

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
53rd LEGISLATURE - SPECIAL SESSION**

**COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **REP. DICK SIMPKINS, CHAIRMAN**, on Thursday,  
December 2, 1993, at 8:30 a.m.

**ROLL CALL**

**Members Present:**

Rep. Dick Simpkins, Chairman (R)  
Rep. Wilbur Spring, Vice Chairman (R)  
Rep. Ervin Davis, Vice Chairman (D)  
Rep. Beverly Barnhart (D)  
Rep. Pat Galvin (D)  
Rep. Bob Gervais (D)  
Rep. Harriet Hayne (R)  
Rep. Gary Mason (R)  
Rep. Bill Rehbein (R)  
Rep. Sheila Rice (D)  
Rep. Sam Rose (R)  
Rep. Dore Schwinden (D)  
Rep. Carolyn Squires (D)  
Rep. Jay Stovall (R)  
Rep. Norm Wallin (R)

**Members Excused:** Rep. Brad Molnar (R)

**Members Absent:** None.

**Staff Present:** Sheri Heffelfinger, Legislative Council  
Pat Bennett, Committee Secretary

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

**Committee Business Summary:**

Hearing: HB 24  
HB 25  
HB 35

Executive Action: HB 24  
HB 25  
HB 35

**CHAIRMAN SIMPKINS** announced that HB 24, 25 & 35 sponsored by Rep.  
Dave Wanzenried, would be introduced together.

HEARING ON HOUSE BILLS 24, 25 & 35

Opening Statement by Sponsor: REP. DAVE WANZENRIED, House District 7, Kalispell, introduced HB 35 as a proposed amendment to the constitution to authorize no more than 12 departments within the executive branch of state government. As it is currently written, the constitution allows for 20 departments. In the 1960's there were 188 departments, and there were several failed attempts to reorganize. In 1969, the Legislature placed before the voters a constitutional referendum to amend the Montana Constitution of 1889 to allow for no more than 20 departments within the executive branch. The referendum passed and the 1971 Legislature was given a plan by the Commission on Executive Reorganization to provide for 19 departments. In 1981 the Department of Commerce was created by combining two departments. REP. WANZENRIED said HB 35 would provide the voters of this state an opportunity to vote on reorganizing state government from 20 departments down to 12. Removing the constitutional status of the Departments of Agriculture and Labor, HB 24 & HB 25 would provide the legislature flexibility in determining which 12 departments will remain. He stressed the intention of HB 24 and HB 25 was not to eliminate the two departments, but rather, to put them on the same par as other departments.

HOUSE BILL 35Proponents' Testimony:

Harley Warner, Helena, testified in support of HB 35. He informed the Committee he had testified before a joint committee in the 70's regarding executive reorganization. The plan at that time was to reduce government, however, since that time it has continued to grow. He stated there are too many departments, each having their own personnel officer, director, division administrator, and as a result there is too much duplication in state government. Mr. Warner recommended reorganizing the departments even though it would mean cutting jobs.

Opponents' Testimony:

None.

HOUSE BILL 24Proponents' Testimony:

None.

Opponents' Testimony:

Lorna Frank, Montana Farm Bureau Federation, submitted testimony opposing HB 24. EXHIBIT 1

**Informational Testimony:**

Leo Giacometto, Director, Department of Agriculture, informed the Committee that the Governor is concerned about the timing of HB 24 and HB 25. While the Governor commends the sponsor and recognizes the need for reorganization, there is so much emotion in organized labor and in agriculture, that the Governor feels there will be a waste of energy and money in the campaigns which may result from the fears of what the bills may or may not do.

**HOUSE BILL 25****Proponents' Testimony:**

None.

**Opponents' Testimony:**

None.

**Informational Testimony:**

Gary Curtis, Department of Labor and Industry, was present to answer questions.

**Questions From Committee Members and Responses:**

REP. ROSE asked the sponsor to explain the studies done by the Governor's staff in the 80's.

REP. WANZENRIED said the study in 1980-81 resulted in combining the Departments of Community Affairs, Business Regulation and Professional Occupational Licensing into one - the Department of Commerce.

REP. ROSE asked REP. WANZENRIED if his proposals would be part of the Governor's study group currently in place to study reorganization.

REP. WANZENRIED said the study committee was just recently created. He clarified that the bills would in no way interfere with the study group's prerogatives. He told the Committee that HB 35 will require an amendment for an effective date of July 1, 1995.

REP. BARNHART asked for an explanation as to why the two departments were originally given constitutional protection.

REP. WANZENRIED said according to the minutes of the 1972 Constitutional Address and Proceedings, there was a great concern that the two departments would not support the new constitution if they did not continue to enjoy their constitutional status.

**REP. SPRING** commented that he was in favor of the general concept, however, reducing from 188 to 20 is substantial. He asked if there would be a great savings through this effort.

**REP. WANZENRIED** said as an example, the result of reducing 17 departments down to 12 would bring forth a cost savings through the elimination of 5 directors and 5 deputy directors. It would also mean that centralized services would no longer be supporting the 5 departments. Depending on which departments reorganize, there would be a substantial savings as a result.

**REP. SPRING** asked if reorganization could be achieved without HB 24 and HB 25.

**REP. WANZENRIED** answered that it could be achieved. However, the point is that the constitution allows no more than 20 departments and trying to downsize will not happen unless there is pressure from the voters.

**REP. GERVAIS** asked **Mr. Warner**, assuming that the Committee were to table HB 35, if he foresees a petition forthcoming.

**Mr. Warner** said the petition drive concerning HB 671 related to this very issue. There is a large group of taxpayers who would like to see state government reduced. Part of the petition drive was to reinvent government, and HB 35 is a step in that direction. **Mr. Warner** stated he did not see another petition forthcoming.

**REP. REHBEIN** asked how the number 12 was derived.

**REP. WANZENRIED** said other states have between 10 to 15 departments. The reason for 12 is due to the uncertainty of what will be done with the two departments, Department of Labor & Industry and the Department of Agriculture. If HB 35 passes and HB 24 & 25 don't, there will be an opportunity to create 10 departments out of what already exists.

**REP. STOVALL** asked why the Committee would endorse the bills rather than allowing the time it would take for the Governor's group to study the measure.

**REP. WANZENRIED** said his proposal would offer more time than the Governor is allowing for. The Governor proposes to reorganize during the 1995 legislature. **Rep. Wanzenried** offered to amend HB 35 to allow for more time, giving 1997 as an effective date.

**REP. ROSE** asked if he feels there will be pressure from the urban voters towards the agricultural industry.

**REP. WANZENRIED** said he did not know. There is no reason to think that just because you eliminate the guarantee of the constitution that there will no longer be a Department of Agriculture. The Department of Livestock exists without a

constitutional guarantee.

Closing by Sponsor: **REP. WANZENRIED**, addressing the concern of the agriculture industry using money and energy to campaign against the measure, reminded the Committee that the bill would require 100 votes just to get on the ballot. If these groups were actually concerned, they would have been present to oppose the bills. He stated the silence on this issue speaks to the direction being taken. The three bills work together as a package. He stated that if the Committee and voters were to adopt HB 24 & 25 and not HB 35, there would be no savings.

#### EXECUTIVE ACTION ON HOUSE BILL 35

**Discussion:** The Committee discussed whether the three bills should or should not be voted on as a package. The general consensus was to vote on each bill individually.

**Motion/Vote:** **REP. GERVAIS** moved do pass. Motion passed 14-2 on a roll call vote.

#### EXECUTIVE ACTION ON HOUSE BILL 24

**Motion:** **REP. Hayne** moved do pass on HB 24.

**Discussion:** **REP. MASON** said he had a problem with HB 24 and HB 25 because the voters may have the perception that departments are being eliminated.

**REP. DAVIS** said the people of Montana sent the legislators back into session to make cuts. The majority of the cuts supposedly are to come from education and human services. He stated this is an opportunity to make cuts and his constituents are requesting that departments be reduced. This is a chance to detract some cuts from education and human services by making cuts which actually count.

**CHAIRMAN SIMPKINS** asked **Ms. Heffelfinger** to explain Wyoming's recent reorganization.

**Ms. Heffelfinger** informed the Committee that Wyoming just reorganized 60 departments down to 18.

**REP. SCHWINDEN** said even though his bread is buttered by agriculture he finds Rep. Wanzenried's argument compelling to allow the people to exercise their wisdom. He stated that he did not feel the functions of the two departments will be jeopardized by this measure. The two bills would simply allow the legislature and the people to have the flexibility to make efficiencies in government and does not threaten the existence of either department.

**REP. RICE** said there is absolutely no reason to not take out the constitutional requirement for either department.

**REP. GERVAIS** said while he did not think the bills would survive on the floor of the house, he would still prefer to debate them there.

**Motion/Vote:** **REP. SPRING** made a substitute motion to table HB 24. Motion **failed** on a tied roll call vote.

**Vote:** Do pass motion on HB 24 **failed** on a tied roll call vote.

**EXECUTIVE ACTION ON HOUSE BILL 25**

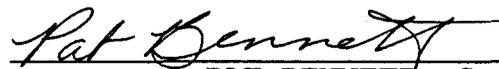
**Discussion:** **REP. SPRING** said he was opposed to HB 25 for the same reasons as HB 24. The Governor is currently studying this measure.

**Motion/Vote:** **REP. SQUIRES** moved do pass on HB 25. Motion **failed** on a tied roll call vote.

**ADJOURNMENT**

**Adjournment:** 9:45 a.m.

  
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REP. DICK SIMPKINS, Chairman

  
\_\_\_\_\_  
PAT BENNETT, Secretary

DS/PB

HOUSE OF REPRESENTATIVES  
STATE ADMINISTRATION COMMITTEE

ROLL CALL

DATE 12/2/93

| NAME                              | PRESENT | ABSENT | EXCUSED |
|-----------------------------------|---------|--------|---------|
| REP. DICK SIMPKINS, CHAIRMAN      | ✓       |        |         |
| REP. WILBUR SPRING, VICE CHAIRMAN | ✓       |        |         |
| REP. BEVERLY BARNHART             | ✓       |        |         |
| REP. ERVIN DAVIS                  | ✓       |        |         |
| REP. PAT GALVIN                   | ✓       |        |         |
| REP. BOB GERVAIS                  | ✓       |        |         |
| REP. HARRIET HAYNE                | ✓       |        |         |
| REP. GARY MASON                   | ✓       |        |         |
| REP. BRAD MOLNAR                  |         |        | ✓       |
| REP. BILL REHBEIN                 | ✓       |        |         |
| REP. SHEILA RICE                  | ✓       |        |         |
| REP. SAM ROSE                     | ✓       |        |         |
| REP. DORE SCHWINDEN               | ✓       |        |         |
| REP. CAROLYN SQUIRES              | ✓       |        |         |
| REP. JAY STOVALL                  | ✓       |        |         |
| REP. NORM WALLIN                  | ✓       |        |         |
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## HOUSE STANDING COMMITTEE REPORT

December 2, 1993

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Mr. Speaker: We, the committee on State Administration report that House Bill 35 (first reading copy -- white) do pass.

Signed: *Dick Simpkins*  
*Dick Simpkins, Chair*

*D.S.*  
*12-2-93*  
*11 AM*

Committee Vote:  
Yes 14, No 2.

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HOUSE OF REPRESENTATIVES  
STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

①

DATE 12/2/93 BILL NO. HB 35 NUMBER 14-2

MOTION: Rep. Gervais moved do pass. motion  
passed on a 14-2 vote.

| NAME                              | AYE | NO |
|-----------------------------------|-----|----|
| REP. DICK SIMPKINS, CHAIRMAN      |     | ✓  |
| REP. WILBUR SPRING, VICE CHAIRMAN | ✓   |    |
| REP. BEVERLY BARNHART             | ✓   |    |
| REP. ERVIN DAVIS                  | ✓   |    |
| REP. PAT GALVIN                   | ✓   |    |
| REP. BOB GERVAIS                  | ✓   |    |
| REP. HARRIET HAYNE                |     | ✓  |
| REP. GARY MASON                   | ✓   |    |
| REP. BRAD MOLNAR                  | ✓   |    |
| REP. BILL REHBEIN                 | ✓   |    |
| REP. SHEILA RICE                  | ✓   |    |
| REP. SAM ROSE                     | ✓   |    |
| REP. DORE SCHWINDEN               | ✓   |    |
| REP. CAROLYN SQUIRES              | ✓   |    |
| REP. JAY STOVALL                  | ✓   |    |
| REP. NORM WALLIN                  | ✓   |    |
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HOUSE OF REPRESENTATIVES  
STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 12/2/93 BILL NO. HB 24 NUMBER <sup>(2)</sup> 8-8

MOTION: Rep. Spring moved to table.  
Motion died on a tie vote.

| NAME                              | AYE | NO |
|-----------------------------------|-----|----|
| REP. DICK SIMPKINS, CHAIRMAN      | ✓   |    |
| REP. WILBUR SPRING, VICE CHAIRMAN | ✓   |    |
| REP. BEVERLY BARNHART             |     | ✓  |
| REP. ERVIN DAVIS                  |     | ✓  |
| REP. PAT GALVIN                   |     | ✓  |
| REP. BOB GERVAIS                  |     | ✓  |
| REP. HARRIET HAYNE                | ✓   |    |
| REP. GARY MASON                   | ✓   |    |
| REP. BRAD MOLNAR                  |     | ✓  |
| REP. BILL REHBEIN                 | ✓   |    |
| REP. SHEILA RICE                  |     | ✓  |
| REP. SAM ROSE                     | ✓   |    |
| REP. DORE SCHWINDEN               |     | ✓  |
| REP. CAROLYN SQUIRES              |     | ✓  |
| REP. JAY STOVALL                  | ✓   |    |
| REP. NORM WALLIN                  | ✓   |    |
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HOUSE OF REPRESENTATIVES  
STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 12/2/93 BILL NO. HB 24 NUMBER 3 8-8

MOTION: Rep. Hayne moved DO PASS.  
motion died on a tie vote.

| NAME                              | AYE | NO |
|-----------------------------------|-----|----|
| REP. DICK SIMPKINS, CHAIRMAN      |     | ✓  |
| REP. WILBUR SPRING, VICE CHAIRMAN |     | ✓  |
| REP. BEVERLY BARNHART             | ✓   |    |
| REP. ERVIN DAVIS                  | ✓   |    |
| REP. PAT GALVIN                   | ✓   |    |
| REP. BOB GERVAIS                  | ✓   |    |
| REP. HARRIET HAYNE                |     | ✓  |
| REP. GARY MASON                   |     | ✓  |
| REP. BRAD MOLNAR                  | ✓   |    |
| REP. BILL REHBEIN                 |     | ✓  |
| REP. SHEILA RICE                  | ✓   |    |
| REP. SAM ROSE                     |     | ✓  |
| REP. DORE SCHWINDEN               | ✓   |    |
| REP. CAROLYN SQUIRES              | ✓   |    |
| REP. JAY STOVALL                  |     | ✓  |
| REP. NORM WALLIN                  |     | ✓  |
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HOUSE OF REPRESENTATIVES  
STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 12/2/93 BILL NO. HB 25 NUMBER 8-8 4

MOTION: Rep. Squires moved do pass.  
Motion died on a tie vote.

| NAME                              | AYE | NO |
|-----------------------------------|-----|----|
| REP. DICK SIMPKINS, CHAIRMAN      |     | ✓  |
| REP. WILBUR SPRING, VICE CHAIRMAN |     | ✓  |
| REP. BEVERLY BARNHART             | ✓   |    |
| REP. ERVIN DAVIS                  | ✓   |    |
| REP. PAT GALVIN                   | ✓   |    |
| REP. BOB GERVAIS                  | ✓   |    |
| REP. HARRIET HAYNE                |     | ✓  |
| REP. GARY MASON                   |     | ✓  |
| REP. BRAD MOLNAR                  | ✓   |    |
| REP. BILL REHBEIN                 |     | ✓  |
| REP. SHEILA RICE                  | ✓   |    |
| REP. SAM ROSE                     |     | ✓  |
| REP. DORE SCHWINDEN               | ✓   |    |
| REP. CAROLYN SQUIRES              | ✓   |    |
| REP. JAY STOVALL                  |     | ✓  |
| REP. NORM WALLIN                  |     | ✓  |
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**MONTANA FARM BUREAU FEDERATION**

502 South 19th • Bozeman, Montana 59715  
Phone: (406) 587-3153

EXHIBIT 1  
DATE 12/2/93  
HB HB 24

December 2, 1993

Mr. Chairman, members of the committee, for the record, my name is Lorna Frank, Director of Information, Editor of the monthly publication as well as lobbyist for the Montana Farm Bureau with headquarters in Bozeman.

We must oppose House Bill 24, we feel the special session is not the time or place to bring up this issue. In our estimation, this bill will not affect the outcome of this special session or balance the budget.

Even though our numbers may be small, agriculture is still Montana's number one industry, it brings more revenue into the state than any other industry and yes agriculture does pay a lot of taxes. All of us in this room should be proud of what agriculture has done for this state and what it can do in the future. Because without agriculture where would this state, the nation and the world be today? How would people manage to feed themselves without agriculture? Do you realize that every farmer and rancher in this great nation feeds himself and 29 others with what agriculture grows.

Farm Bureau does not like House Bill 24 because we feel it has the potential to combine several departments and the Department of Agriculture would lose its identity. Therefore, I urge this committee to do not pass House Bill 24.

Lorna Frank

Montana Farm Bureau Federation





