

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 9, 1979

The twenty-first meeting of the Senate State Administration Committee was called to order by Senator Pete Story, Chairman, on the above date, in Room 442 of the State Capitol Building, at 10:00 a.m.

ROLL CALL: All members of the Committee were present; however, Senators Brown and Rasmussen were late in coming from another meeting.

DISPOSITION OF SENATE BILL NO. 170: The Chairman advised the Committee he was going to allow an unusual procedure and permit additional testimony on Senate Bill No. 170. Senator Ryan objected to additional testimony without the sponsor of the Bill being present. Senator Tom Rasmussen appeared momentarily, and Senator Ryan withdrew his objection.

Ross Cannon thanked the Committee for its courtesy in allowing him to speak on this Bill after the original hearing. He stated he represented DeHart Association which has clients such as Book-of-the-Month, Time-Life Books, Columbia Records, etc., who send out promotional material directly through the mail. They do not send products without some type of promotional mail first, and they do rely on voter lists and motor vehicle registration lists for the names and addresses of prospective clients. He asked that his client be allowed to acquire those lists as they have in the past as they are interested only in the names, addresses and phone numbers of these people, not personal information. He admitted he realized the intent of the Bill is to limit the transfer of personal information and recognizes the need for privacy; for that reason, just the names, addresses and phone numbers were being asked for. He then submitted a proposed amendment to the Bill, a copy of which is attached, which would allow access to these lists for the purpose of promotional mailings.

Discussion was then held on the 4 amendments previously proposed.

Senator Rasmussen, as sponsor of the Bill, moved to accept the amendment proposed by the Realtors, listed as Amendment I on the attached schedule. Discussion pertained to the effect of this amendment as it pertains to the educational groups.

Senator Jergeson's question on control over these lists if they were sent out of state was answered by Senator Rasmussen that there isn't any, but that they could make the lists unavailable to junk mailers.

Senator Roskie inquired if they should consider making a re-

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striction on selling lists for this purpose, and Sen. Ryan questioned evading the Bill's purpose if exceptions were allowed. Senator Rasmussen explained further his intent in submitting this Bill.

Upon roll call vote, the following amendment was adopted by a majority, with Senator Ryan voting "no":

1. Page 1, line 11.

Strike: "subsection", Insert: "subsections"

Following: "(3)", Insert: ", (4), (5) and (6)"

Senator Rasmussen thought proposed Amendments II and IV were covered by Amendment III. Discussion resulted; Senator Jergeson requested permission to ask a question of someone other than a Committee member. This being granted, he requested J. D. Lynch to explain the purpose of the proposed amendment. Mr. Lynch replied these lists are used for more comprehensive things than just recall or defective autos. They also are used in matters pertaining to oil imports, tire and rubber dealers and replacement parts and felt that the other proposed amendments would be covered by Amendment III.

Senator Jergeson moved that Proposed Amendment III be adopted, to the exclusion of II and IV, changing "act" to "section".

Senator Roskie asked for identification of "Polk Co.", to which Mr. Lynch replied it was the company which provided these lists to the auto dealers, oil businesses, etc.; they purchase them from Polk.

Senator Rasmussen raised the question if the amendment adequately covered the law enforcement agencies, which was discussed.

Upon discussion, Senator Jergeson amended his motion to include, after "access", "by Montana law enforcement agencies, or"; this motion carried by majority vote, with Senator Ryan and Senator Hafferman voting "no", but on further discussion, Senator Hafferman requested his vote be changed to "yes".

Senator Jergeson, after explanation by the Committee Researcher, moved that the amendment proposed by the Researcher to clarify the Bill language be adopted. This motion passed unanimously, with the amendments now reading as follows:

Page 2, lines 1 and 2.

Following: "inspection.", Strike: remainder of lines 1 and 2 in their entirety

Insert: "(4) This section does not apply to the list of potential new voters provided for in 13-38-103 and 13-2-115.

(5) This section shall not prevent an agency from providing a list to persons providing prelicensing or continuing educational courses subject to Title 20

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chapter 30, MCA.

(6) This section does not apply to the right of access by Montana law enforcement agencies or, by purchase or otherwise, of public records dealing with motor vehicle registration."

Renumber: subsequent subsection.

Senator Roskie then moved that Senate Bill No. 170 DO PASS AS AMENDED; this motion carried by majority vote, with Senators Ryan and Hafferman voting "no".

Mr. Cannon requested if voter registration lists could be excluded, which was discussed and concensus of opinion was that this procedure should be dropped.

DISPOSITION OF SENATE BILL NO. 171: Senator Bob Brown moved that Senate Bill No. 171 DO PASS. Senator Jergeson, reporting for the Subcommittee appointed on this, stated his contact with Bill Groff indicated they didn't have too much trouble with it. Senator Rasmussen, who had contacted Dave Lewis, reported the Department of Administration could live with the Bill, but if this would pertain to a state-wide basis, then he would need 4 or 5 more full-time people to handle this. It could be amended to relate only to Helena.

Senator Ryan felt it might help to consolidate some of the now scattered offices, such as the Department of Institutions, or at least locate them.

Senator Hafferman stated he would not want to cause the hiring of any more people by this Bill, and Senator Story added it might cause inter-agency battles.

Having the Bill apply to just the Helena area was discussed, with Senator Roskie mentioning the problem as to leasing authority for only a 3 or 4-year term when contractors want at least 10 years on new buildings and suggesting a limitation pertaining to population size.

Senator Hafferman made a substitute motion that this Bill pertain only to Helena; a straw vote indicated about 5 would favor this.

Further discussion concerned the number of FTE's necessary, with Senator Rasmussen restating that Lewis said he would need 4 or 5 more people if this pertained to the whole state, but none if kept to Helena.

Possible savings to the state by competitive bidding was mentioned by Senator Jergeson.

Senator Roskie then made a substitute motion to the substitute motion to amend the Bill to limit it to Class I and Class II cities, the statutes providing a population of 5,000 to 10,000 in Class II and 10,000 or more in Class I. This motion passed

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without opposition.

Senator Brown then moved that Senate Bill No. 171 DO PASS AS AMENDED: with Senator Story voting "no", the Bill passed by majority vote with the following amendment:

1. Page 1, line 11.
Following: "space"
Insert: "in Class I and Class II cities"

DISPOSITION OF SENATE BILL NO. 199: After discussion, Senator Greg Jergeson moved that the Bill be amended according to Senator Turnage's first choice of amendments to allow for proper funding. This motion passed without opposition.

Senator Jergeson then moved that Senate Bill No. 199 DO PASS AS AMENDED, which also carried by unanimous vote, as follows:

(see attached copy of Standing Committee Report)

DISPOSITION OF SENATE BILL NO. 210: Discussion was held on the funding required if this Bill passed, and also on the lack of adequate fire fighting equipment for high-rise buildings.

Senator Tom Rasmussen moved that Senate Bill No. 210 DO PASS. He felt it provided a mechanism for local governments to negotiate with the state for special services. Another part of the Bill was pointed out by Senator Jergeson which provided that local governments could charge the state anyway without a contract. Upon roll call vote, the motion failed, with Senators Story, Brown, Ryan, Jergeson and Hafferman voting "no".

Senator Jergeson then moved that Senate Bill 210 DO NOT PASS, which motion carried by majority vote, with Senators Roskie and Rasmussen voting "no".

DISPOSITION OF SENATE BILL NO. 213: Senator Greg Jergeson moved that the Bill be amended on page 2, line 5, according to the proposed amendment by the Secretary of State to read the "American National Standards Institute"; motion carried unanimously.

Senator Jergeson moved the Bill be amended on page 2, line 9, as proposed by the Secretary of State referring to transfer of records; motion passed unanimously.

Senator Jergeson then moved that Senate Bill No. 213 DO PASS AS AMENDED. This motion also passed without opposition, with the amendments reading as follows:

(see attached copy of Standing Committee Report)

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DISPOSITION OF SENATE BILL NO. 224: Senator Jergeson moved that the Bill DO NOT PASS. Discussion on the merits of the Bill was held, with Senator Jergeson stating he felt current procedure in contracting for architects allowed for better protection of the taxpayers in the school district in the long run.

Further discussion centered on tactics used by school boards in contracting for services and merits of public input. Senator Roskie's opinion was that the present requirements were not working in that the public input was a fallacy and the time element in requiring lengthy notice periods was a detriment to the taxpayer due to escalating prices.

Senator Roskie then made a substitute motion that Senate Bill No. 224 DO PASS; this motion carried by majority vote, with Senators Rasmussen and Jergeson voting "no".

DISPOSITION OF SENATE BILL NO. 287: Senator Jergeson's opinion was that the responsibility for the review could be put into an existing legislative committee so that a new one wouldn't have to be created. Senator Roskie agreed that it could then be handled under the Legislative Council.

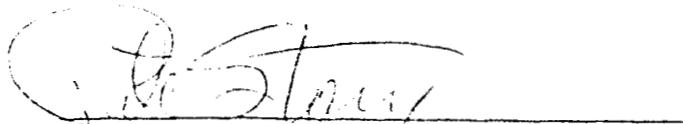
Senator Jergeson moved that the Bill be amended to put the form and paperwork review process under the jurisdiction of the Administrative Code Committee; motion passed without opposition.

Senator Brown then moved that Senate Bill No. 287 DO PASS AS AMENDED. This motion also passed unanimously with the amendments reading as follows:

(see attached copy of Standing Committee Report)

ADJOURNMENT:

There being no further business, the meeting was adjourned at 12:10 p.m.



PETE STORY, Chairman

Date Feb. 9, 1979

ROLL CALL.

STATE ADMINISTRATION COMMITTEE

46th LEGISLATIVE SESSION - 1979

Each Day Attach to Minutes.

DATE FEBRUARY 21 1979

COMMITTEE ON

SENATE STATE ADMINISTRATION

Edee. Mission

~~SENATE BILL No.~~

VISITORS' REGISTER

ROLL CALL VOTE RECORD

SENATE COMMITTEE ON STATE ADMINISTRATION

Decd Feb. 9, 1979 SENATE Bill No. 170 Time

Op. Pass as Amend.

Jennie L. Palmer
Secretary

Pete Story
Chairman

Motion: Sen. Rasmussen moved to amend SB 170 per the Realtors Assoc. proposal (No. I on attached list); motion carried by majority vote. Sen. Jergeson moved to adopt amendment No. III (proposed by Polk Co.) with changes indicated, to the exclusion of amendments II and IV on the list; motion carried by majority. Sen. Jergeson then moved the amendment proposed by the Comm. researcher (see attachment); motion carried unanimously. Sen. Roskie moved that SB 170 DO PASS AS AMENDED motion carried by majority vote, with Senators Ryan & Hafferan voting (include enough information on motion--put with yellow copy of committee report.) "no

STANDING COMMITTEE REPORT

.....February 3.....1970.....

MR.Resigned.....

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

having had under considerationSenate..... Bill No. 170.....

Respectfully report as follows: That.....Senate..... Bill No. 170.....

Introduced Bill, be amended as follows:

1. Page 1, line 11.

Strike: "subsection"

Insert: "subsections"

Following: "(3)"

Insert: ", (4), (5) and (6)"

2. Page 2, lines 1 and 2.

Following: "inspection."

Strike: remainder of lines 1 and 2 in their entirety

Insert: "(4) This section does not apply to the list of potential new voters provided for in 13-38-103 and 13-2-115.

(5) This section shall not prevent an agency from providing a list to persons providing prelicensing or continuing educational courses subject to Title 20, chapter 30, MCA.

DDP/ASSK

.....(continued).....

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(6) This section does not apply to the right of access by Montana law enforcement agencies or, by purchase or otherwise, of public records dealing with motor vehicle registration."

Renumber: subsequent subsection

And, as so amended, DO PASS

PROPOSED AMENDMENTS TO SB 170

Submitted by Realtors Assoc.

1. Page 1, line 11.

Strike: "subsection"

Insert: "subsections"

2. Page 1, line 11.

Following: "(3)"

Insert: "and (4)"

3. Page 2, following line 2.

Insert: "(4) This section shall not prevent an agency from providing a list to persons providing prelicensing or continuing educational courses subject to Title 20, chapter 30, MCA."

4. Renumber subsequent section.

Submitted by Montana Highway Dept., Motor Vehicle

1. Page 2, line 2.

Following: "13-38-103"

Strike: ".."

Insert: ", law enforcement agencies or, lists prepared for the purposes of motor vehicle recall campaigns"

Submitted by R. L. Polk Co., J.D. Lynch.

1. Page 2, line 3.

Following: "line 2"

Insert: "(a) This (act) does not apply to the right of access, by purchase or otherwise, of public records dealing with motor vehicle registration."

Submitted by John B. Rigg, Jr., Motor Vehicle Manufacturers Assn.

1390 Logan, Suite 210, Denver, Colorado 80203 303/832/1477

1. Page 2, line 2.

Following: "13-38-102"

Insert: "This section does not apply to the distribution or sale for use as a mailing list of any list of persons for the purpose of contacting owners of motor vehicles regarding defective conditions which may exist regarding such vehicles or for the purpose of contacting owners of motor vehicles regarding the sale and service of such motor vehicles".

SENATE BILL No. 170

PROPOSED AMENDMENT BY THE
COMMITTEE RESEARCHER
TO CLARIFY BILL LANGUAGE

1. Page 2, lines 1 and 2.

Following: "inspection."

Strike: remainder of lines 1 and 2 in their entirety

Insert: "(4) This section does not apply to the list
of potential new voters provided for in 13-38-103
and 13-2-115." ~~and (5)~~

Renumber: subsequent subsection

after Amend III

(5) -

(6) - " "

PROPOSED AMENDMENT TO 170

1. Page 2, line 2

Following: "13-38-103."

Insert: "This section does not apply to a list with data consisting solely of names, addresses, telephone numbers and occupations."

from Ross
Conner

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date Feb. 9, 1979 SENATE Bill No. 171 Time

Jennie L. Palmer
Secretary

Pete Story

Motion: Sen. George Roskie made a substitute motion to the substitute motion of Sen. Hafferman to amend Senate Bill No. 171 to include Class I and Class II cities; motion passed without opposition. Senator Bob Brown moved that Senate Bill No. 171 DO PASS AS AMENDED; motion carried by majority vote with Sen. Story voting "no".

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

STANDING COMMITTEE REPORT

February 9, 1979

MR. President

We, your committee on State Administration

having had under consideration Senate Bill No. 171

Respectfully report as follows: That Senate Bill No. 171,

Introduced Bill, be amended as follows:

1. Page 1, line 11.

Following: "space"

Insert: "in Class I and Class II cities"

And, as so amended,

DO PASS

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date Feb. 9, 1979 SENATE Bill No. 199 Time

De Cass confirmed.

Jennie L. Palmer
Secretary

Pete Story

Motion: Senator Greg Jergeson moved that Senate Bill No. 199 be amended per the "first choice" proposed amendment of Sen. Turnage, copy of which is attached; motion carried unanimously. Sen. Jergeson then moved that S.B. No. 199 DO PASS AS AMENDED: motion was passed without opposition.

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

STANDING COMMITTEE REPORT

.....February 9, 1979.....

MR.President.....

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

having had under considerationSenate..... Bill No.182.....

Respectfully report as follows: That.....Senate..... Bill No.182.....

Introduced Bill, be amended as follows:

1. Title, line 7.

Following: "ELIGIBILITY"

Insert: "AND PROVIDING FUNDING"

2. Title, line 8.

Following: "19-5-101"

Insert: ", 19-5-402, 19-5-404"

3. Page 3, line 1.

Insert: "Section 2. Section 19-5-402, MCA, is amended to read:

"19-5-402. Member's contribution deducted from salary.

Every member shall be required to contribute into the fund a sum equal to 6% 7.275% of his monthly salary, which sum shall be deducted from his salary and credited to his account in the fund."

Section 3. Section 19-5-404, MCA, is amended to read:

QD.PASS:

.....(continued).....

February 9, 1979

*19-5-404. Contributions by the state. The state of Montana shall contribute monthly to the fund a sum equal to ~~6%~~ 7.275% of the salary of each member. In addition, the clerk of each district court shall transmit 60% of the fees collected under 25-1-201 to the state, which shall first deposit in the fund an amount equal to 20% of the salaries paid to district judges and supreme court justices who are covered by the judges' retirement system and then deposit the balance in the state general fund. The clerk of the supreme court shall pay one-fourth of the fees collected under 3-2-403 to the public employees' retirement division of the department of administration to be credited to the fund. " "

Renumber: subsequent section

Am, as so amended, DO PASS

Draft - Suggested Amendment

TO SENATE BILL NO. 199

1st Choice
Turner

Amendment to Title

Page 1, Line 7, after the word "eligibility" add words "and providing funding".

Page 1, Line 8, after section citation "19-5-101" add punctuation ",," and section citations "19-5-402, 19-5-404".

AMENDMENT TO BILL

Page 2, after line 25, add:

Section 2; Section 19-5-402, MCA, is amended to read: "19-5-402. Member's contribution deducted from salary. Every member shall be required to contribute into the fund a sum equal to 6 $\frac{1}{2}$ 7.275% of his monthly salary, which sum shall be deducted from his salary and credited to his account in the fund."

Section 3; Section 19-5-404, ^{as amended to read; 19-5-404.} Contributions by the state. The state of Montana shall contribute monthly to the fund a sum equal to 6 $\frac{1}{2}$ 7.275% of the salary of each member. In addition,

the clerk of each district court shall transmit 60% of the fees collected under (35-1-232) to the state, which shall first deposit in the fund an amount equal to 20% of the salaries paid to district judges and supreme court justices who are covered by the judges' retirement system and then deposit the balance in the state general fund. The clerk of the supreme court shall pay one-fourth of the fees collected under 3-2-403 to the public employees' retirement division of the department of administration to be credited to the fund."

~~Number 1 amendment section~~

Page 3, Line 1. Strike after word "Section" the number "2" and

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date Feb 9 79 Single Bill No. 210 Time

② DO NOT Page

Jennie L. Palmer
Secretary

Pete Story

Motion: Senator Greg Jergeson then moved that Senate Bill No. 210 DO NOT PASS; motion carried by majority vote, with Senators Roskie and Rasmussen voting "no" /

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

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date Feb. 4, 1979 SENATE Bill No. 210 Time

by D. P. Pass

Jennie L. Palmer
Secretary

Pete Story

Motion: Senator Tom Rasmussen moved that Senate Bill No. 210
DO PASS: motion failed by pass with Senators Story,
Brown, Ryan, Jergeson and Hafferman voting "no".

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

STANDING COMMITTEE REPORT

.....February 9.....1979.....

MR. President.....

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

having had under consideration Senate Bill No. 210.....

Respectfully report as follows: That Senate Bill No. 210,

Introduced Bill,

DO PASS *P.A.* DO NOT PASS

ROLL CALL VOTE RECORD

SENATE COMMITTEE ON STATE ADMINISTRATION

Date Feb. 9, 1979 SENATE Bill No. 213 Time

Do Poco do Arroio.

NAME John Doe John Doe YES NO

2) Personal - Name

YES

5

31/10/2022

Senator Pete Story, Chairman

Senator George F. Roskie, V. Chairman

Senator Bob Brown

Senator A. T. (Tom) Rasmussen

Senator Patrick L. Ryan

Senator Greg Jorgeson

Senator William F. Hafferman

Jennie L. Palmer Pete Story

Secretary Chairman

Motion: Senator Greg Jergeson moved that Senate Bill No. 213 be amended on page 2, line 5 to read: "American National Standards Institute"; motion carried unanimously. He also moved that page 2, line 9 be amended to read: following "subsection (2)" insert: "unless disposal takes the form of transfer of records; in that case, reproduction will not be necessary"; motion passed unanimously. Sen. Jergeson then moved that SB 213 DO PASS AS AMENDED; motion carried without opposition.

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

STANDING COMMITTEE REPORT

February 9, 1973

MR. President

We, your committee on State Administration,

having had under consideration Senate Bill No. 213,

Respectfully report as follows: That Senate Bill No. 213,

Introduced Bill, be amended as follows:

1. Page 2, line 5.

Following: "the"

Strike: "national bureau of"

Insert: "American National Standards Institute"

2. Page 2, line 6.

Following: line 5

Strike: "standards"

3. Page 2, line 9.

Following: "subsection (2)"

Insert: ", unless disposal takes the form of transfer of records; in that case, reproduction will not be necessary"

And, as so amended,

DO PASS

ROLL CALL VOTE RECORD

SENATE COMMITTEE ON STATE ADMINISTRATION

Date Feb. 9, 1979 SENATE Bill No. 224 Time

THE NUMBER OF

22. 10. 6. 1978

On this s

Jennie L. Palmer
Secretary

Pete Story

Motion: Sen. Greg Jergeson moved that Senate Bill No. 244 DO NOT PASS. After discussion, Senator George Roskie made a substitute motion that Senate Bill No. 244 DO PASS; the substitute motion passed by majority vote, with Senators Rasmussen and Jergeson voting "no".

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

STANDING COMMITTEE REPORT

.....February 9, 1979.....

MR.President.....

We, your committee onState Administration.....

having had under considerationSenate..... Bill No. 224.....

Respectfully report as follows: ThatSenate..... Bill No. 224.....

Introduced Bill,

DO PASS

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date Feb. 9, 1979 SENATE Bill No. 287 Time
Document 61st Regular Session

| 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 | ✓ | |
| Senator William F. Hafferman | ✓ | |
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Jennie L. Palmer
Secretary

Pete Story

Motion: Senator Greg Jergeson moved that Senate Bill No. 287 be amended to read in the title, line 6: "the Administrative Code Committee"; amend lines 13 and 14 to refer to the Administrative Code Committee as defined in Title 5, chapter 14, part 1; strike Sections 3, 4, 5, 6, 7 and 8; renumber subsequent sections and strike Section 12; motion carried unanimously. Senator Bob Brown then moved that Senate Bill No. 287 DO PASS AS AMENDED; motion carried without opposition.
(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

February 9 1979

MR. President.....

We, your committee on State Administration

having had under consideration Senate..... Bill No. 287.....

Respectfully report as follows: That..... Senate..... Bill No. 287.....

Introduced Bill, be amended as follows:

1. Title, lines 6 through 8.

Following: "TO"

Strike: remainder of lines 6 through 8 in their entirety

Insert: "THE ADMINISTRATIVE CODE COMMITTEE."

2. Page 1, lines 13 through 14.

Following: "the"

Strike: remainder of lines 13 through 14 in their entirety

Insert: "administrative code committee as defined in Title 5,
chapter 14, part 1."

3. Page 2, lines 4 through 25.

Following: line 3

Strike: lines 4 through 25 in their entirety

OO.PASSK

(continued)

Committee on State Admin.
Senate Bill 287
Page 2

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4. Page 3, lines 1 through 17.
Strike: lines 1 through 17 in their entirety
Renumber: all subsequent sections

5. Page 4, lines 11 through 12.
Following: line 10
Strike: lines 11 through 12 in their entirety

And, as so amended, DO PASS

Pete Story, Chairman