MINUTES

MONTANA SENATE 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairman William E. Farrell, on March 29, 1989, at 10:00 a.m., Room 331, Capitol.

ROLL CALL

Members Present: Senator Hubert Abrams, Senator John Anderson,

Jr., Senator Esther Bengtson, Senator William E. Farrell, Senator Sam Hofman, Senator Paul Rapp-Svrcek, Senator Tom Rasmussen, Senator

Eleanor Vaughn

Members Excused: Senato

Senator Ethel Harding

Members Absent:

None

Staff Present:

Eddye McClure

HEARING ON HB 54

Presentation and Opening Statement by Sponsor:

Representative Marian Hanson stated that HB54 is a continuation of the interim committee on Indian Affairs, noting that Representative O'Connell from Great Falls said it is ridiculous to come in here, every two years, in State Administration, and that she proceeded to make it a statutory committee, adding that it has passed through the House that way.

Representative Hanson reported that, in 1979, the interim committee on Indian Affairs was formed to work between the tribes and the state, in an attempt to avoid the litigation that seems to arise, sometimes, when working with those people. She reported there is a \$6,000 appropriation in the bill to continue the interim committee, noting they had \$6,000, four years ago, and that, two years ago, the House cut it down to \$4,500. She indicated that, consequently, they did not meet for a year, in the last interim. She stated that, when they started the committee, they worked with about a \$40,000 budget, and had eight members, and now they are down to four, with a \$6,000 budget.

List of Testifying Proponents and What Group They Represent:

None.

List of Testifying Opponents and What Group They Represent:

None.

Questions from the Committee:

- Q. Senator Hofman referred to page 2, line 4, which states "Whereas these meetings were well-attended by both tribal representatives and state agency personnel;", and asked who goes to these meetings.
- A. Representative Hanson responded that usually at least one, and possibly two members from each tribe attend the meetings, and added that the coordinator of Indian Affairs has attended, from the state. She indicated that, last time, they worked with the Indian students in the higher education system, and that Carrol Krause, from the University System, was there. She noted that, depending on what subjects they choose to address in the interim, usually personnel from those departments attend.

Closing by Sponsor:

Representative Hanson urged a do concurrence in the bill, so they can continue working with the tribes, to try to keep a dialogue going with them.

Chairman Farrell announced the hearing on HB54 as closed.

DISPOSITION OF HB 54

Discussion:

Senator Rapp-Svrcek offered a motion that HB54 be concurred in.

Recommendation and Vote:

Motion passed by the committee that HB54 be concurred in.

HEARING ON HB 712

Presentation and Opening Statement by Sponsor:

Representative Norm Wallin reported that he is carrying HB712 on behalf of the Attorney General's office, and that it is an act designed to simplify and standardize title fees for motorized vehicles, as well as to increase revenues for the operation of the Justice Department programs. He explained that the bill will set title fees for passenger cars, trucks, trailers, boats and snowmobiles as \$5.00, noting the current fee is \$4.00 for trucks, cars and trailers, \$3.00 for snowmobiles, and \$6.00 for boats. He indicated that one of the reasons for the bill is to simplify the process for the country treasurers, and reduce the number of errors which occur in the titling process.

Representative Wallin noted that, at the present time, approximately 15% of new title applications submitted contain errors, and that a good share of those errors relate to the proper fees being applied. He indicated that the errors result in delays to the public, in title processing and return, considerable postage expense, in resolving problems, as well as being frustrating to the public. He noted that motor vehicle registration fees are also standardized at \$5.00, under the bill.

Representative Wallin reported that the title fee changes will increase revenue to approximately \$210,000, per year, which will be split 50-50 between the counties and the motor vehicle special revenue account, and that the registration fee increase will generate approximately \$1.7 million, annually, which will also be placed in the motor vehicle account. He noted that money will be allocated to the general fund, after passage of HB744.

List of Testifying Proponents and What Group They Represent:

Marc Racicot, Attorney General
Bob Robinson, Administrator, Motor Vehicle Division

Testimony:

Mr. Racicot reported that, when they were first involved in taking over the Department of Justice, one of the first things the division administrator, Bob Robinson, and he talked about was taking a look at the system of titling and registration, and cutting down on any kinds of delays to the public which may be

precipitated by that process. He indicated that one of the things they looked at was the fact that there are a number of different and varied fees charged for various services performed by the division and, as a consequence, all kinds of possible errors are being gendered by that process. He noted that it was a happy coincidence that, at the same time they would standardize all those fees, they would also raise \$1.7 million, which would be dedicated to the motor vehicle special revenue account.

Mr. Racicot indicated that, since that time, there has been an effort to de-earmark the motor vehicle special revenue account, and reported that is with their concurrence and recommendation, because they felt they could come before the legislature, and place their concerns before the legislature, in a framework that they are not the least bit afraid of competing with other programs to secure the funding they think is necessary. He pointed out that they did, however, view this as an effort to not only standardize fees, but also to raise revenue, noting it does that; almost \$4 million over the biennium. He indicated that would go into the special revenue account, but, with the other bill, which is forcing its way through the legislature, it would ultimately end up in the general fund.

Mr. Racicot stated that this bill, with HB394, the bill allowing the department to charge from \$2.00 to \$3.00 for motor vehicle record checks to insurance companies, would raise over \$4 million, originally for the special revenue account and, now, for the general fund, that they could not have before. He noted that it obviously was their intent to do everything they could to entice the legislature to fund all of the various programs that they wish to present before them. He assured the committee that they prioritized and scrutinized them very carefully, and realized that, to fund everything they felt was on the priority list, it would take about \$1.7 million in the Department of Justice, which would still release \$2.3 million into the general fund.

Mr. Racicot reported that the Senate Finance and Claims Committee is even more scrutinizing than they are, and a substantial portion of this income, beyond what they had originally envisioned, will probably go into the general fund. He stated that he thinks the bill is salutary, in all of its aspects, that it standardizes the fees, and will make it much easier for all of the people involved in the titling and registration process, noting that the number of transactions which occur at the registrar's bureau, in a single day, is absolutely phenomenal. He pointed out that it will lower the fees, in one area, and raise them in others, but indicated that it raises them to an amount commensurate with the amount of effort, time and work it takes to produce whatever it is that they are accomplishing at the registrar's bureau. He noted that a dog license, in Lewis and Clark County, costs \$5.00, and that is

certainly not an exorbitant fee, adding that it is, in all its aspects, a very real user fee. Mr. Racicot urged the committee's concurrence in the bill.

Testimony:

Mr. Robinson reported that the Montana Association of County Treasurers supported this concept, when they were in the House, because they also recognize that the number of fees, and the fact that they are all at different levels, is causing them some problems, as well as the fact that they will split the additional revenue from the title fees, which gives them, across the counties, about \$100,000 more, per year. He stated that he thinks the combination of straightening out the workload, and a less complex situation than they are dealing with, as well as additional revenue, is the reason they indicated support at the House side.

List of Testifying Opponents and What Group They Represent:

None.

Questions from the Committee:

None.

Closing by Sponsor:

Representative Wallin indicated that his history is that he has not been very favorable towards increasing any fees with regard to cars, titles and license plates, but that, because this comes directly from the Attorney General's office, which administers the Department of Motor Vehicles, he felt comfortable in bringing this bill to the committee. He stated that he does support it, and hopes the committee can pass it as well as it passed the House. He reported that, out of 80 votes on third reading, it got 64 votes, that it is a bill which is very acceptable, and indicated he hopes the committee will concur with the bill.

Chairman Farrell announced the hearing on HB712 as closed.

DISPOSITION OF HB 712

Discussion:

Senator Vaughn offered a motion that HB712 be concurred in.

Recommendation and Vote:

Motion passed by the committee that HB712 be concurred in.

HEARING ON HB 370

Presentation and Opening Statement by Sponsor:

Representative Vicki Cocchiarella stated that HB370 is simply asking to increase the meal allowance for state employees who are traveling within the state, doing business for the state, at the request of the state. She noted that the increases are listed on page 2, lines 3 and 4, and pointed out that there have been several changes and amendments, adding that the bill did survive the House committee, but came out half of its former state.

Representative Cocchiarella indicated these allowances have not been raised for eight years, not since 1981 and that, during that time, the inflation rate was over 30%, and actual meal prices have increased by up to 60%, in some restaurants. She gave the example of bacon, eggs, hashbrowns and toast, without coffee, at the 4B's, which is \$3.75, right now and reported that, in 1981, it was \$2.75, or less, which is a 44% increase. She noted that, even if an employee opted for a yuppies breakfast of oatmeal, whole wheat toast and a half a grapefruit, they would pay \$3.75, without coffee, and not including tip.

Representative Cocchiarella stated that, in the bill as amended, there is no increase requested for the noon meal. She indicated that dinner is up \$.50, from \$8.00 to \$8.50, and noted that, usually, a dinner with reasonable nutritional value would cost \$8.00 to \$8.50, which does not include a tip or beverage. She pointed out that anything they pay, as a state employee, comes out of their pocket, when traveling for the state. She indicated that, frequently, employees attend conferences at convention sites, such as the Colonial Inn in Helena, the Village Red Lion or Holiday Inn in Missoula, the Outlaw Inn in Kalispell, or the Sheraton in

Billings, noting they are not inexpensive places to eat. She added that they could ask employees to skip meals, or drive to Burger King, but asked why should employees be asked to leave the convenience and the comfort of their home, and the low cost of staying at home, to do business, if the state does not plan to pay for that business they have asked them to do, and added that the state does not pay for a phone call home, when asking employees to travel.

Representative Cocchiarella indicated that, in the business world, noting that expense accounts are part of that, most companies pay their employees the full cost of the meals they eat, while on the road, and indicated she would hope the state would consider some small increase, noting this is a small increase, considering there has not been a raise in this allowance for eight years. She stated that costs have increased, and employees who are expected to travel in the state, as a part of their employment, should not have to pay out of their pockets.

List of Testifying Proponents and What Group They Represent:

Tom Schneider, Montana Public Employees Association Terry Minow, Montana Federation of Teachers; Montana Federation of State Employees

Testimony:

Mr. Schneider's written statement is attached as Exhibit 3. He indicated it seems like, every time it comes out on the floor of the House or Senate, the first thing people say is they are raising the benefits for the state employees. He stated that all it is, is reimbursement for the cost of meals they eat when they are traveling wherever the state sends them. He pointed out that they talk a lot about conventions, but indicated the majority of employees who travel are not traveling to conventions, that they are traveling to audit, to help ranchers and farmers, to do the business of the state on an every-day basis, and not to go stay in a nice hotel, go to a nice meeting, eat a lot of nice meals, and drink, with someone else paying for it. He stated they simply have not done anything in this area since 1981, noting that, if they had even raised it \$.25 per meal, each session of the legislature, they would be paying more than they are now, since 1981.

He pointed out that they originally asked for a \$1.00 increase on breakfast, \$.50 on lunch, and \$1.00 on dinner, but the House State Administration Committee decided the lunch allowance was not enough, they unanimously raised it to \$4.50, and then the bill went to the floor of the House, where it passed, on second reading, with

two people speaking against it, noting that one person was mad over something that happened in Appropriations. He indicated the bill still passed, but barely, and then went to Appropriations, into a subcommittee, and that the bill, as it stands right now, is what the subcommittee did with it. He pointed out that, basically, it is half of the increase which passed, originally, in the House. He noted the bill passed very easily, the second time it went to second reading, and is now before this committee.

Mr. Schneider stated they can certainly justify a lot higher figures than these, but that his concern is they can not afford to leave this session without something. He indicated they have to raise it, this time, or it will be ten years since the last time it went up, and asked the committee to support this bill, using their own judgement on whether the figures are high enough, or low enough. He asked the committee to please support the bill, and do something to try to bring these figures up.

Testimony:

None.

Ms. Minow stated they would like to go on record in support of HB370. She indicated it is a good bill, it is a fair bill, that it is a very modest increase, as the committee has already heard, and deserves the committee's support. She asked that the committee give it a do pass consideration.

List of Testifying Opponents and What Group They Represent:

Questions from the Committee:

- Q. Senator Rasmussen indicated the lunch figure is awful low, and asked Mr. Schneider, if the committee raised that, if he thinks they will be in trouble.
- A. Mr. Schneider responded that those were the same words Representative Campbell used, in the House State Administration; that \$.50 is awfully low, and what if they raised it \$1.00. He indicated he would leave that to the committee's judgement, noting he thinks it is low, that he thinks it should be raised, but he does not want to lose the bill.
- Q. Chairman Farrell asked Mr. Schneider why the meals are separated out, instead of using a daily per diem. He further

asked if that used to be done and, for some reason, it was changed, and the meals were separated out.

- Mr. Schneider asked if Chairman Farrell is asking why they Α. split the meals apart, instead of going with a daily figure.
- Chairman Farrell indicated he is asking why they do not go Q. with \$20, per day, for meals.
- Mr. Schneider responded that he would say the main reason is A. because there are so many people who leave town at 8:00 in the morning, and are back is the office by 5:00. He indicated that creates a problem, noting it could be done by rule, but that the legislature has chosen to do that by statute.
- Chairman Farrell noted that the federal government does not Q. do it that way.
- Mr. Schneider responded hat most companies do not, either. Α.

Closing by Sponsor:

Representative Cocchiarella as sed that the committee pass this with at least some increase, notist little is better than none.

Chairman Farrell announced the hearing on HB370 as closed.

DISPOSE ION OF HB 370

Discussion:

\$3.50. figures put in by the House ? ate Administration Committee.

Senator Bengtson offered a mo on that the committee go along with what the House State Administration Committee did regarding HB370, that the meal allowances be 5 .00 for breakfast, \$4.00 for lunch, and \$9.00 for dinner. Chairs n Farrell pointed out that the bill was amended, in the House, to out the allowance for lunch back to Senator Abrams noted hat the House Appropriations cut it back. Senator Bengtson india ted she would like to go along with what the House State Administration Committee did, and provide \$4.00 for breakfast, \$4.50 fc lunch, and \$9.00 for dinner. She offered a motion that the bold be amended to reflect the same

Senator Rasmussen indicated is only concern is that they are throwing it back in their fa , and he would be more comfortable with just dealing with lunch figure. Senator Bengtson pointed out that it will end up in Senate Finance and Claims, and suggested they give them something to hack at. Senator Rasmussen noted that he would suspect it will end up pretty close to where it is, now.

Amendments and Vote:

Motion passed by the committee that HB370 be amended to provide for \$4.00 for breakfast, \$4.50 for lunch, and \$9.00 for dinner meal allowances.

Discussion:

Senator Bengtson offered a motion that HB370, as amended, be concurred in.

Recommendation and vote:

Motion passed by the committee that HB370, as amended, be concurred in.

HEARING ON HB 373

Presentation and Opening Statement by Sponsor:

Representative Tom Hannah indicated the committee members may remember, when the session first began, and the feed bill came out, he made a pitch in the House to make some improvements in compensation for members of the legislature. He noted it was a two-fold pitch; one, to increase the per diem, which failed, and, two, to increase the number of allowable trips home, which passed. He added that the feed bill carried with it the money to fund additional trips for the membership to go home, and that HB373 codifies what they did in the feed bill.

Representative Hannah stated that, currently, they are allowed one trip, which is the trip to come, and to return home from the session, plus three additional trips during the session. He indicated this bill increases the three to five, so they end up with a total of six trips, which is an increase of two trips, over the current allowable level of travel for members of the legislature. He reported that it has passed the scrutiny of the House Appropriations Committee, and the House State Administration

Committee, noting it has not been to Finance and Claims, as far as he can tell.

Representative Hannah stated that he thinks it is an important part of what they need to do around here. He indicated that he wants to tell the committee why he did all this, noting it is a little out of character for a conservative Republican to want to spend money on the members for increased funding. He reported that, last session, he had the opportunity to look at the session from a different view. He indicated that, in the past, he has been running committees, chairing a committee, and getting involved to where he did not see much that was going on around him, that he was in his own little world, which he was a part of. He reported that, last session, he spent a large part of his time dealing with the problems of the members, and that it became apparent to him this place is a pressure cooker, noting that elected, grown adults came to him complaining because someone had parked in their parking spot. He indicated the annoyance had reached the point where that was a significant problem, noting that he says that tongue-incheek, but indicated he thinks there is a reason for that, which is that it becomes, all of a sudden, that there is one thing they can deal with, one problem that they can rationally be a part of, get their teeth into.

Representative Hannah indicated that, on top of that, he watched a lot of the membership, last session, that several people spent time in the hospital and, in the interim, they lost 2 or 3 members for a variety of reasons, people who died for different reasons. He stated he became persuaded that they have to try to give their people some free time, to go home and see their own families, and their own districts, and give them the money to do that. He noted that half of the equation passed, and he would strongly urge the committee to continue the movement on this. He stated it is really a small thing to provide two additional paid trips for the members to go home, during the 90 day process.

List of Testifying Proponents and What Group They Represent:
None.

List of Testifying Opponents and What Group They Represent:

Questions from the Committee:

- Q. Senator Bengtson asked Representative Hannah how he handled the parking problem.
- A. Representative Hannah responded that he called Martha Brass.
- Q. Senator Bengtson noted it was her member.
- A. Representative Hannah responded that it is exactly right, who also died, in the interim, adding that Martha was wonderful with those kinds of things. He noted that he remembers that Gene Donaldson carried his oxygen tank around, and asked what are they extracting from their membership, under the disguise that they can't do something, indicating it isn't fair, that we either fund these trips or pay people to come up here and be part of this.
- Q. Senator Bengtson noted that, for instance, people could share the expense, that their family could come up, for people who just can not get home.
- A. Representative Hannah responded sure, that there are those people who can not, noting he thinks 94% of the members used their trips, last session, and there is a small number who can not.
- Q. Chairman Farrell asked if there are 6% that can not get home.
- A. Representative Hannah responded that it was either 4% or 6%, and reported that 97 House members used all of their trips, and 48 Senate members used all of their trips, last session, noting that is 3-4% who are not able to.
- Q. Senator Bengtson asked if they would have to submit a travel claim.
- A. Representative Hannah responded yes, just like they do, now, that all they are doing is increasing the number of trips that are allowable to be paid by the process.
- Q. Senator Rasmussen indicated he is puzzled at 97 out of 100, noting there are more than three Helena delegates, and asked if they are charging to go across town.
- A. Representative Hannah responded that is what he has got.
- Q. Senator Rasmussen indicated there are four or five Representatives right here. Chairman Farrell noted they may have to investigate that.

SENATE COMMITTEE ON STATE ADMINISTRATION March 29, 1989 Page 13 of 13

- A. Representative Hannah asked that they do that, after the bill passes. He then corrected his figure, and stated that 87% took trips, noting they were giving him a total, when they said 97 members.
- Q. Senator Rapp-Svrcek asked if 97 trips were made.
- A. Representative Hannah responded that he does not know. He indicated 87% of the members took their trips, adding that there were 580 allowable trips, last session, and 507 were taken.

Chairman Farrell announced the hearing on HB373 as closed.

DISPOSITION OF HB 373

Discussion:

Senator Hofman offered a motion that HB373 be concurred in.

Recommendation and Vote:

Motion passed by the committee that HB373 be concurred in.

ADJOURNMENT

ADJOURNMENT AT: 10:40 a.m.

VILLIAM E. FARRELL, CHAIRMAN

WEF/mhu HB54.329

ROLL CALL

STATE ADMINISTRATION COMMITTEE

51ST LEGISLATIVE SESSION

DATE: March 29, 1989

NAME	PRESENT	ABSENT	EXCUSED
HUBERT ABRAMS	V		·
JOHN ANDERSON, JR.	V		
ESTHER BENGTSON			
WILLIAM E. FARRELL			
ETHEL HARDING			/
SAM HOFMAN			
PAUL RAPP-SVRCEK			
TOM RASMUSSEN	V		
ELEANOR VAUGHN			
		-	

March 29, 1989

HR. PRESIDENT:

We, your committee on State Administration, having had under consideration HB 54 (third reading copy -- blue), respectfully report that HB 54 be concurred in.

Sponsor: Hanson, M. (Gage)

BE CONCURRED IN

Signed: William E. Farrell, Chairman

SCRHE054.329

Haich 29, 1989

HR. PRESIDENT:

We, your committee on State Administration, having had under consideration HB 712 (third reading copy -- blue), respectfully report that HB 712 be concurred in.

Sponsor: Wallin (Boylan)

BE CONCURRED IN

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	•	William	E.	Farrell	. Chairman

Haich 29, 1989

HR. PRESIDENT:

We, your committee on State Administration, having had under consideration HB 3/0 (third reading copy -- blue), respectfully report that HB 370 be amended and as so amended be concurred in:

Sponsor: Cocchiarella (Rasmussen)

1. Page 2, line 4. Following: "\$4.56" Strike: "\$3.50" Insert: "\$4.50" Following: "\$9" Strike: "\$8.50" Insert: "\$9"

AND AS AMENDED DE CONCURRED IN

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Harch 29, 1989

MR. PRESIDENT:

We, your committee on State Administration, having had under consideration HB 373 (third reading copy -- blue), respectfully report that HB 373 be concurred in.

Sponsor: Hannah (Farrell)

BE CONCURRED IN

Signed:	The second secon			obreginilla eliminir - forma apropria - no transfel de Borilo - a
	William	E .	Farrell,	Chairmai

SCRHB373, 329

WITNESS STATEMENT

EXHIBIT NO	
DATE 3/	29/89
BILL NO. 1	18712

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME:			DATE:	
MAR	a RACIUT		3-29-89	
Address:	213 N. SAWA	eks		
_	HelenA, MT	59620		
Phone: _	444-2026			
Representing	L			
ATTO	RNEY GENERAL			
	on which proposal?			
	712			
	SUPPORT?	AMEND?	OPPOSE?	-
Comments:				
		 		

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

STATE SENATE ISTAR ATION, COMMITTEE

WITNESS STATEMENT

EXHIBIT NO. 2 DATE 3/29/89 BILL NO. HB 370

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

And the state of t
NAME: / DATE: /
MAINE: DATE: DATE: July 189
- IM Connerger Hollo
Address: Say 7/6 Soly 7/6 Phone: 442-4600
Alexa, MS
Representing whom? MPEA
Appearing on which proposal? ### 570
Do you: SUPPORT? AMEND? OPPOSE?
Comments: See Exhibit #3

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

MONTANA

1426 Cedar Street • P.O. Box 5600

Helena, Montana 59604

Telephone (406) 442-4600 Toll Free 1-800-221-3468

PUBLIC

EMPLOYEES

ASSOCIATION

March 29, 1989

SENATE STATE ADMIN.

EXHIBIT NO 3

DATE 3/29/89

BILL NO. HB 370

TO: Senate State Administration Committee

FROM: Tom Schneider, Executive Director

RE: HB 370

House Bill 370 is not a benefit increase, it simply increases the amount of meal re-imbursement state employees are allowed when traveling on state business. The current amounts have not been altered since 1981.

The bill originally called for \$ 4.00 for breakfast; \$ 4.00 for lunch and \$ 9.00 for dinner. The House State administration committee added another \$.50 for lunch. The bill passed second reading 51-48 and was sent to the Appropriations Committee. A sub-committee reduced the figures to the bill you see before you and it passed the House.

While higher amounts can certainly be justified, we cannot leave this session without a raise in the meal re-imbursement. Please support House Bill 370. Thank you..



VISITORS' REGISTER

DATE: March 29,1989

NAME	REPRESENTING	BILL #	Support	Oppose
Bry Konnoin	MAR VEN DIL	XB712		
Terry Mino	U MFT	HB370		
MARC RACILOT	AG	HB712	V	·
Town Sohneider	MPEA	HB370	~	
Agn Gavi	n Univ. Sy	HB 370	V	
Janui Lyst	2 Mar Smiteger	HB370		
Marcia Land	le RURCC	HR54		
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