

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

January 7, 1987

The first meeting of the State Administration Committee was called to order by Chairman Jack Haffey on January 7, 1987 at 10:00 a.m. in Room 331 of the State Capitol.

MEMBERS: The following senators are members of this committee.

SENATOR JACK HAFFEY, Chairman
SENATOR WILLIAM FARRELL, Vice-Chairman
SENATOR LES HIRSCH
SENATOR JOHN ANDERSON
SENATOR J. D. LYNCH
SENATOR ETHEL HARDING
SENATOR ELEANOR VAUGHN
SENATOR SAM HOFMAN
SENATOR HUBERT ABRAMS
SENATOR TOM RASMUSSEN

EDDYE MCCLURE will be the Legislative Council representative and staff attorney and CAROL DUVAL will be committee secretary.

ROLL CALL: All of the committee members were present.

Chairman Haffey told the committee that in most cases we will try to take executive action on the bills heard that day unless there is a problem or someone wishes to wait a bit longer before taking final action.

CONSIDERATION OF SENATE BILL 21: Senator Pete Story, Senate District 41, was the sponsor of SB 21 entitled, "AN ACT AUTHORIZING THE ADOPTION OF TEMPORARY RULES TO IMPLEMENT STATUTES WITH EARLY EFFECTIVE DATES; DEFINING PUBLIC WELFARE FOR PURPOSES OF ADOPTING EMERGENCY RULES; AMENDING SECTION 2-4-303 and 2-4-306, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." This bill was being requested by the Administrative Code Committee to help close a gap when legislation is passed that requires an earlier effective date than October 1. It would give them the ability to correctly draw up temporary rules to help get legislation in place a little sooner. He cited as an example the recent legislation on poker machines. Another portion of the bill defines emergencies. He felt this language needed to be tightened up or struck from the bill in order to prevent possible litigations in the future. He also recommended that language defining public welfare be removed.

PROPOSERS: John Alke, a local Helena attorney, spoke in support of the bill. He felt the language regarding emergency provisions was adequate as it is presently. Hiram Shaw, Department of Labor and Industry, Workers' Compensation Division, favored the bill because he felt it would be helpful in legislation involving workers' compensation.

OPPOSERS: There were none.

QUESTIONS ON SENATE BILL 21: Senator Rasmussen asked Mr. Alke how he felt about changing the language on emergencies and he stated his preference would be to leave the present definition in place. Senator Farrell wondered if one could go back to old statutes and apply these rules and was told by John McMaster, Legislative Council attorney, that these temporary rules would only apply until the October 1 effective date of the year of adoption of the statute. Senator Story noted again this would only apply on laws passed that needed an earlier effective date. Greg Petesch, Legislative Council, further noted the 120 days are for emergency rules and the temporary rules of this bill would go into place after passage of the bill and extend only until October 1 thereby still allowing time for studying and adoption into law the new statute and its rules.

Senator Story CLOSED on Senate Bill 21.

CONSIDERATION OF SENATE BILL 29: Senator J.D. Lynch, Senate District 34, is the sponsor of this bill entitled, "AN ACT TO REVISE THE TIME FOR HOLDING PRESESSION LEGISLATIVE CAUCUSES; AND AMENDING SECTION 5-2-201, MCA." This bill was requested by the Legislative Council and just cleans up language regarding pre-session caucuses by setting a definite date of December 1 following elections in November. The words majority and minority could also be deleted he felt.

QUESTIONS ON SENATE BILL 29: Senator Haffey wondered if this would create a problem in a month where Thanksgiving fell on the very last day of November.

Senator Lynch CLOSED on SB 29.

EXECUTIVE ACTION ON SENATE BILL 29: Senator Harding made a MOTION SENATE BILL 29 DO PASS. Senator Lynch seconded. The motion carried unanimously.

EXECUTIVE ACTION ON SENATE BILL 21: Senator Haffey questioned the necessity of defining public welfare in the bill and noted the testimony had indicated there was mostly concern on subsection 2 of the bill. John McMaster stated this would only apply on the year the legislation was enacted. This could be done with an amendment inserting the date in the language. Senator Lynch wondered if the bill was really even necessary. Senator Hirsch MOVED to insert the words "adopted before October 1"

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of that year on page 2, line 6. Senator Harding seconded. The motion carried unanimously. Senator Farrell made a MOTION that language on line 25, page 1 from "As" until the remainder of this sentence on page 2, lines 1, 2 and 3 be stricken. Senator Lynch seconded. The motion carried unanimously. Senator Farrell then MOVED SENATE BILL 29 DO PASS AS AMENDED. Senator Hofman seconded. The motion passed unanimously.

A short discussion followed on whether to leave the "No Smoking" sign in place for the meeting room. It was determined it would remain in place. A coffee collection was then taken to purchase a new coffee pot and coffee supplies for the committee.

The meeting was adjourned at 10:40 a.m.

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SENATOR JACK HAFHEY, Chairman

ROLL CALL

SENATE STATE ADMINISTRATION COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 1/7/87

NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACK HAFHEY	X		
SENATOR WILLIAM FARRELL	X		
SENATOR LES HIRSCH	X		
SENATOR JOHN ANDERSON	X		
SENATOR J. D. LYNCH	X		
SENATOR ETHEL HARDING	X		
SENATOR ELEANOR VAUGHN	X		
SENATOR SAM HOFMAN	X		
SENATOR HUBERT ABRAMS	X		
SENATOR TOM RASMUSSEN	X		

Each day attach to minutes.

STANDING COMMITTEE REPORT

JANUARY 7

87

19.....

MR. PRESIDENT

SENATE STATE ADMINISTRATION

We, your committee on.....

SENATE BILL No. 21

having had under consideration.....

first reading copy (white)
color

TEMPORARY RULES FOR BILLS WITH EARLY EFFECTIVE DATES

Respectfully report as follows: That.....

SENATE BILL No. 21

be amended as follows:

1. Title, lines 7 through 8.
Following: "DATES;"
Strike: the remainder of line 7 through "RULES;" on line 8.
2. Page 1, line 25 through line 3, page 2.
Following: "review."
Strike: the remainder of line 25 through "convenience." on page 2, line 3.
3. Page 2, line 6.
Following: "rule"
Insert: ", adopted before October 1 of that year,"

AND AS SO AMENDED,

DO PASS

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SENATOR JACK HAPPEY

Chairman.

STANDING COMMITTEE REPORT

JANUARY 7

87

19.....

MR. PRESIDENT

SENATE STATE ADMINISTRATION

We, your committee on.....

SENATE BILL 29

having had under consideration..... No.....

first reading copy (white)
color

**A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE TIME FOR HOLDING
PRESESSION LEGISLATIVE CAUCUSES; AND AMENDING SECTION 5-2-201, MCA."**

Respectfully report as follows: That.....

SENATE BILL 29

No.....

~~DO PASS~~

XXXXXXXXXX
DO NOT PASS

.....SENATOR JACK HAFNEY.....
Chairman.