

March 1, 1979

Chairman Brand called the hearing to order at 8:00 a.m., Rep. Azzara was excused for illness, and Rep. Bardanoue was in and out due to his Appropriations hearings.

SB 403-Sponsored by Rep. Story -- This requires confirmation of the members of the Board of Realty by the Senate. We would like to get this done -- you sent us two realty board bills that may get caught up in amendments.

ROBERT CUMMINS-Chairman, Board of Real Estate -- This requires confirmation and if 606 passes, then this bill should be amended to conform with 606. I concur with the confirmation process because I think this is a quasi judicial functioning board and in this capacity they have more authority than hearing aid boards or others. The bill doesn't say anything else besides confirmation, so you might want to hold it for a bit to see what happens to 606.

DENNIS REBER-Montana Association of Realtors -- I would disagree about holding this because you may want to be able to get the Governor going on this.

STORY-I don't think you should amend this because then it would have to come back to us and you will just slow the process down -- the other bills will supercede anyway.

SCOTT SEACAT-Legislative Auditor's Office -- 286 required a list - 606 was amended so that the list isn't required. 846 - the intent of the bill is to clarify the relationship between brokers and salesmen. We thought that was being amended on the floor, but the third reading copies don't show such.

REBER-That was a printing mistake.

SB 171-Sponsored by Sen. Lockrem -- This has no companion measures and is not in conflict with anything. He submitted written testimony, see Attachment #1. Mr. Lewis handed me a new fiscal note on the bill, so you might want to take a look at that. (see Attachment #2)

DAVE LEWIS-Department of Administration -- My only concern is that we fund this to do a good job. We don't know for sure that we can save any money. There will be additional specifications needed and a few FTE's.

LARRY D'ARCY-Deputy Director, DoFA -- We support this bill.

LOCKREM-The Department of Revenue supports this bill and Groff was here but he had another hearing. The existing leases will go on until they end.

JOHNSTON-Can we get some kind of comparison in two years? LOCKREM-Yes. BRAND-You say leasing of office space and you are talking of liquor stores and warehouses -- where are those addressed in the bill? LOCKREM-You could amend out "office" and clarify - the office is just the largest expenditure.

SB 144-Sponsored by Sen. Van Valkenburg -- This was introduced by request of the Board of Housing and authorizes them to employ adequate personnel to administer the bonds that the department issues. It doesn't mean that they will be hiring anyone now, it is to assure bond holders that there will always be someone taking care of

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(VAN VALKENBURG continued)-it all. (Here he cited an example of mishandling in Cleveland) Anyone hired would be paid in compliance with the Pay Plan. Lyle Olson is here to answer any questions.

KROPP-How many people are you talking about? VAN VALKENBURG-There are four people employed right now -- 3 really, and 1 contracting, but they have been given additional monies and may need new people in the future. The funds to employ these people would come out of the bond holders own money, not the General Fund.

BRAND-Why is there an effective date upon passage and approval? OLSON-If we go to market before July 1, these would be included. We have gotten alot of help from Doff.

SB 128-Sponsored by Sen. Rasmussen -- This bill requires that when a vacancy occurs in an elected political office the replacement must be from the same political party. Last session we had a Senator die just before the session and at that time there was a 50-50 split in the Senate, so it was tense. We had a County Commissioner pass away and a person of the opposite party was put in, which changed the balance of power. I think this bill will remove any chance of abuses in this area.

SENATOR TOM HAGER -- The bill passed two years ago did work very well in the case of the resignation of Robert E. Lee -- in that circumstance, the Central Committee chose the person to run. This is aimed mainly toward when a person dies in office. What we need in circumstances like this is a clone, but obviously we don't have the medical knowledge. The bill outlines the vehicles and the mechanisms.

NO OPPONENTS

BAETH-Our Sheriff resigned a couple of years ago, would this take care of that?

RASMUSSEN-Yes. BRAND-With this list, if the Governor doesn't like the list couldn't he just turn down the people until he got just who he wanted? RASMUSSEN-There is always room for abuse, and I would hope that public pressure would be sufficient to stop things like that.

SB 170-Sponsored by Sen. Rasmussen -- This deals with mailing lists and will eliminate state agencies from selling these lists to private sector and industry. There was an article in the newspaper a year ago about this. It has become impossible for anyone to exist without coming in contact with the government, and I don't think they should be able to intrude upon our privacy. People do have a right to know, but selling the lists is a different story. The lists themselves are not really made available to the private sector.

OPPONENTS

DENNIS REBER-Montana Association of Realtors -- I would ask that the bill be amended on page 2, line 8, following: "to", insert: "either". We couldn't offer classes without these mailing lists.

GENE FENDERSON-AFL-CIO -- When I'm trying to get names together for a Board of Personnel Appeals election I need the names and addresses and if this goes through it would preclude our getting those names. We think what we are asking for is right. So, I would ask for an amendment on page 2, line 5, following: "voters", insert: "or labor organizations pursuant to the collective bargaining act".

RASMUSSEN-I would support both of these amendments because they are legitimate needs. That last amendment might go on the end of the line to preserve the grammar. The fiscal impact would be rather negligible. You could ask for a fiscal note if you feel that strongly about it.

PORTER-Would you object to extending this to eleemosinary institutions...Heart Fund, etc.? RASMUSSEN-I think we enact laws all the time that we don't fully understand. It would take a case by case study. BAETH-Would this keep the police from selling our license records to insurance companies? RASMUSSEN-Perhaps.

SJR 9-Sponsored by Sen. Rasmussen -- This requests that a practice going on now be continued. It asks for a quarterly report -- a couple of years ago there was a request that the Flood Control Division be cut down. In '75, only 14 cases were recommended for prosecution. The news media got involved. This resolution asks that this report be sent to the Auditor quarterly so that some handle can be kept on investigations. The resolution of two years ago only asked that this be done through the present system and this resolution asks that this continue.

NO OPPONENTS, NO QUESTIONS

EXECUTIVE SESSION

SJR 9-JOHNSTON moved BE CONCURRED IN, which carried unanimously.

SB 128-KROPP moved BE CONCURRED IN, which carried unanimously.

SB 144-McBRIDE moved BE CONCURRED IN.

ZEZOTARSKI-The conflict says that an agency delegated to a department can't hire its own personnel, that they will be hired by the department. DONALDSON-I think we are setting up an autonomous board here. I think every board should be accountable to someone. McBRIDE-The part you just cited - page 4, lines 14 - 20 -- could you see change it to read "as determined by the department in conjunction with the board"? DONALDSON-I think these boards should be accountable to someone in some way. I don't think we need the bill. There's no new language that doesn't afford this board more independence. SALES-I can see the possible need, but is this the way to do it? PORTER-We have increased their lending power to 375 million, and now you are quibbling about a few more staff. The autonomy of the board has been established and no one has complained about their job. This bill allows them to control their own hiring and that makes some people a little nervous. Page 4, line 5 puts some constraints on this hiring and I would concur in this. The qualified people are the board members and this bill just addresses clericals. SALES-I don't feel the board was the cause of the bad publicity, I think the lending institutions misused it and the media caught on. DONALDSON-I don't think there's a department in state government that couldn't come in and justify their own autonomy.

The BE CONCURRED IN motion carried 10 - 8.

SB 170-BRAND-I think this should be in subcommittee because we want a fiscal note and 3 amendments.

BAETH moved BE NOT CONCURRED, which carried with Sales, Kropp, O'Connell, Magone,

McBride and Johnston voting NO.

SB 171-SALES moved to amend it by striking all "office" places and inserting "facilities".

O'CONNELL-I would move to leave this with Stan to come up with the correct wording.
Motion carried.

SB 403-Brand discussed the proposed amendments.

STAIGMILLER moved that 403 BE CONCURRED IN as written, which passed with Brand, Porter, McBride and Magone voting NO.

SB 119-JOHNSTON moved BE CONCURRED IN, which carried unanimously.

SB 130-FEDA moved BE CONCURRED IN, which carried unanimously.

SB 131-FEDA moved NOT BE CONCURRED IN, then withdrew his motion.

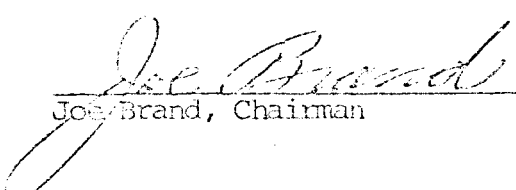
JOHNSTON moved ~~NOT~~ BE CONCURRED IN.

RAETH made a substitute motion of BE CONCURRED IN, which carried with Johnston, Smith and Staigmilller voting NO.

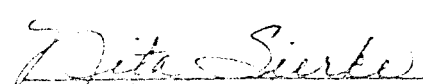
SB 90-BENNETT moved BE CONCURRED IN, which carried unanimously.

SB 112-FEDA moved BE CONCURRED IN, which carried unanimously.

Adjourned: 10:05 a.m.



Joe Brand, Chairman



Nita Sierke, Secretary