

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

January 6, 1987

The meeting of the State Administration Committee was called to order by Chairman Sales on January 6, 1987, at 9:00 a.m. in Room 437 of the State Capitol.

ROLL CALL: All committee members were present.

CONSIDERATION OF HOUSE BILL NO. 27: Rep. Gary Spaeth, House District #84, sponsor of the bill, stated that he was presenting the bill at the request of the Administrative Code Committee which reviews rules. The purpose of this bill is to deal with problems incurred last interim with rulemaking to ensure that statutory and technical requirements are met. The bill asks that somebody be appointed to oversee rulemaking in that agency and to act as a contact person.

PROPOSERS: None

OPPOSERS: None

DISCUSSION ON HOUSE BILL NO. 27: Rep. Fritz asked if the appointed individual would be a new hire or if it would be an existing employee. Rep. Spaeth felt it could be handled by an existing employee, probably the chief legal counsel. He emphasized that this bill would cost absolutely no money. Rep. Whalen asked if a department attorney would review the rule and Rep. Spaeth responded that everything would be very thoroughly and adequately reviewed but not necessarily by the department attorney. Chairman Sales asked how many agencies have rulemaking authority, and Rep. Spaeth responded there are very few that do not.

Discussion closed.

CONSIDERATION OF HOUSE BILL NO. 11: Rep. Rex Manuel, House District #11, sponsor of the bill, stated this bill deals with assignment of issues of statewide importance by the Legislative Council to statutorily created committees during the interim, i.e. school finance problems.

PROPOSERS: None

OPPOSERS: None

DISCUSSION ON HOUSE BILL NO. 11: Chairman Sales initiated discussion. Bob Person, Acting Executive Director of the Legislative Council, further explained the purpose of the bill. Rep. Manuel stated that the Legislative Council has no authority to assign tasks to statutory committees at the present time. Additional discussion followed between Bob Person

and Chairman Sales regarding statutory authority. Rep. Manuel recommended approval and closed on the bill.

CONSIDERATION OF HOUSE BILL NO. 20: Rep. Hanson, House District #100, sponsor of the bill to create an interim Legislative Committee on Indian Affairs asked for continuation of the committee and \$6,000 in appropriated funds. Rep. Hanson stated it is essential that the committee be continued.

PROPOSERS: Senator Gage, Senate District No. 5, stated the tribes in the state want meetings on each of the seven reservations. The state has no jurisdiction over Indians, and Sen. Gage stated that Congress is doing a poor job regarding Indian affairs. Indian reservations are separate nations and have governmental powers. Sen. Gage stated it is crucial to have a committee to express the concerns of the Indians to the Legislature.

Rep. Angela Russell, House District #99, stated that dialogue between the state and Indian reservations can be beneficial to everyone and she supported this bill.

Visitor Richard Sangrey from the Chippewa-Cree Tribe asked that this bill be supported and have the committee continued.

Visitor John Sunchild from the Chippewa-Cree Tribe stated that the committee maintains good rapport with the Indian people and supported the continuation of the committee.

Rep. Cody supported the continuation of the committee indicating that it benefits Indian and non-Indian people as well. She noted that the largest manufacturing plant in the state is located in Poplar on the western part of the Ft. Peck Reservation.

OPPOSERS: None

DISCUSSION ON HOUSE BILL NO. 20: Rep. Pistoria asked why this bill was being discussed, and Rep. Hanson responded that funds were needed to continue the committee. Rep. Roth asked Sen. Gage a question regarding property taxes within the reservations.

Closed by Hanson.

Committee recessed at 9:40 a.m. for 10 minutes.

Chairman Sales reconvened the committee for executive session at 9:50 a.m.

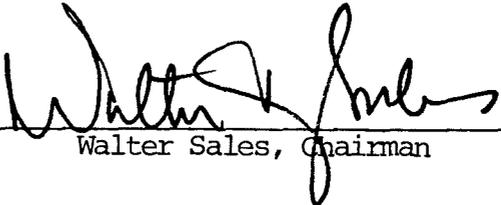
DISPOSITION OF HOUSE BILL #27: Discussion was opened on HB 27. Rep. O'Connell moved DO PASS. The motion was seconded by Rep. Moore. Rep.

Pistoria expressed concern that more power would be created by this bill but felt it was worth a try. Rep. Whalen stated that he believed that the review of rule notices should be done by an attorney and made a substitute motion to amend the bill by deleting on page 1, line 16, after "attorney", "paralegal or other qualified person." Rep. Phillips stated bill was fine as is. Rep. Cody stated that one person qualified in the department should be responsible for rules being established. Rep. Nelson agreed with Rep. Cody. There was no second to Rep. Whalen's motion. The committee reverted to the original DO PASS motion. The motion passed 15-3 with Whalen, Campbell and Sales voting no.

DISPOSITION OF HOUSE BILL 11: Lois Menzies, Staff Researcher for the State Administration Committee, elaborated on and further explained the purpose of HB 11. Rep. Pistoria moved DO PASS and Rep. Jenkins seconded the motion. Rep. Campbell said he does not understand a committee's refusal to handle problems. The motion passed 18-0.

DISPOSITION OF HOUSE BILL 20: Rep. Cody moved DO PASS on HB 20. Motion was seconded by Rep. Campbell and passed 18-0.

ADJOURNMENT: There being no further business to come before this committee, the hearing was adjourned at 10:20 a.m.


Walter Sales, Chairman

DAILY ROLL CALL

State Administration COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 1/4/87

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

STANDING COMMITTEE REPORT

January 6

19 ³⁷

Mr. Speaker: We, the committee on STATE ADMINISTRATION

report HOUSE BILL 11

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

Chairman

TO REQUIRE INTERIM STUDIES BY STATUTORILY CREATED COMMITTEES

_____ reading copy (_____)

color

ROLL CALL VOTE

State Administration

COMMITTEE

DATE 11/6/87 BILL NO. 11 NUMBER _____

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

TALLY

18 0

Betty DeYoung
Secretary

Chairman

MOTION: _____

STANDING COMMITTEE REPORT

January 6

19 37

Mr. Speaker: We, the committee on STATE ADMINISTRATION

report HOUSE BILL NO. 20

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

Chairman

CREATING AN INTERIM LEGISLATIVE COMMITTEE ON INDIAN AFFAIRS

_____ reading copy (_____)
color

ROLL CALL VOTE

State Administration

COMMITTEE

DATE 1/6/87 BILL NO. 20 NUMBER _____

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

TALLY

18

Betty DeYoung
Secretary

Chairman

MOTION: _____

STANDING COMMITTEE REPORT

January 6

19 97

Mr. Speaker: We, the committee on STATE ADMINISTRATION

report HOUSE BILL NO. 27

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

Chairman

**TO HAVE ONE DEPARTMENT PERSON TO REVIEW ALL RULE PROPOSALS AND
ADOPTIONS OF DEPARTMENT**

_____ reading copy (_____)
color

ROLL CALL VOTE

State Administration

COMMITTEE

DATE 11/6/87 BILL NO. 27 NUMBER _____

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

TALLY

15 3

Betty DeYoung
Secretary

Chairman

MOTION: _____

