

MINUTES

**MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairperson Eleanor Vaughn, on January 18, 1991, at 10: A.M. in room 331.

ROLL CALL

Members Present:

Eleanor Vaughn, Chairman (D)
Bob Pipinich, Vice Chairman (D)
John Jr. Anderson (R)
James Burnett (R)
Harry Fritz (D)
Bob Hockett (D)
Jack Rea (D)
Bernie Swift (R)

Members Excused: Chet Blaylock

Members Absent: Bill Farrell

Staff Present: David Niss (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: None

HEARING ON HOUSE BILL 15

Presentation and Opening Statement by Sponsor:

Dorothy Cody, Representative of House District 20, Wolf Point and Poplar, presents House Bill 15, which is requested by the code committee. The code committee is the oversight committee for the rules that are enacted in the legislation that is passed and you give rule making authority to departments. The committee is comprised of 4 senators and 4 representatives and equally distributed between political parties. The meet as necessary when a problem arises with the rules. When the agencies are reviewing the rules, they don't always know who in the agency is doing the rule review. Some of the problems indicated that the agency personnel don't know the Montana Administrative Procedures Act. House Bill 15 says that whoever is reviewing the rule, should sign the review before it is submitted to the Secretary of State's office as a rule.

Proponents' Testimony:

None

Opponents' Testimony:

None

Questions From Committee Members:

Senator Fritz asked if there was a way to decipher the signatures from bureaucrats? Representative Cody agreed.

Closing by Sponsor:

Representative Cody closed by saying that this bill needs to be passed. She asked Chairperson Vaughn to carry House Bill 15 to the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 15

Motion:

Senator Pipinich moved that we DO CONCUR IN HOUSE BILL 15.

Discussion:

None

Recommendation, and Votes:

The VOTE was UNANIMOUS in favor of concurring in HB 15. Senator Pipinich moved to put HOUSE BILL 15 on the CONSENT CALENDAR. The VOTE was UNANIMOUS to put HB 15 on the consent calendar.

HEARING ON HOUSE BILL 78

Presentation and Opening Statement by Sponsor:

Representative Dorothy Cody, Representative of House District 20, Wolf Point and Poplar, stated that last session we enacted an underground tank storage law, which was mandated by the federal government. The department was aware of the legislation but were unprepared to initiate rules which that legislation gave them the authority to do. Senator Smith is in the agriculture committee and he ran into a problem with digging up a tank. The department said that emergency rules can be adopted for up to 2 consecutive 120 day periods by an agency without prior public notice and hearings. The Montana Administrative Procedures Act is not clear about that. The committee felt that 240 days was excessive without any public

hearing. The departments are aware of mandated legislation and should start working on enabling procedures. House Bill 78 says a department can only have one 120 day period. They then must have a public hearing or drop the regulation.

Proponents' Testimony:

Jacqueline Terrell, American Insurance Association, which is a trade association comprised of casualty and property insurance. The American Insurance Association does support this legislation for all the reasons presented by Representative Cody.

Opponents' Testimony:

None

Questions From Committee Members:

Representative Rea asked if they don't have a hearing then the whole situation stops. Rep. Cody responded that the department can't continue to make it an emergency rule.

Senator Burnett asked what department did that? Rep. Cody responded that the Department of Health and Environmental Sciences in this particular one. There was also legislation in the human services area and the SRS also did something like that. They also made the rules retroactive. Rep. Cody said that is poor policy because the rule making authority that goes along with legislation has the same force and effect as the law that's enacted. The public can't be aware of being in violation when something is made retroactive.

This bill is a change in the Montana Administrative Procedure Act which the code committee oversights.

Closing by Sponsor:

Representative Cody thanked the committee for the hearing and hoped they would pass House Bill 78. Representative Cody asked Senator Vaughn to carry HB 78 to the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 78

BILL 78

Motion:

Senator Pipinich MOVED that we DO CONCUR in HOUSE BILL 78.

Discussion:

None

Amendments, Discussion, and Votes:

None

Recommendation and Vote:

The VOTE was UNANIMOUS in favor of House Bill 78. Senator Pipinich made a motion to put House Bill 78 on the CONSENT CALENDAR. The VOTE was UNANIMOUS in favor of placing it on the consent calendar.

EXECUTIVE ACTION ON SENATE BILL 71Motion:

Chairperson Vaughn said the fiscal note on SB 71 has been given to you. SB 71 will change the number of members on interim committees from 4 members to 2. There was discussion regarding the fiscal note and the contemplated savings of \$11,000 in each of the fiscal years.

Senator Rea MOVED that Senate Bill 71 DO PASS.

Discussion:

Senator Hockett said the fiscal note looks as though they cut the travel, and personnel in half and he's in favor of saving money. Senator Pipinich suggests that the committee's may not function with less people. Senator Swift said that committees should have alternates, that substitute when the appointed member can't show up. Senator Rea asked if the budget is there, what difference if there are 2 or 4 people on the committee? There were several studies suggested last session and they only designated the studies that there was money to fund so by cutting the number of people on the committee perhaps more studies could be done.

Recommendation and Vote:

The VOTE was 6 in favor of passing SB 71 and 2 against. Those voting yes were Senators Vaughn, Anderson, Burnett, Fritz, Hockett, and Swift. Those voting no were Senator Pipinich and Senator Rea.

GOVERNOR'S NOMINATIONS FOR BOARDS

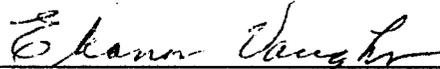
Chairman Vaughn gave each committee member a list of boards for them to research for approval of the appointments. More information will be forthcoming from the Governor's office by Monday to help you in this research. John Kinna and Rick Bartos will cooperate in every way in this regard.

Attorney Niss stated that there are statutory requirements for board appointments and department directors. He would be happy to research those for the different boards if anyone requests that service.

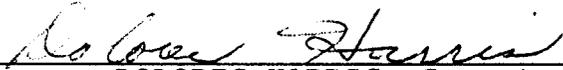
Chairman Vaughn announced the joint committee hearing with the House on Monday to hear the Martin Luther King holiday bill.

ADJOURNMENT

Adjournment At: 10:40 A.M.



ELEANOR VAUGHN, Chairman



DOLORES HARRIS, Secretary

EV/dh

ROLL CALL

STATE ADMINISTRATION COMMITTEE

DATE 1-18-91

52 LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SENATOR ELEANOR VAUGHN	X		
SENATOR BOB PIPINICH	X		
SENATOR JOHN ANDERSON	X		
SENATOR CHET BLAYLOCK			<i>excused</i>
SENATOR JAMES BURNETT	X		
SENATOR "BILL" FARRELL		X	
SENATOR HARRY FRITZ	X		
SENATOR BOB HOCKETT	X		
SENATOR JACK "DOC" REA	X		
SENATOR BERNIE SWIFT	X		

Each day attach to minutes.

STATE ADMINISTRATION COMMITTEE

January 18, 1991

Board Assignments to Committee Members

SENATOR ANDERSON	Aeronautics - Air Pollution - Architects - Art's Council
SENATOR BLAYLOCK	Athletics - Banking - Barbers - Chiropractors - Cosmetologist - Printing Bid - Dentists
SENATOR BURNETT	Electrical Bid - Fish & Game - Hail Ins. - Health - Env. Science - Hearing Aid - Highway Dept. - Historical Society
SENATOR FARRELL	Horseracing - Housing - Human Rights - Investments - Labor Appeals - Landscape - Library - Medical Examiners
SENATOR FRITZ	Milk Control - Morticians - Health Facility - MT Science & Technology Dev. - Natural Resource - Nursing Home
SENATOR PIPINICH	Nursing - Occupational Therapy - Optometrists - Pardons - Pharmacy - Physical Therapy - Plumbers
SENATOR HOCKETT	Private Security Patrol - Professional Engineers - Psychologists - Public Accountants - Public Education
SENATOR REA	Radiologic Technologists - Realty Regulation - Regents of Higher Education - Sanitarians - Social & Rehab - Social Work
SENATOR SWIFT	Speech - Language Path & Audiologists - State Comp. Mutual Ins. Tax Appeal - Vet's Affairs - Veterinary Medicines

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

52st LEGISLATIVE SESSION

Date 1-18-91 Bill No. SB 71 Time 10:25

NAME	YES	NO
Chairman Eleanor Vaughn	X	
Vice Chairman Bob Pipinich		X
Senator John Anderson	X	
Senator Chet Blaylock	<i>refused</i>	
Senator James Burnett	X	
Senator "Bill" Farrell	<i>absent</i>	
Senator Harry Fritz	X	
Senator Bob Hockett	X	
Senator Jack "Doc" Rea		X
Senator Bernie Swift	X	

Dolores Harris
Secretary Dolores Harris

Chairman Eleanor Vaughn

Motion: Do pass Senate Bill 71. 6 Votes
in favor of and 2 no. Motion
passed.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 18, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 71 (first reading copy -- white), respectfully report that Senate Bill No. 71 do pass.

Signed: Eleanor Vaughn
Eleanor Vaughn, Chairman

BR 1/18/91
Amd. Coord.

SP 1/18/91 1:20
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 18, 1991

HR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 78 (third reading copy -- blue), respectfully report that House Bill No. 78 be concurred in and unanimously recommend that it be placed on the Consent Calendar.

Signed: Eleanor Vaughn
Eleanor Vaughn, Chairman

SP 1/18/91
Amd. Coord.

SP 1/18/91 1:20
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 18, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 15 (third reading copy -- blue), respectfully report that House Bill No. 15 be concurred in and unanimously recommend that it be placed on the Consent Calendar.

Signed: Eleanor Vaughn
Eleanor Vaughn, Chairman

BB 1/15/91
Amd. Coord.

SR 1/15/91 11:20
Sec. of Senate

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