

MINUTES OF THE MEETING
SENATE STATE ADMINISTRATION COMMITTEE
JANUARY 14, 1977

The meeting was called to order by Senator Towe, Chairman, at 11:04 a.m. in Room 410 of the Capitol Building. Senators present were Senators Towe, Story, Brown, Rasmussen, Roskie, Jergeson, Blaylock, and Devine.

The following bills were discussed: SB 50
SB 51

SB 50 Senator Pete Story, District 37, sponsor of the bill, stated the purpose of the bill is to require the Department of Community Affairs to compile information on economic conditions within Montana. His written testimony is attached. He referred to a compilation of county profiles and a booklet entitled "Economic Conditions in Montana, A Report to the Governor" which are published by the Research and Information Systems Division of the Department of Community Affairs as examples of data collections. (see attached)

PROPOSERS

Mr. Dick Draper, Administrator of the Research and Information Systems Division of the Department of Community Affairs, stated his Division currently collects data in several systems including a computer base form on a geographical basis and a county by county basis. They are the regional repository for computer base information for the Department of Commerce and also serve as a summary tape process center. They have compiled the "Montana Data Book" which summarized statewide data following the 1970 census and which will be updated following the 1980 census. He stated the Division would appreciate a legislative mandate to collect and compile complete statewide data.

Forrest H. Boles, Executive Vice President of the Montana Chamber of Commerce, spoke in favor of the bill (see attached testimony).

There being no further proponents and no opponents to the bill the hearing was closed and questions by the Committee followed.

Senator Blaylock asked Mr. Draper if the Division is compiling information now, why is the legislation needed. Mr. Draper replied they currently have no clear mandate in law and this bill would give them solid back-up in their budget requests.

Senator Roskie asked if libraries in the state utilize the information available from the Division. Mr. Dundas, Assistant Administrator of the Division replied they do but mostly through the State Library. He left a list of all functions the Division would like to be fulfilling with the committee. (see attached #1)

John Hollow, Committee Researcher, stated in answer to Senator Blaylock's previous question that the statutes do not allow for general collection of data, but only collection for specific usage at this time.

SB 51 Senator Story, District 37, sponsor of the bill, summarized the purpose and intent of the bill for the committee (see attached).

There being no proponents or opponents to the bill, the hearing was closed and committee discussion followed.

Senator Blaylock expressed concern over the amendment on page 2, line 11 as to the interpretation of the term "present".

Senator Brown stated he prefers a 2/3 vote be applied to the entire membership of the legislature. He felt that the Senate votes count twice as much as House votes if the 2/3 vote apply to each house separately.

Senator Roskie stated he felt the distinction of 2/3 vote of each house was necessary to protect the intent of a bicameral legislature.

SENATOR BROWN MOVED TO AMEND PAGE 5, SECTION 4, BY STRIKING SECTION 4 IN ITS ENTIRETY. THE MOTION CARRIED WITH SENATOR ROSKIE VOTING NO.

SENATOR STORY MOVED TO AMEND PAGE 2, SECTION 1, LINE 11, FOLLOWING "PRESENT" BY INSERTING "PRESENT AND VOTING".

SENATOR JERGSON MOVED A SUBSTITUTE MOTION TO AMEND PAGE 2, SECTION 1, LINE 11, FOLLOWING "PRESENT" BY STRIKING "OF EACH HOUSE OF THE LEGISLATURE" AND INSERTING "PRESENT AND VOTING". THE MOTION CARRIED WITH SENATORS ROSKIE AND BROWN VOTING NO.

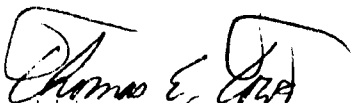
SENATOR STORY MOVED TO AMEND THE TITLE ON PAGE 1, LINES 6 THROUGH 9 FOLLOWING "CONSTITUTION" BY STRIKING LINES 6 THROUGH 9 IN THEIR ENTIRETY; FURTHER AMENDING THE TITLE, LINE 11, FOLLOWING "VETO" BY STRIKING "OR" AND INSERTING ", GUBERNATORIAL"; FURTHER AMENDING THE TITLE, LINES 11 AND 12, FOLLOWING "DISABILITY BY STRIKING LINES 11 AND 12 IN THEIR ENTIRETY AND INSERTING ", AND CALLING OF A": AND FURTHER AMENDING THE TITLE, LINE 13 BY STRIKING "OR AMENDMENTS". THE MOTION CARRIED UNANIMOUSLY.

SENATOR STORY MOVED TO AMEND PAGE 5, SECTION 5, LINES 20 THROUGH 25 FOLLOWING "AMENDMENT" ON LINE 20 BY STRIKING LINES 20 THROUGH LINE 25 IN THEIR ENTIRETY AND INSERTING "CLARIFYING THE VOTE REQUIREMENT IN THE CASE OF GUBERNATORIAL VETO, GUBERNATORIAL DISABILITY, AND CALLING OF A CONSTITUTIONAL CONVENTION.". THE MOTION CARRIED UNANIMOUSLY.

Minutes of the Meeting
January 14, 1977
Page 3

SENATOR STORY MOVED SENATE BILL 51 DO PASS AS AMENDED. THE
MOTION CARRIED UNANIMOUSLY.

There being no further business, the meeting adjourned to reconvene
Monday, January 17, at 11:00 a.m.



Thomas E. Towe, Chairman

jdr

State Administration COMMITTEE

Date 1/14/77

[illegible]

SENATE STATE ADMINISTRATION COMMITTEE

BILL SB 50451

VISITORS' REGISTER

DATE 1/14/72

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

SENATOR PETE STORY
TESTIMONY ON:

SB 50 -- 82-3705

This is a simple bill, but in its present form, I hate to admit it, but it does not have the proper juices. I will have to present an amendment to do so.

What I hope it to accomplish in its amended form is to give the D of CA the clearly directed mission of gathering statistical data from all other sources of state and Federal agencies, and even generating such data as no one else is generating, including the figure representing Montana's gross product.

What inspired me to enter this bill was that in the last session I attempted to gather this economic information. I discovered that there were many sources of economic data, and that DCA had a great deal of it, but that nowhere was the whole picture put entirely together.

And it seems to me that there should be some agency that any of us could go to that would have all of it. So that whether you wanted job information, the number of business starts or bankruptcies, or building activity or the comparative importance of different industries to different counties, you could bop on down to the DCA, and they'd have the straight dope for you.

I don't believe you would simply be indulging old Pete Story's whimsy in passing this bill. I think this information must be easily available to us if we are to do our job properly.

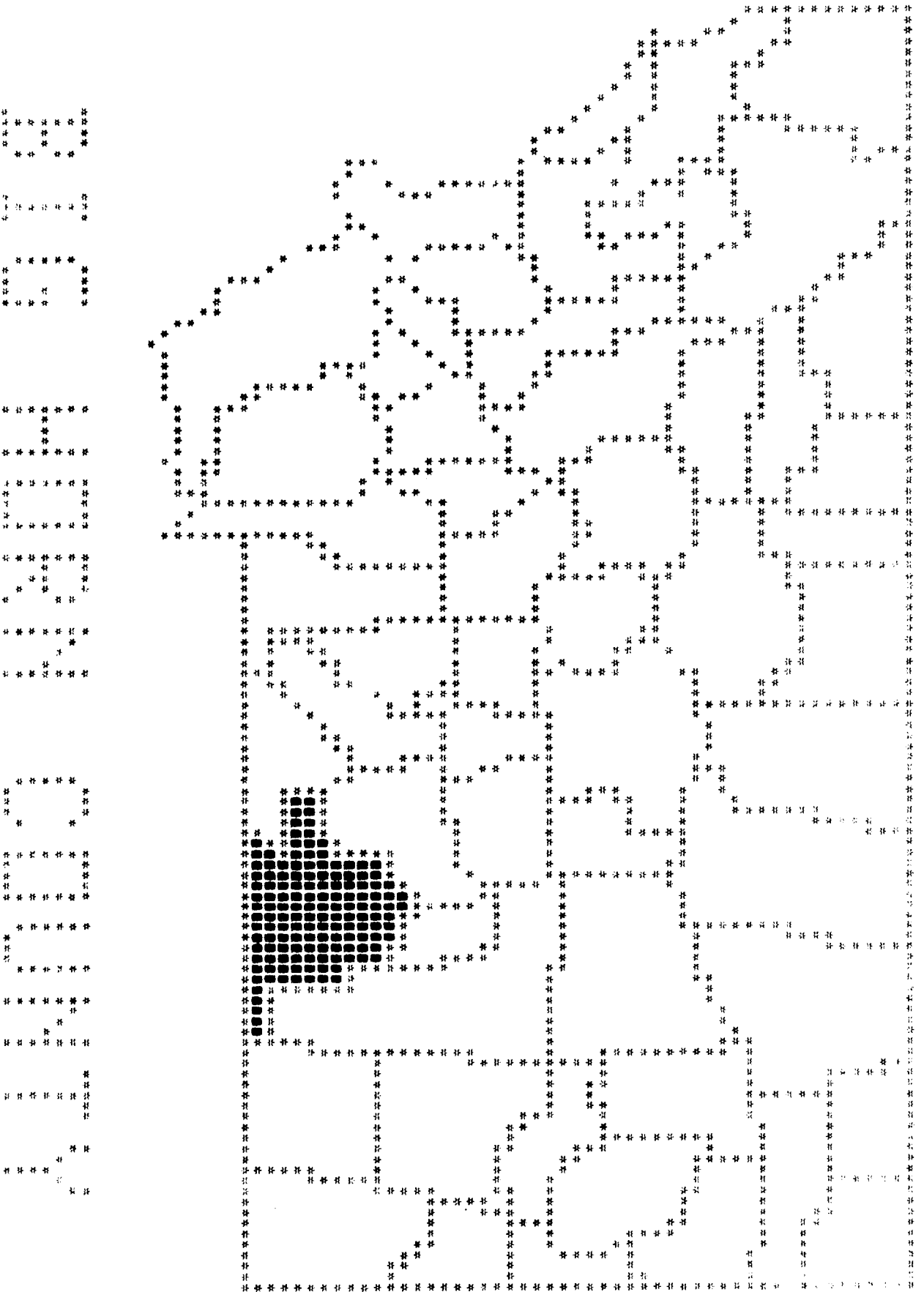
In the past we have seen many bills that start out that "the legislature finds that " _____ so forth and so on, when in

fact, we have found no such thing. We are guessing or voting our prejudices. In the future if someone tells us there is a shortage of low cost housing or a surplus of graduates in chemical engineering^s~~ing~~, I would like to see some substantiat^{ion}~~ing~~.

As we inject the state agencies further and further into the role of social planning, and as we plunge into debate as to the desirable rates of growth or which types of industry to favor, more and more will we need accurate reliable yard sticks.

The DCA is the logical branch to provide the~~s~~e tools, and I hope this bill will give them the clear directive to do so.

DIVISION OF RESEARCH AND INFORMATION SYSTEMS
MONTANA DEPARTMENT OF COMMUNITY AFFAIRS



Economic Conditions in Montana

A Report to the Govenor

December 1976

**Department of Community Affairs
Research and
Information Systems Division**

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

STATEMENT
on
SB 50
before the
Senate State Administration Committee
for the
Montana Chamber of Commerce
by
Forrest H. Boles, Executive Vice President
January 14, 1977

Mr. Chairman, members of the Committee.

On behalf of the Montana Chamber of Commerce, I wish to express support for Senator Story's bill.

The Montana Chamber and local Chambers across the State would utilize extensively the information that would be developed under this Bill.

At the present time, statistical information on social and economic conditions in Montana must be gathered in bits and pieces from from many different sources.

Just two days ago a major Montana firm from Billings called me for economic information on which to base their business forecasts. I had to refer them to three different sources to meet their needs. If the report provided for in this bill would have existed, our office could have handled the request without further referral.

I wish to offer an additional element that the committee might consider, that is that provision be made for the publication and distribution of a summary supplemental report in the year that the full report is not published.

-END-

#1

- (9) The Department, through its Division of Research and Information Systems, shall in cooperation with other governmental and private agencies whenever practicable:
- a) Serve as a summary tape processing center for demographic and economic data-base information from federal agencies including the U. S. Bureau of Census and Bureau of Economic Analysis in the U. S. Department of Commerce.
 - b) Establish and maintain a central depository of statistical, graphic and other information including computer-retrievable files, concerning the significant characteristics of the state, its people, economy, land, and physical characteristics.
 - c) Compile and maintain an inventory of state agency data sources from information collected by the Department of Administration.
 - d) Publish on a regular basis, the most recent available statistical and other information including but not limited to commonly requested social and economic information; directories of trade and technical associations, state manufacturers, research and technology sources; and summaries of federal grants made within the state.
 - e) Prepare a biennial report on the Montana economy.

SENATOR PETE STORY
TESTIMONY ON:

SB 51

What this bill does is to change the several areas of our Constitution regarding legislative votes so that in each instance a 2/3 vote of the membership of each body will be required.

The purpose of this change is to provide consistency, eliminate an absurdity and to prevent a possible very serious crisis to develop somewhere down the road.

Now, providing consistency isn't really what you'd call a high priority goal around this place, I realize. In fact, if it were, our whole body of law would be a shambles.

Also, I mentioned undoing an absurdity. What I'm referring to here is the fact that in the case of proposals for Constitutional Amendments such as this, that under the present interpretation and rules this bill must be sent to the other house whatever the outcome in the Senate. At this point, if you all voted against this bill, and even convinced me to vote against it, and all 50 Senators voted against it, it would still have to be sent to the House, because theoretically if all hundred members of the House voted for it, it could pass and be put on the ballot.

Even correcting this absurdity might not justify the expense of putting it on the ballot, but there is also within the Constitution a ticking bomb which will someday explode if we fail to diffuse it.

I refer to the provision that says that to override the Governor's veto requires a 2/3 vote of those present. The words "those present" is where the mischief lies. The Senators who were around last session may recall how the rules committee had to strive with this one

Now, what is going to occur someday, is that the Governor is going to veto a bill that has a tremendous impact on the state -- say an important tax bill or election bill, or a bill affecting jobs or industry or something; and the vote on upholding the veto will be so close, that whether or not it was upheld will depend upon the various possible interpretations of being present.

And, if it is a matter of great importance to the population and great polarity among the people, which ever way the Ruled Committee decides the issue will be challanged in court. And even though our own Supreme Court might convene and decide the issue quite rapidly, the issue might be then dragged into Federal courts and perhaps to the U.S. Supreme Court.

And this could plunge the state into a costly and time consuming crisis. Meanwhile, the functioning of our government, or our economy might be brought to a halt creating tremendous harm to Montana.

The chances of this happening are as unpredictable as any other political event. But, I think as serious as the consequences could be, it becomes our duty to prevent it by taking corrective action now.

STANDING COMMITTEE REPORT

.....**January 14,**..... 19 **77**.....

MR. **President**.....

We, your committee on.....**State Administration**.....

having had under consideration**Senate**..... Bill No. **51**.....

Respectfully report as follows: That.....**Senate**..... Bill No. **51**,.....

introduced bill, be amended as follows:

1. Amend title, lines 6 through line 9.

Following: "CONSTITUTION"

Strike: lines 6 through 9 in their entirety

1. Amend title, line 11.

Following: "VETO"

Strike: "OR"

Insert: ", GUBERNATORIAL"

3. Amend title, lines 11 and 12.

Following: "DISABILITY"

Strike: lines 11 and 12 in their entirety

Insert: ", AND CALLING OF A"

4. Amend title, line 13.

Following: "CONVENTION"

Strike: "OR AMENDMENTS"

XOXKXSS

January 14, 1977

5. Amend page 2, section 1, line 11.

Following: "present"

Strike: "of each house of the legislature"

Insert: "present and voting"

6. Amend page 5, section 4, lines 2 through 14.

Strike: section 4 in its entirety

Renumber: subsequent section

7. Amend page 5, section 5, lines 20 through 25.

Following: "amendment"

Strike: "requiring a uniform vote of two-thirds of the members of each house of the legislature to override a gubernatorial veto, to determine gubernatorial disability, to call a constitutional convention, and to propose constitutional amendments"

Insert: "clarifying the vote requirement in the case of gubernatorial veto, gubernatorial disability, and calling of a constitutional convention"

AND AS SO AMENDED, DO PASS

Thomas E. Towe Chairman

J.A.