

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 55th LEGISLATURE - REGULAR SESSION

JOINT SUBCOMMITTEE ON INSTITUTIONS

Call to Order: By CHAIRMAN FELAND, on January 31, 1997, at 8:06 A.M., in Room 405.

ROLL CALL

Members Present:

Rep. Gary Feland, Chairman (R)
Sen. Arnie A. Mohl, Vice-Chairman (R)
Sen. B.F. "Chris" Christiaens (D)
Rep. William T. "Red" Menahan (D)
Sen. Mike Taylor (R)
Rep. Steve Vick (R)

Members Excused: None

Members Absent: None

Staff Present: Joanne Chance, Legislative Fiscal Division
Hope Spriggs, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: None
Executive Action: DEPARTMENT OF LABOR AND
INDUSTRY
1/31/97; 1/27/97

-WORKERS COMPENSATION COURT

-HUMAN RIGHTS COMMISSION

-EMPLOYMENT RELATIONS DIVISION

-LEGAL CENTRALIZED SERVICES
DIVISION

EXECUTIVE ACTION ON WORKERS' COMPENSATION COURT

MOTION/VOTE: REP. MENAHAN moved to accept the 1996 base. Motion
CARRIED unanimously.

{Tape: 1; Side: A; Approx. Time Count: 1.8; Comments: None.}

MOTION/VOTE: REP. MENAHAN moved to accept Present Law Adjustments, Items # 1-3. Motion CARRIED unanimously.
{Tape: 1; Side: A; Approx. Time Count: 2.0; Comments: None.}

MOTION: REP. MENAHAN moved to accept Present Law Adjustments, Item # 5.
{Tape: 1; Side: A; Approx. Time Count: 2.4; Comments: Discussion followed.}

SUBSTITUTE MOTION/VOTE: SEN. TAYLOR moved to reduce Present Law Adjustment, Item # 5 by \$ 5000 per year. Motion CARRIED 4-2, with SEN. CHRISTIAENS and REP. MENAHAN voting no.
{Tape: 1; Side: A; Approx. Time Count: 3.2; Comments: None.}

MOTION/VOTE: SEN. MENAHAN moved to accept Present Law Adjustment, Item # 6. Motion CARRIED unanimously.
{Tape: 1; Side: A; Approx. Time Count: 4.3; Comments: None.}

MOTION/VOTE: SEN. TAYLOR moved to reduce Present Law Adjustment # 7 by \$2500 in FY 98, and \$5000 in FY 99. Motion CARRIED 4-2, with REP. VICK and REP. MENAHAN voting no.
{Tape: 1; Side: A; Approx. Time Count: 4.6; Comments: None.}

MOTION/VOTE: REP. MENAHAN moved to accept Other Base Adjustments. Motion CARRIED unanimously.
{Tape: 1; Side: A; Approx. Time Count: 5.2; Comments: None.}

COMMITTEE questions
{Tape: 1; Side: A; Approx. Time Count: 5.4; Comments: Comments on special/general fund and vacancy savings.}

MOTION: SEN. MOHL moved to give the Workers Compensation Court authority to access the contingency fund for vacancy savings.
{Tape: 1; Side: A; Approx. Time Count: 7.5; Comments: Discussion followed.}

VOTE: Motion CARRIED unanimously.
{Tape: 1; Side: A; Approx. Time Count: 13.9; Comments: None.}

MOTION: SEN. CHRISTIAENS moved the Workers Compensation Court to be exempt from vacancy savings.
{Tape: 1; Side: A; Approx. Time Count: 16.2; Comments: Discussion followed.}

VOTE: Motion FAILED 2-4, with SEN. CHRISTIAENS and REP. MENAHAN voting no.
{Tape: 1; Side: A; Approx. Time Count: 17.4; Comments: None.}

EXECUTIVE ACTION ON HUMAN RIGHTS COMMISSION

MOTION: REP. VICK moved to fund the Human Rights Commission FY 98 and FY 99 appropriations at 11.5 FTE with personnel services equivalently close to \$ 407,000 per year, operating expenses at \$ 151,000 per year, and equipment at \$ 7000 per year, and would like flexibility for FTE reduction selection to be done by the HRC. Also, for the committee to introduce a bill by February 15 to de-earmark the State Special Revenue account 02319 entitled "Housing Discrimination Enforcement", if HB 166 does not pass, to de-earmark these funds.

{Tape: 1; Side: A; Approx. Time Count: 19.1; Comments: Wording for motion followed, and continued directly after Executive Action of the Employment Relations Division.}

VOTE: Motion CARRIED 5-1, with SEN. CHRISTIAENS voting no.

{Tape: 1; Side: A; Approx. Time Count: 27.8; Comments: None.}

MOTION: REP. VICK moved to remove \$ 1158/year of personnel services overtime in Present Law Adjustment, Item # 1, and approve # 2 and 3 as written.

{Tape: 1; Side: A; Approx. Time Count: 28.1; Comments: Discussion followed.}

MOTION WITHDRAWN

MOTION/VOTE: REP. VICK moved to pass Present Law Adjustments, Items # 2 and 3. Motion CARRIED unanimously.

{Tape: 1; Side: A; Approx. Time Count: 37.0; Comments: None.}

MOTION/VOTE: SEN. CHRISTIAENS moved to accept Present Law Adjustment, Item # 1, with automatic computer adjustments made, less \$ 1,158 per year of overtime. Motion CARRIED unanimously.

{Tape: 1; Side: A; Approx. Time Count: 37.5; Comments: None.}

MOTION/VOTE: REP. MENAHAN moved to accept Present Law Adjustment, Items # 4-6 and Other Base Adjustments. Motion FAILED 3-3, with SEN. MOHL, REP. FELAND and REP. VICK voting yes.

{Tape: 1; Side: A; Approx. Time Count: 39.4; Comments: None.}

MOTION: SEN. TAYLOR moved to include language to continue performance based budget and include total education programs.

MOTION WITHDRAWN

SUBSTITUTE MOTION/VOTE: SEN. TAYLOR moved that performance based budgeting be adopted by the Human Rights Commission to start tracking education so that they may use it as a measure of performance in the future. Motion CARRIED unanimously.

{Tape: 1; Side: B; Approx. Time Count: 5.2; Comments: None.}

EXECUTIVE ACTION ON EMPLOYMENT RELATIONS DIVISION

Brian McCulloch, Department of Labor and Industry
{Tape: 1; Side: B; Approx. Time Count: 7.5; Comments: Description and elaboration of department, and clarification of errors in budget.}

Chuck Hunter, Administrator, Employment Relations Division
{Tape: 1; Side: B; Approx. Time Count: 13.2; Comments: Answered several questions of ERD budget from committee.}

Flo Smith, OBPP
{Tape: 1; Side: B; Approx. Time Count: 32.7; Comments: Clarification on contingency fund, with discussion.}

EXHIBIT 1

MOTION/VOTE: SEN. TAYLOR moved to accept the 1996 base. Motion CARRIED unanimously.
{Tape: 1; Side: B; Approx. Time Count: 39.3; Comments: None.}

MOTION: SEN. TAYLOR moved to remove \$ 100,000/year out of FY 98 and FY 99 appropriation from State Special Revenue, and allow the agency to allocate these reductions as they best see fit.
{Tape: 1; Side: B; Approx. Time Count: 39.8; Comments: Discussion followed.}

VOTE: Motion CARRIED unanimously.
{Tape: 1; Side: B; Approx. Time Count: 42.0; Comments: None.}

Discussion on Present Law Adjustments
{Tape: 1; Side: B; Approx. Time Count: 42; Comments: None.}

{Tape: 2; Side: A; Approx. Time Count: 0.0; Comments: Discussion continued.}

MOTION/VOTE: SEN. CHRISTIAENS moved to accept Present Law Adjustments, Items # 1-3. Motion CARRIED 4-2, with SEN. MOHL and REP. VICK voting no.
{Tape: 2; Side: A; Approx. Time Count: 11.9; Comments: None.}

Discussion on Significant Present Law Adjustments
{Tape: 2; Side: A; Approx. Time Count: 12.4; Comments: None.}

SIGNIFICANT PRESENT LAW ADJUSTMENTS NOT ACTED UPON.

MOTION/VOTE: SEN. MOHL moved to accept Other Base Adjustments. Motion CARRIED unanimously.

Discussion on New Proposals
{Tape: 2; Side: A; Approx. Time Count: 17; Comments: None.}

EXHIBIT 2

MOTION/VOTE: SEN. CHRISTIAENS moved to approve language for performance based budgeting for wage and hour unit. Motion CARRIED unanimously.

{Tape: 2; Side: A; Approx. Time Count: 20.8; Comments: None.}

Mr. Hunter

{Tape: 2; Side: A; Approx. Time Count: 24.9; Comments: Discussion of Present Law Adjustments, # 4-17.}

MOTION: REP. MENAHAN moved to approve PLA, Items # 7-12 each year.

{Tape: 2; Side: A; Approx. Time Count: 27.7; Comments: None.}

SUGGESTED TO SEGREGATE PLA ITEMS

{Tape: 2; Side: A; Approx. Time Count: 29.0; Comments: Discussion.}

MOTION: SEN. MOHL moved to appropriate 60% of requested amounts for PLA, Items # 7-12 only.

{Tape: 2; Side: A; Approx. Time Count: 33.0; Comments: Discussion followed.}

VOTE: Motion CARRIED unanimously.

{Tape: 2; Side: A; Approx. Time Count: 35.2; Comments: None.}

MOTION: SEN. TAYLOR moved to reduce PLA, Items # 14 and 15 by 25% each year.

{Tape: 2; Side: A; Approx. Time Count: 38.5; Comments: Discussion followed.}

VOTE: Motion FAILED 3-3, with SEN. MOHL, SEN. CHRISTIAENS and REP. MENAHAN voting no.

{Tape: 2; Side: B; Approx. Time Count: 6.7; Comments: None.}

MOTION/VOTE: SEN. MOHL moved to revisit Present Law Adjustments, Items 13-15, after associated bills status are determined.

Motion CARRIED unanimously.

{Tape: 2; Side: B; Approx. Time Count: 6.8; Comments: None.}

EXECUTIVE ACTION ON HUMAN RIGHTS COMMISSION (continued)

MOTION: REP. VICK moved that no state special revenue be appropriated to the HRC from state special revenue account 02319 entitled "Housing Discrimination Enforcement" in FY 98 and FY 99.

{Tape: 2; Side: B; Approx. Time Count: 10.2; Comments: None.}

VOTE: Motion CARRIED unanimously.

{Tape: 2; Side: B; Approx. Time Count: 12.6; Comments: None.}

EXECUTIVE ACTION ON LEGAL CENTRALIZED SERVICES DIVISION

MOTION/VOTE: REP. VICK moved to accept the 1996 base. Motion CARRIED unanimously.

{Tape: 2; Side: B; Approx. Time Count: 13.8; Comments: None.}

MOTION: REP. MENAHAN moved to accept Present Law Adjustments, Items # 1-3.

{Tape: 2; Side: B; Approx. Time Count: 14.3; Comments: Discussion.}

SUPPLEMENTAL MOTION: SEN. MOHL moved to reduce Present Law Adjustment, Item # 1 by \$43,000 biannually.

{Tape: 2; Side: B; Approx. Time Count: 17.5; Comments: Discussion.}

MOTION WITHDRAWN

MOTION/VOTE: REP. VICK moved to accept Present Law Adjustments, Items # 1-3, less overtime of \$ 4310/year. Motion CARRIED unanimously.

{Tape: 2; Side: B; Approx. Time Count: 26.1; Comments: None.}

MOTION/VOTE: REP. VICK moved to accept Present Law Adjustment, Item # 7. Motion CARRIED unanimously.

{Tape: 2; Side: B; Approx. Time Count: 27.3; Comments: None.}

MOTION: SEN. TAYLOR moved to reduce PLA, Items # 5 and 6 by 40% per year.

{Tape: 2; Side: B; Approx. Time Count: 27.7; Comments: Pat Haffey, Administrator, Dept. Labor and Industry commented.}

VOTE: Motion FAILED 5-1, with SEN. TAYLOR voting yes.

{Tape: 2; Side: B; Approx. Time Count: 29.2; Comments: None.}

EXHIBITS 3-6

David A. Scott, Administrator, Legal Centralized Services Division

{Tape: 2; Side: B; Approx. Time Count: 30.6; Comments: Explanation of Proprietary Fund requests.}

MOTION: REP. MENAHAN moved to accept language and rate as shown in EXHIBIT 5.

{Tape: 2; Side: B; Approx. Time Count: 30.2; Comments: Discussion.}


VOTE: Motion CARRIED unanimously.

{Tape: 2; Side: B; Approx. Time Count: 32.1; Comments: None.}


MOTION/VOTE: SEN. CHRISTIAENS moved to accept language as submitted by agency on cost allocation plan. (EXHIBIT 3)
Motion **CARRIED** unanimously.
{Tape: 2; Side: B; Approx. Time Count: 34.0; Comments: None.}

ADJOURNMENT

Adjournment: 11:05 A.M.



REP. GARY FELAND, Chairman



HOPE SPRIGGS, Secretary

GF/hs