

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

January 25, 1979

The tenth meeting of the State Administration Committee was called to order by Vice Chairman George Roskie at 10:00 A. M. in Room 442 of the State Capitol on the above date.

ROLL CALL: Members of the Committee which were present were Sen. Roskie, Sen. B. Brown, Sen. Jergeson and Sen. Hafferman, with Sen. Story being excused and Senators Rasmussen and Ryan being absent.

CONSIDERATION OF SENATE JOINT RESOLUTION No. 3: The Acting Chairman called on Representative Audrey Roth, House District 10, Big Sandy, sponsor of the Bill, to present her testimony.

Rep. Roth advised this Resolution would promote a joint committee to study the growth of state agencies. There has not been a detailed study of state agencies since 1970 under the reorganization act, only those subject to the sunset review. There could be many new programs created since that time which are duplicating duties and responsibilities, and she felt there was a need for a review of all state agencies in order to alleviate unnecessary duplication. She then read prepared testimony and asked for a favorable decision on this Resolution.

Sen. Allen Kolstad, Senate District 5, Chester, testified he was the co-sponsor of the Resolution and reaffirmed the testimony given by Rep. Roth. There are some duplication of programs and waste in state government, and he also felt there were some inequities which should be studied.

There being no further proponents, and no opponents, the hearing was opened for questions by the Committee.

Sen. Brown questioned how it happened that a House member sponsored a Senate Resolution, to which Rep. Roth replied that this had already gone to print when she had tried to rectify the situation, and as she co-sponsored with a Senate member, it was asked of her to let it go through this way.

Sen. Hafferman commented that it seemed the legislature was going after those self-supporting boards for elimination and for those bureaus that are spending the money. They would have to have more money if they help those boards that cost the state money. Rep. Roth responded that the purpose of this Resolution is to evaluate the boards created after 1970 in order to get a handle on this. These agencies proliferate and perhaps taxpayers' money is ill spent in keeping some of these agencies afloat.

Responding to Sen. Jergeson's question on how to handle the situation if the study indicated the State Dept. of Livestock wasn't necessary, Rep. Roth replied if it passed, how else could it be handled, although this wasn't aimed at departments so much as the

boards and agencies and bureaus under these heads.

In referring to line 12, page 2, Sen. Roskie questioned if this "special emphasis on 1970 programs" would hamper the committee in looking at committees existing before 1970, to which Rep. Roth answered that she thought that could be done anyway, but it was her main concern that the agencies after reorganization had grown so fast. Sen. Brown stated that executive reorganization occurred in 1972.

Sen. Jergeson asked if Rep. Roth thought that some of the promised tax cuts wouldn't accomplish the same results. She replied that as some of those cuts may not come through, it was, perhaps, a good idea this study be authorized anyway. Continuing, she agreed with Sen. Jergeson that if the priority committee would cut this project, then it could be done under the legislative finance committee.

There being no further questions, the hearing on Senate Joint Resolution No. 3 was closed.

CONSIDERATION OF SENATE BILL No. 123: Acting Chairman Roskie called on Sen. Bill Lowe, Senate District 33, Billings, to present his testimony as sponsor of the Bill.

Sen. Lowe advised this was introduced at the request of the Capitol Building and Planning Committee and asks two things. The first is for the continuation of the committee as a planning tool of the legislature, and, secondly, for an expansion of its duties. As for the continuation of the committee, the 1971 legislature recognized there should be a plan of the long-range capitol complex. It wasn't until the 1977 Legislature that they recognized this committee needed to be activated every session. This Bill would allow it to be a permanent fixture such as the Legislative Council, rather than a session-to-session committee. In 1971, they formed a master plan and felt that this would need to be studied and changed as time went on. The Bill here is taken from the session laws just about word for word. Regarding the second part, the committee felt it was necessary to make it a viable and active committee so that the legislature could have some influence in the planning of the capitol complex. Its functions are to consult with the Dept. of Administration regarding construction and placement of projects, artifacts, etc. Right now, it is a hit or miss situation, but they need to be tied together in a manner of good taste. We feel the legislature should have input during the interim and need the authorization of the legislature.

Additional proponents were called for.

Edith Cox, testifying in support of the Bill, stated she served on this committee in 1977-1978 and had many requests the committee could not handle because they had no authority at that time. They were not, therefore, as effective as they should have been, and requested that this authorization be given to this committee.

Larry D'Arcy, Deputy Director, Department of Administration, supported the Bill, compared the moving of state agencies to musical chairs in that if one agency moves, there are three or four other agencies vieing for that space. Since the legislature only meets every two years, he did not want to hold up that space for two years to decide what to do with it.

Phil Hauck, Dept. of Administration, Architects and Engineering Division, in support of the Bill, stated they are charged not only with the whole state, but also the complex at the capitol and felt this Bill would add a great deal of credibility to this commission. It would help to clarify what should be done for whom at a specific time as the planning committee input has been very helpful to them. It doesn't cost anything from the general budget or any additional FET's. He felt that since the legislature is a large part of the money spent and use of space in the capitol complex, they should have a say in the planning of these buildings. He proposed an amendment on page 3, line 7, to clarify the Bill that "legislature" should be changed to "Department of Administration".

Sen. Lowe agreed this would be a proper amendment.

Sen. Roskie questioned the word "priorities" on Page 3, line 8, causing any problem, to which Mr. Hauck answered that he did not pertain to the Dept. of Administration, but refers to all agencies of the government submitting their requests to the Dept. of their priorities; this would be a continuation of that effort. Sen. Lowe added he would prefer to leave this language as it is so that they have some consultation rights.

Sen. Jergeson suggested adding the Dept. of Administration so that the committee would make recommendations to both, rather than just the Dept. or the legislature. Sen. Lowe responded this was agreeable with him if it wouldn't bother the Dept. of Admin. Mr. Hauck advised that at the time they submit the requests they had received from the agencies, they could also submit to the legislature the recommendations of the building committee at the same time.

There was some discussion on whether this would require a separate report or be part of the total building plan, and in response to Sen. Jergeson's inquiry, Sen. Lowe advised he was going to introduce a bill proposing a legislative wing, along with a financing plan.

There being no further questions on Senate Bill No. 123, the hearing was closed.

CONSIDERATION OF SENATE BILL No. 90: Sen. Frank Hazelbaker being the sponsor of this Bill but having a prior committment, the Vice Chairman called on the representative of the Legislative Council to present testimony as this was a Code Commissioner bill.

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John Mayer, attorney for the Legislative Council, explained the changes proposed by this Bill from the present law relating to the legislative branch. Most of the changes were minor and were to clarify meaning or so that terminology would be consistent, such as changing the word "act" to "title" and deleting references to the "legislative services division" of the Legislative Council as there was no separate division. In going through the Bill, she summarized the written Summary Sheet as prepared by the Council's Code Commissioner, copy of which is attached to these original Minutes for further particulars.

There being no further proponents, no opponents, and no questions from the Committee, disposition was called for.

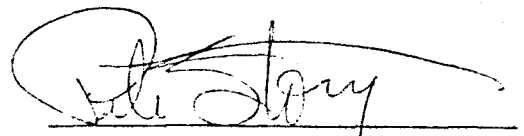
Sen. Greg Jergeson moved that Senate Bill No. 90 DO PASS as he agreed with it. The motion carried by unanimous vote of the Committee members present, with Senators Rasmussen and Ryan being absent and Sen. Story being excused.

DISPOSITION OF SENATE BILL No. 123: Sen. Bob Brown moved that this Bill be amended on page 3, line 7, following "legislature" to insert "and the department of administration". Motion passed unanimously.

Sen. Brown then moved that Senate Bill No. 123 AS AMENDED, DO PASS; motion carried by unanimous vote of all of the Committee members present, with Senators Rasmussen and Ryan being absent and Senator Story being excused. Amendments are as appears on the attached copy of the Standing Committee Report, to which reference is hereby made for further particulars.

ADJOURNMENT:

There being no further business to bring before the Committee, the meeting was adjourned by Acting Chairman Roskie at the hour of 11:30 A. M.



Pete Story, Chairman

Date Jan 25, 1979

ROLL CALL

STATE ADMINISTRATION COMMITTEE

46th LEGISLATIVE SESSION - 1979

| NAME | PRESENT | ABSENT | EXCUSED |
|------------------------------------|---------|--------|---------|
| Senator Pete Story, Chairman | | | ✓ |
| Senator George F. Roskie, V. Chmn. | ✓ | | |
| Senator Bob Brown | ✓ | | |
| Senator A. T. (Tom) Rasmussen | | ✓ | |
| Senator Patrick L. Ryan | | ✓ | |
| Senator Greg Jergeson | ✓ | | |
| Senator William F. Hafferman | ✓ | | |
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Each Day Attach to Minutes.

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date Jan. 25, 1979 Senate Bill No. 90 Time _____

DO PASS

| NAME | YES | NO |
|---------------------------------------|-----|----|
| Senator Pete Story, Chairman | | |
| Senator George F. Roskie, V. Chairman | ✓ | |
| Senator Bob Brown | ✓ | |
| Senator A. T. (Tom) Rasmussen | | |
| Senator Patrick L. Ryan | | |
| Senator Greg Jergeson (S) | ✓ | |
| Senator William F. Hafferman | ✓ | |
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Jennie L. Palmer
Secretary

Pete Story
Chairman

Motion: Senator Greg Jergeson moved that Senate Bill
No. 90 DO PASS: motion was seconded and
carried by unanimous vote of the committee
members present.

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

..... January 26 1979

MR. President

We, your committee on State Administration

having had under consideration SENATE Bill No. 90

Respectfully report as follows: That SENATE Bill No. 90

Introduced Bill,

DO PASS

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date Jan. 25, 1979 SENATE Bill No. 123 Time _____

in Pass as Amended.

| NAME | YES | NO |
|---------------------------------------|-----|----|
| Senator Pete Story, Chairman | | |
| Senator George F. Roskie, V. Chairman | ✓ | |
| Senator Bob Brown (E) | ✓ | |
| Senator A. T. (Tom) Rasmussen | | |
| Senator Patrick L. Ryan | | |
| Senator Greg Jergeson | ✓ | |
| Senator William F. Hafferman | ✓ | |
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Jennie L. Palmer
Secretary

Pete Story
Chairman

Motion: Senator Bob Brown moved that Senate Bill No. 123 be amended, which motion was unanimously passed, as follows:
1. Page 3, line 7. Following: "legislature" Insert: "and the department of administration"

~~Senator Brown then moved that Senate Bill No. 123~~
DO PASS AS AMENDED; motion carried unanimously by vote of the committee members present.

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

January 26 1979

MR. President

We, your committee on State Administration

having had under consideration SENATE Bill No. 123

Respectfully report as follows: That SENATE Bill No. 123

Introduced Bill, be amended as follows:

1. Page 3, line 7.

Following: "legislature"

Insert: "and the department of administration"

And, as so amended,

DO PASS

J.A.

SENATE MEMBERS

ARROLL GRAHAM
CHAIRMAN
ANK HAZELBAKER
CL. CHAIRMAN
HET BLAYLOCK
AT M GOODOVER
ANA S. DOWLING
EXECUTIVE DIRECTOR
CODE COMMISSIONER
EANOR ECK
ADMINISTRATIVE ASSISTANT
BERTA MOODY
DIRECTOR, LEGISLATIVE SERVICES



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JOHN B DRISCOLL
OSCAR KVAALEN
J D LYNCH
ROBERT L. MARKS
H. DAVID COGLEY
DIRECTOR, LEGAL SERVICES
ROBERT PERSON
DIRECTOR, RESEARCH

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1979 Legislature
Code Commissioner Bill - Summary

Sen Bill No. 90

AN ACT TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO THE LEGISLATIVE BRANCH; AMENDING SECTIONS 5-5-202, 5-11-202, 5-11-203, 5-11-204, 5-11-205, 5-11-206, 5-11-207, 5-11-208, 5-11-211, 5-11-212, AND 22-1-218, MCA.

(This summary does not include discussion of routine form or grammatical changes.)

Section 1. 5-5-202. The word "act" has to be changed because of recodification. The proposed amendment replaces "act" with "title". The word "act" refers to Chapter 31, Laws of 1973. The proposed amendment makes no change in substantive law.

Section 2. 5-11-202. The proposed amendment removes the statutory references to the legislative services division of the legislative council. The allocation of duties to the legislative services division does not conform to current practice since several divisions share responsibility for performance of the duties. The proposed amendment makes the legislative council, through its entire staff, responsible for the performance of the duties.

Section 3. 5-11-203. The proposed amendment deletes the reference to the legislative services division and deletes the requirement that the lieutenant governor receive a copy of the session laws. The requirement that the lieutenant governor receive a copy of the session laws appears to be a holdover from the 1889 Montana Constitution which provided that the lieutenant governor was to serve as the president of the senate.