STATE ADMINISTRATION COMMITTEE January 7, 1977

The meeting was called to order by Chairman Brand at 10:20 a.m. The Chairman enumerated some additional rules for hearings, such as: propoents will speak first, then opponents, any closing remarks, the hearing will be opened for questions from the committee members. Rep. Brand stressed the fact that witnesses who have questions on any bills or amendments will write their question on a piece of paper and submit it to a committee member--as the members will be the only persons permitted to pose questions. After the hearing, the committee will go into executive session to decide on the dispostion of the bills under examination.

Rep. Bardanouve opened the hearing by illustrating the fact that in the 1975 Session, the Legislature directed the Legislative Council to recodify all of the Montana Revised Codes--a process to be completed by 1979. This process is being directed by Diana Dowling, Code Commissioner of the Council, and is intended to bring the codes up to date and delete any antiquated language, unclear portions, and generally standardize the form. Rep. Bardanouve stated that the recodification was not intended to change any of the codes, only clarify them. Dick Hargesheimer, the committee's Council Researcher, passed out a summary sheet (see attachment #1) which illustrates the alterations in somewhat clearer language. Repeatedly, it was made clear that any changes shown on these bills involve clarification only--no substitutive changes are intended. Mr. Hargesheimer also distributed a sheet (see attachment #2) illustrating the revised grammatical usage for codes taken from Legislative Drafting, Reed Dickerson.

Scheduled for hearing were House Bills: 12, 21, 23, 24, 32, 33, 34, 35 and 37; all of which were recodification bills.

Lawrence Nachtsheim, Administrator of Public Employees' Retirement System, testified as a proponent for all of the bills before the committee, stating that his office had examined all of them.

HB 21--Mike Young, Administrator of the Insurance and Legal Division, Department of Administration, along with Robert Cummins, a Helena attorney testified as proponents for HB 21. As with the other witnesses, their testimony was simply to reitterate the desire to clarify, not change.

HB 23--John Hollow, Attorney for the Legislative Council, testified as a proponent for HB 23, illustrating grammatical changes, and some clarification as to codes listed in the bill.

HB 24--sponsored by Rep. Kvaalen, was reviewed by John Hollow; once again showing only clarification changes dealing with bidding formalities and specifications.

HB 12 was brought up again. Hargesheimer explained some of the confusion concerning beneficiaries. The wording was confusing in terms of specification of, and conditions of, appointment of beneficiary. Various conversation ensued concerning qualification of the term, "beneficiary".

Rep. Bardanouve sponsor, moved to postpone action on HB 12 until the language can be cleared up with Legislative Council. Rep. O'Connell seconded the motion.

Joan Meyer, Staff Attorney for the Legislative Council, came in at this point, and proceeded to illustrate most of the alterations in HB 32, HB 33, HB 34, HB 35, and HB 37. Rep. Bardanouve cautioned the committee that if anyone had any substantive changes to make in any of these bills, that they propose a new bill--as all of the recodification bills had been proposed with no changes in content--only clarification.

The hearing was closed by the Chairman, who then opened the executive session. Rep. Bardanouve moved to postpone action on HB 12, which was seconded by Rep. Kropp. The Chairman stated that he wanted all of the bills before the committee except for the recodification; therefore, no substantive amendments.

Rep. Bardanouve moved a DO PASS recommendation on HB 21 which was seconded by Rep. Robbins and passed unanimously.

Rep. Bardanouve moved a DO PASS recommendation on HB 23, Rep. Kropp seconded the motion, and it passed unanimously.

Rep. Feda moved a DO PASS recommendation on HB 24, which was seconded by Rep. Lien, and passed unanimously.

Rep. Bardanouve moved a DO PASS recommendation on HB 32, which was seconded by Rep. Robbins, and passed unanimously.

Rep. Bardanouve moved that HB 33 be amended as follows:
Page 2, Section 1, Subsection 6, line 19
Following: Line 20
Delete: Lines 21 through 25

Page 2, Section 1, Sub. 6
Following: "requirements:"
Insert: "Prescribed in 68-1607 and 68-1608"

Page 3, Section 1, Subsection 6
Delete: Lines 1 through 8 in their entirety. Seconded by Rep. Robbins.
All in favor, except Mular.

Bardanouve moves on HB 33 AS AMENDED, DO PASS, Lien seconds, unanimously accepted.

HB 34--Bardanouve moves DO PASS, Feda seconds, all in favor except Mular.

HB 35--Bardanouve moves DO PASS, Lien seconds, unanimous.

HB 37--Bardanouve moves DO PASS, Kropp seconds, unanimously accepted.

Bardanouve stressed the point that the committee would usually accept amendments, but the intent with the recodification bills was to send them through without any substantive changes.

MEETING ADJOURNED - 11:00 a.m.

Joe Brand

Joe Brand, Chairman

Anita C. Sierke

Anita C. Sierke, Secretary