make the decision as to who goes.

(51A 11.31) Sen. Regan: There was a comment about vacant positions that you want held open. Would you comment on that?

Bob Person said if the Council returns to a more characteristic level of interim activity, they will need the secretarial position that has been vacant due to cutbacks in other areas that the secretarial work supports.

HEARING ON CONSUMER COUNSEL

Tape No. 51A

Testifying Proponents and Who They Represent:

Rep. Joe Quilici, chairman Consumer Counsel
Bob Nelson, Consumer Counsel

Proponent Testimony: (51A 15.01) Rep. Joe Quilici gave an overview of the Consumer Counsel. It was mandated by our constitution and it's the only committee of its sort in the legislature. The Counsel is funded by a fee on regulated companies. That fee is adjusted to reflect the expenditures of the committee. Although there is a certain amount of money in the budget, it is just spending authority. In the event the money is not needed, it is not spent. In the last biennium the office expended only 76% of the total appropriation. The counsel never knows how the regulated companies are going to come in with rate requests or how long it will take to handle the hearings. When the money is not spent, it does not revert. The Department of Revenue just does not assess the regulated companies as much as they would otherwise. The committee has always been fair to both the consumer and all rate payers in the state. The Consumer Counsel Committee has never been overturned in an appeal on any rate case before the court. The counsel only has a four person staff and they do an incredible job.

(51A 17.58) Bob Person presented the budget for the Consumer Counsel. The budget consists of two components in one program. It's a base appropriation and a contingency appropriation. The contingency appropriation has been at \$100,000 and the committee proposes continuing that into the future. They haven't always had to use that contingency in the past but the caseload is contingent on forces that aren't within the control of the committee. The base appropriation, with virtually no exception, is based on actual 1988 expenditures. In the personal services portion of the budget the counsel is proposing continuing actual FY88 expenditures in FY90 and FY91 with two minor exceptions; an increase in Bob Person's salary based on a return to the salary level that existed prior to a probationary period when Bob first took the job, and a small adjustment for the number of committee meetings the Consumer Counsel has been experiencing. Contracted services constitutes approximately 2/3 of the budget for the Consumer Counsel. The majority of it is for contracted services for

consultants who appear as expert witnesses in rate cases. The counsel proposes maintaining the FY88 appropriation level based on a review of the 1988 actual caseload compared to the projection of what the caseload will be in the coming biennium. There is a requested increase of \$3010 for access to Westlaw. This is important since the counsel doesn't have subscriptions to a number of legal periodicals and publications that are pertinent to public utility regulation. Westlaw also provides reports of federal agency decisions that aren't otherwise available in Helena. Supplies and materials requests are based on actual FY88 expenditures with the exception of a significant decrease in request for data processing supplies. The travel budget is based on 1988 actual activity with one minor change to account for inflation in commercial transportation. In the equipment portion of the budget there is an increase slightly above FY88. The equipment being requested in FY90 includes file cabinets, a chair, a telefax machine and a modem for increasing communication with the mainframe in the Department of Administration.

Testifying Opponents and Who They Represent:

None.

Questions From Subcommittee Members: (51A 26.50) Sen. Regan:

Why would you need a telefax machine?

Bob Nelson said that due to the nature of activities the Consumer Counsel is operating under extreme time constraints. Also, due to the fact that most of the consultants are out of state, there is a need to provide documents to them and receive documents from them. The amount of material that is sent back and forth is amazing.

(51A 28.15) Sen. Regan: How much is one of these?

Bob Nelson said it is budgeted for \$1600.

(51A 28.25) Sen. Stimatz: Is there a special fax cost every time you use it?

Bob Nelson responded that there is no cost other than the phone cost.

HEARING ON CLERK OF THE SUPREME COURT: SUPPLEMENTAL REQUEST
Tape No. 51A

Testifying Proponents and Who They Represent:

Ed Smith, Clerk of the Supreme Court

Proponent Testimony: (51A 31.19) Ed Smith presented a request for a supplemental for \$8400. \$2000 of this is for supplies and materials. There are a number of documents that have to be reprinted since Ed was elected Clerk of the Montana Supreme Court in November. \$6000 of the request is for contracted services. Mr. Smith provided the committee with a breakdown of the request. (See exhibit 4)

Ed Smith also requested an increase in the 1990-91 budget. This request is for an increase in personal services of \$2750 each year of the biennium to reclassify a secretary from a grade 10, step 7 to a grade 12, step 7. This request also include \$11,092 in FY90 and \$2800 in FY91 for operating expenses. These expenses would include 3 computer terminals, a printer, licenses and ISD subscription increases, shelving and a time/date stamp machine. The total dollar amount of this request is \$19,392 for the biennium. (See exhibit 5)

Testifying Opponents and Who They Represent:

None.

Questions From Subcommittee Members: (51A 37.39) Rep. Swysgood: On the personal services we've already addressed, why is there a difference of \$1000 between what Ed is presenting and what the budget office presented?

Ed Smith said that in December the court sent over a figure but the budget office has found a discrepancy and they requested the \$6667.

ADJOURNMENT

Adjournment At: 11:31 a.m.



REP. JOE QUILICI, Chairman

JQ/ml

3222.min

DAILY ROLL CALL

GENERAL GOVERNMENT AND HIGHWAYS SUBCOMMITTEE

DATE 2/7/89

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	✓		

DEPARTMENT OF JUSTICE

Law Enforcement Academy - Supplemental Appropriation

Language was included in the general appropriations act (House Bill 2) that requires the Department of Justice to purchase the modular facilities in Bozeman that currently house the Law Enforcement Academy using funds from the Law Enforcement Academy budget. The intent of the legislature is that the buildings be purchased in a buyout of the lease agreement using as much as necessary of the \$151,200 per year included in the 1989 biennium budget for building rent.

Rent Funds Appropriated	- FY88	151,200
	- FY89	<u>151,200</u>
		302,400

Expenditures to be paid from the above appropriation:

Building Purchase	248,000	
Legal Fees - Building Purchase	1,533	
Reimbursement of Repairs & Maint	797	
Rent Payments 7-1-87 - 3-31-88	111,336	
Operating Expenses 4-1-88 - 6-30-89	37,935	
Necessary Major Repairs	<u>20,700</u>	<u>420,301</u>

Requested Supplemental 117,901

Estimated Monthly Operating Expenses:

Building Insurance	40	
Utilities (electricity & gas)	900	
Water and sewer	79	
Janitorial Services	850	
Janitorial Supplies	100	
Laundry	80	
Normal Repairs & Maintenance	305	
Garbage	75	
Linen and Bedding	<u>100</u>	
	2,529	x 15 = 37,935

Necessary Major Repairs:

Covers over steps (significant ice accumulation on steps)	3,500
Major repairs to roofs	7,900
Carpet repair or replacement	6,000
Mattress replacement	2,100
Linen replacement	<u>1,200</u>
	<u>20,700</u>

DEPARTMENT OF MILITARY AFFAIRS



STAN STEPHENS, GOVERNOR

P.O. BOX 4789

STATE OF MONTANA

OFFICE OF THE ADJUTANT GENERAL
(406) 444-6910

HELENA, MONTANA 59604-4789

02\07\89

SUPPLEMENTAL REQUEST

The supplemental request for the Department is for two purposes:

- 1) Termination pay for three employees
- 2) Back pay for Firefighters at the Air Guard facility

	General Fund	Federal	Total
Administration	\$12,950		\$12,950
Disaster & Emergency Serv.	\$5,490	\$5,490	\$10,980
Air Guard (Firefighters)	\$148,872	\$538,398	\$687,270
TOTAL	\$167,312	\$543,888	\$711,200

DEPARTMENT OF MILITARY AFFAIRS



STAN STEPHENS, GOVERNOR

P.O. BOX 4789

STATE OF MONTANA

OFFICE OF THE ADJUTANT GENERAL
(406) 444-6910

HELENA, MONTANA 59604-4789

Program 01 Supplemental

This division provides management and accounting support to the Department. The total budget for the Program is \$180,772.

The division has 4 employees.

1. Department Director State Adjutant General
2. Administrator, Centralized Services Division
3. Accounting Technician
4. Directors Secretary

Total salaries authorized for the Program \$ 129,822 less vacancy savings of \$5,167 for a net personnel services \$124,655.

General Duffy's Pay out	\$4,212
Mr. Cottrill's Pay out	7,837
Vacancy savings	5,167

TOTAL	<u>\$17,216</u>
-------	-----------------

Total shortfall equal to 13.8% of total authorized Personnel Services Budget.

The secretary position was vacated 23 December 1988 and in order to maintain continuity in the Director's office a temporary secretary was hired approximately 2 weeks prior to her departure. Salaries budgeted for the secretary thru 30 December 88 \$8,445. Actual expenses \$9,379 for a shortfall of \$934 for the position.

TOTAL SHORTFALL IN PERSONNEL SERVICES FOR THE PROGRAM AS OF DECEMBER 30, 1988 \$18,150

General Blair, the new Adjutant General, delayed becoming a State Employee for the Month of January generating a savings of approximately \$5,200. He anticipates going on the state payroll beginning in February.

Total shortfall	\$18,150
AG's Savings	-\$ 5,200
Net Supplemental for Program 01 Personnel Services	<u>\$12,950</u>

DISASTER & EMERGENCY SERVICES DIVISION

DEPARTMENT OF MILITARY AFFAIRS



STAN STEPHENS, GOVERNOR

P. O. BOX 4789

STATE OF MONTANA

(406) 444-6911

HELENA, MONTANA 59604

February 6, 1989

SUPPLEMENTAL APPROPRIATION REQUEST FOR DISASTER & EMERGENCY SERVICES

1. Request Supplemental Appropriation in the Amount of \$10,980.

A. Termination Pay for Administrator -----\$16,451.

B. As of February 11, 1989, the position of the Administrator has been vacant for three (3) pay periods. Savings generated -----\$ 5,471.
TOTAL..... \$10,980.

C. Funding source 50% General Fund --- \$5,490.
50% Federal Fund --- \$5,490.
TOTAL..... \$10,980.

2. Due to vacancy savings it was necessary that one of our positions (Disaster Preparedness Planner - Grade 14) could only be filled on a temporary basis during State FY-1989. The planner we had on board was aware of this situation and consequently, when a full-time Population Protection Planner position became available (Grade 13) this planner determined to take the pay decrease so he could work full-time. This occurred effective August 18, 1988.

3. It is imperative we fill the present vacant DPI Planner position as soon as possible. Recent Federal Legislation now requires additional plans be in place before we are eligible for Disaster Assistance funding.

4. Commencing 2/13/89, there are ten (10) pay periods left in FY-1989. Should it be necessary to advertise the position, as opposed to filling via a lateral transfer or promotion, it would appear the earliest we could fill would be 2/20/89.



Federal Emergency Management Agency

Region VIII Denver Federal Center P.O. Box 25267
Denver, CO 80225-0267

DAPD

January 4, 1989

Mr. George DeWolf
Administrator
Disaster and Emergency Services Division
P.O. Box 4789
Helena, MT 59604

Dear Mr. ^{George} DeWolf:

The recently enacted Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Act) authorizes matching grants of up to \$50,000 to States for the Disaster Preparedness Improvement Grant (DPIG) Program. This increase in funding authority for the DPIG program is effective immediately.

Since it is still fairly early in the fiscal year, I would like to offer you the opportunity to propose an amendment to the Fiscal Year 1989 Comprehensive Cooperative Agreement (CCA) for the purpose of undertaking additional activities under the DPIG program. FEMA is now able to fund 50% of the costs of activities related to improving, maintaining and updating state disaster assistance plans, in accordance with CPG 1-3, Chapter 7, up to a maximum of \$100,000 (\$50,000 Federal share).

Proposed amendments to the Fiscal Year 1989 CCA should consist of work that can be accomplished during the fiscal year. It is not essential, for example, that proposed amendments constitute an additional \$50,000 (\$25,000 Federal share) worth of work since only three quarters remain in this fiscal year. In contrast with other programs, the amount of a State's annual DPIG program grant each year is based upon the level of effort of the proposed work plan and not a formula allocation.

Both the recent disaster act amendments and other regulatory changes related to the disaster program should be reviewed to determine what improvements in State disaster assistance plans may be required. The Disaster Preparedness Improvement Program Guidelines (CPG 1-31) still apply. A revised guideline will reflect the legislative and dollar changes.

Some things you may want to consider in identifying additional DPIG activities include:


1. The development of administrative plans for IA, PA and Hazard Mitigation. These plans must be in place before disaster assistance can be provided. Therefore, this task should receive top priority this fiscal year. Even if additional funding is not requested, we will consider reducing or rescheduling currently approved work tasks to accommodate this need.
2. Revisions required to your disaster assistance plan as a result of the recent amendments e.g. the Individual and Family Grant Administrative Plan is a yearly requirement scheduled for FY89, and the new regulations can be included with this work effort. Revisions will also be necessary to address the new Sections 404 and 411 of the Act.
3. Development and implementation of training for staff on the procedures which will be implemented in conformance with the new FEMA grant administration regulations at 44 CFR 13 and the new policies and procedures which will be implemented as a result of the amendments to the act. This could be included with the scheduled training for FY89 as recommended in II. B of the program outputs.
4. Cost for travel to attend FEMA briefings on the amendments to be scheduled at the Regional Office during the year.

The CARL Activity Codes would remain the same for the above three items, although the comment field would be expanded. The code used to attend conferences or training is DPI004R8.

Proposals to amend the CCA to take advantage of the increased DPIG funding should be submitted as soon as possible but no later than February 1, 1989. By that time, we may all be in a better position to evaluate the merits of conducting an additional DPI workshop in March as discussed during the State Director's briefing. Your proposal should include a revised Part III, Budget Information for DPI and identify the State match if it is in-kind.

If you have any questions, or would like to propose additional DPIG work elements for Fiscal Year 1989, please contact Jim Kautzman, CCA Coordinator at 235-4855 or Tim Maywalt, Hazard Mitigation & Preparedness Officer, at 235-4890.

Sincerely,



Dr. Marian L. Olson
Regional Director

DEPARTMENT OF MILITARY AFFAIRS



STAN STEPHENS, GOVERNOR

P.O. BOX 4785

STATE OF MONTANA

OFFICE OF THE ADJUTANT GENERAL
(406) 444-6910

HELENA, MONTANA 59604-4789

1-27-89

Montana Department of Military Affairs

Supplemental for back pay to Air National Guard Firefighters
from Dec. 27, 1979 - Aug. 31, 1985 and associated legal expenses

SETTLEMENT

Overtime	\$253,849.52
Benefits	32,889.53
Interest*	126,472.05
Total Settlement	\$413,211.10

PLAINTIFFS* LEGAL FEES** AND COSTS	\$130,243.87
---	---------------------

AGENCY LEGAL COSTS***	\$18,627.56
------------------------------	--------------------

BACKPAY FOR FIREFIGHTERS NOT INCLUDED IN LAWSUIT****	\$125,186.33
---	---------------------

TOTAL POTENTIAL SUPPLEMENTAL	\$687,268.86
---	---------------------

* Interest accrues at the rate of \$69.36 per day until payment is made. This amount estimates payment being made by June 15, 1989.

** Actual costs to be determined by court decision.

*** Includes estimate of final legal costs.

**** As of January 1, 1989.

(MFR6FEB)

MEMO FOR THE RECORD

6 February 1989

TAG-MT/ESSO

SUBJECT: ANG Firefighter Back Pay Claim

1. On this date, at approximately 0900 hours, Lt Col Ken Cottrill (Mt ARNG) and the undersigned called Colonel Richard Pezzullo (NGB/DE) to determine National Guard Bureau intent and obligation to pay fire fighter back pay claims as per 27 Jan 89 Supplemental for back pay subject letter, copy attached, that had been transmitted to NGB.

2. Colonel Pezzullo indicated he had received the 27 January letter and had meetings with his staff on the subject. He indicated that NGB would pay the claim in total, as submitted, with the exception of the claim for legal fees which is a state responsibility. Further, he indicated NGB will pay \$538,397.43, 100% federal funds, with prior year funding. He had begun coordination with ANGSC/AC (Lt Col Rocky Templon) to obtain the funds. Colonel Pezzullo indicated that since 100% federal funds are involved, there should be no need to amend any prior year Operations & Maintenance Agreements. Individual payments should be made by the state with federal reimbursement to the state.

3. Next step is for Mr. Doug Booker (Mt DMA) to provide the undersigned with a list of payments due to individuals by fiscal year. The undersigned will coordinate those dollar requirements with Lt Col Templon and Maj Bradley Livingston (Mt ANG Comptroller).

Frank E. Tobel

FRANK E. TOBEL, Lt Col, MTANG
Air Executive Officer

1 Atch
A/S

CY TO: GEN BLAIR
LT COL COTTRILL
MAJ LIVINGSTON
MR. BOOKER?
MAJ SHICK

**SUPPLEMENTAL REQUEST FY89
 SEVERANCE PAY
 February 6, 1989**

PERSONAL STAFF-ELECTED OFFICIALS:

	<u>GF</u>	<u>SF</u>	<u>FF</u>	<u>PF</u>	<u>TF</u>
Secretary of State					
D. Good	\$684	\$ 341	\$ -	\$ -	\$1,025
L. Watson	-	5,342	-	-	5,342
TOTAL	\$684	\$ 5,683	\$ -	\$ -	\$6,367
Superintendent of Public Instruction					
E. Bergquist	\$1,861	\$ -	\$ -	\$ -	\$ 1,861
G. Mitchell	6,171	-	-	-	6,171
T. Chesbro	15,084	2,873	-	-	17,957
M. Miller	787	-	7,082	-	7,869
F. Olson	4,251	-	1,417	-	5,668
TOTAL	\$28,154	\$ 2,873	\$8,499	\$ -	\$39,526
Governor's Office					
Cohea	\$15,731	\$ -	\$ -	\$ -	\$15,731
Schleicher	1,589	-	-	-	1,589
Walker	1,762	-	-	-	1,762
Hayden	7,767	-	-	-	7,767
Drier	5,943	-	-	-	5,943
Pichette	5,787	-	-	-	5,787
Bisom	6,208	-	97	-	6,305
Johnson	-	6,789	-	-	6,789
OBPP					
Hunter	12,135	-	-	-	12,135
Northwest Power Planning Council					
Brusett	-	-	24,854	-	24,854
Turman	-	-	3,984	-	3,984
Lt. Gov.					
Yaeger	6,972	-	-	-	6,972
Citizen's Advocate					
McGowan	4,405	-	-	-	4,405
Central Office					
Patrick	-	1,518	-	-	1,518
Martin	-	1,203	-	-	1,203
Hansen	-	614	-	-	614
Faas	-	439	-	-	439
TOTAL	\$68,299	\$10,563	\$28,935	\$ -	\$107,797
Justice					
Bauernfeind	\$ 3,675	\$ -	\$ -	\$ -	\$ 3,675
Flink	326	-	-	-	326
Hansen	7,304	-	-	-	7,304
Roberts	3,353	-	-	-	3,353
Furois	1,648	412	-	-	2,060
Landon	-	12,174	-	-	12,174
Racicot	4,437	-	-	-	4,437
TOTAL	\$20,743	\$12,586	\$ -	\$ -	\$ 33,329

SUPPLEMENTARY REQUEST - SEVERANCE PAY
 February 6, 1989
 Page 2

	<u>GF</u>	<u>SF</u>	<u>FF</u>	<u>PF</u>	<u>TF</u>
Clerk of the Court					
Neild-English	\$ 6,667	\$ -	\$ -	\$ -	\$ 6,667
Commerce - Coordinator of Indian Affairs					
Clayborn	\$ 5,200	\$ -	\$ -	\$ -	\$ 5,200

SUMMARY - SEVERANCE PAY

Personal Staff - Elected Officials					
Secretary of State	\$ 684	\$ 5,683	\$ -	\$ -	\$ 6,367
Supt. of Public Instruction	28,154	2,873	8,499	-	39,526
Governor's Office	68,299	10,563	28,935	-	107,797
Justice	20,743	12,586	-	-	33,329
Clerk of the Court	<u>6,667</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>6,667</u>
TOTAL	\$124,547	\$31,705	\$37,434	\$ -	\$193,686
Agriculture	\$ 9,621	\$ 553	\$ -	\$ -	\$ 10,174
Commerce	\$ 5,200	\$ -	\$ -	\$ -	\$ 5,200
GRAND TOTAL	<u>\$139,368</u>	<u>\$32,258</u>	<u>\$37,434</u>	<u>\$ -</u>	<u>\$209,060</u>

State of Montana
Office of Clerk of the Supreme Court
Helena 59620
406-444-3858

ED SMITH
CLERK

Ed Smith was elected Clerk of the Montana Supreme Court in November and took office on January 2, 1989. He makes the following supplemental budget request.

<u>Personal Services</u>	<u>FY 89</u>
Termination Pay	\$5,527.67
<u>Operating Expenses</u>	
Supplies and materials (reprint forms, envelopes, licenses)	\$2,000
Contracted services (programing costs for various applications)	\$6,000
training classes for users	\$450
Travel eliminated (one trip to Missoula to administer Bar Exam, and one trip to Malta for State Clerk's Conference)	\$300
	<u>TOTAL</u>
	\$14,277.67

8,400
requested
in current
11 89



State of Montana
Office of Clerk of the Supreme Court
Helena 59620
406-444-3858

ED SMITH
CLERK

Budget Request from Ed Smith, Clerk of the Montana
Supreme Court.

	<u>FY 90</u>	<u>FY 91</u>
<u>Personal Services</u>	\$2,750	\$2,750
<u>Operating Expenses</u>	\$11,092	\$2,800
<u>Total</u>	\$13,842	\$5,550
		<u>Total</u> \$19,392

VISITOR'S REGISTER

General Govt Highway

SUBCOMMITTEE

AGENCY (S) _____

DATE 2-7-89

DEPARTMENT _____

NAME	REPRESENTING	SUP- PORT	OP- POSE
<i>Ed Smith</i>	<i>Chief of Supreme Court</i>		
<i>Catalyn Dearing</i>	<i>Commerce</i>		
<i>Tom Clinch</i>	<i>Commerce</i>		
<i>Mike Ribino</i>	<i>Justice</i>		

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