

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 15, 1979

The twenty-fifth meeting of the Senate State Administration Committee was called to order by Senator George Roskie, Vice 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, with Sen. Story being late due to another committee meeting.

CONSIDERATION OF GOVERNOR JUDGE'S LIST OF APPOINTMENTS: Acting Chairman Roskie started with the recommendations for confirmation of the state directorships. The person assigned to do the investigating of the particular individual would be called on to make the recommendation pro or con.

Sen. Rasmussen moved the confirmation of David M. Lewis as Director of the Department of Administration; motion was unanimously passed.

Sen. Jergeson moved the confirmation of W. Gordon McOmber as Director of the Department of Agriculture; motion was unanimously passed.

Sen. Hafferman moved the confirmation of Ronald P. Richards as Director of the Department of Highways, giving background information per the resume' furnished to him. He acknowledged Richards did not have any engineering in his experience, but felt him to be a good administrator. Motion was accepted without opposition.

Sen. Brown moved confirmation of Ted J. Doney as Director of the Department of Natural Resources and Conservation. There was some discussion as to the bias of Mr. Doney and preferential treatment accorded senators or executives from ordinary citizens, but no objections to his appointment. Motion carried without opposition.

Sen. Jergeson moved confirmation of Laury Lewis as Acting Director of the Dept. of Revenue. Discussion centered on why the appointment of a temporary position should be confirmed when another person was then scheduled to take over at the end of the session. It was agreed that it was better to confirm the future appointment, rather than have a person act for almost 2 years before confirmation. Motion carried unanimously.

Sen. Ryan moved the confirmation of Mary Craig as Director of the Department of Revenue, to take effect at the end of the 1979 Legislative session; motion carried unanimously.

Sen. Jergeson moved that Keith L. Colbo be confirmed as Director of the Department of Social and Rehabilitation Services, stating that he has always done a good job in any position he held; motion carried unanimously.

Sen. Brown moved that Frank Haswell be confirmed as Chief Justice of the Montana Supreme Court, stating his background experience and qualifications; motion carried unanimously.

Sen. Hafferman moved confirmation of John Sheehy as Justice of the Montana Supreme Court and recommended him highly; motion carried unanimously.

Sen. Brown moved confirmation of James B. Wheelis as Judge of the Fourth Judicial District; motion carried without opposition.

Sen. Ryan moved confirmation of John M. McCarvel as Judge of the Eighth Judicial District and mentioned he felt he had overcome some problems and would be a good judge; motion carried unanimously.

Sen. Hafferman moved confirmation of Robert M. Holter as Judge of the Nineteenth Judicial District, stating that he was very much admired in the area by everyone. Motion passed unanimously.

For appointment to the Board of Aeronautics:

Richard O'Brien - Sen. Jergeson recommended confirmation

A.J. Patenaude - Sen. Roskie stated Sen. Story had no objections to this confirmation

Bruce E. Vanica - Sen. Roskie recommended confirmation

Sen. Jergeson moved the above persons be confirmed; motion carried without opposition.

For appointment to the Board of Architects:

George C. Page - Sen. Roskie highly recommended confirmation
Harold Rose' - Sen. Brown recommended confirmation

Sen. Brown moved the above persons be confirmed; motion passed without opposition.

For appointment to the Montana Arts Council:

Mrs. Franklin H. Blackmer - Sen. Roskie recommended confirmation

Irene Claudette Johnson and Marian Thielman - Sen. Jergeson recommended confirmation of both

Joseph Munzenrider - Sen. Rasmussen recommended confirmation

David Shaner - Sen. Brown recommended confirmation

Sen. Jergeson moved the above persons be confirmed; motion carried unanimously.

To expedite the proceedings, the Acting Chairman stated if there were any objections to any person nominated to a board, they would be handled by exception.

For appointment to the Montana Coal Board:

Jack E. Cohn

B.J. Goodheart

illiam F. Meisburger
Eugene Schuld
Henry Siderius
Mrs. John Justin Sullivan
Paul Palm

It was the concensus of opinion that Jack Cohn was the controversial person on this board, but without any written objection or person appearing in opposition, it could be left to bring out on the floor.

Sen. Jergeson moved that the above persons be confirmed; motion carried without opposition.

For appointment to the Board of Crime Control:

Mike Greely, Attorney General
Hon. Frank I. Haswell, Chief Justice
Frank W. Hazelbaker, Senator
Jeremiah F. Johnson
Peter M. (Mike) Meloy
Lawrence M. Zanto

Sen. Rasmussen moved that the above persons be confirmed; motion carried unanimously.

For apointment to the Board of Public Education:

Neil J. Lynch
Harriet C. Meloy

Sen. Brown moved the above persons be confirmed; motion carried without opposition.

For appointment to the State Electrical Board:

George M. Donaldson
Kenneth Olsen

Sen. Jergeson mentioned the problem of this board being subject to the sunset hearings and that it licenses the electrical people and then the inspection process is done by a different agency and felt there should be some coordination between these. He stated they should be attached to the Department of Administration. Sen. Hafferman questioned if complaints about the people on the board had been received; there was none that had been brought to the attention of any committee member.

Sen. Jergeson then moved the above persons be confirmed; motion carried without opposition.

For appointment to the Fish and Game Commission:

Arthur C. Hagenston
Spencer S. Hegstad
Earl L. Sherron, Jr.

Sen. Brown moved the above persons be confirmed; motion passed without opposition.

For appointment to the Board of Health & Environmental Sciences:

Dr. John F. McGregor
Charles R. Shields
William A. Spoja, Jr.

Sen. Rasmussen moved confirmation of the above persons; motion carried unanimously.

Sen. Story resumed chairmanship of the Committee, with Sen. Roskie explaining the procedure taken.

For appointment to the Highway Commission:

Baxter Larson
David McNalley
George Vucanovich

Sen. Jergeson moved confirmation of the above persons; motion carried unanimously.

For appointment to the Board of Trustees of the State Historical Society:

Manson R. Bailey, Jr.
Mrs. Charles Bovey
E.E. MacGilvra
Michael Malone
Eric John Myhre
Dr. Dee C. Taylor

Sen. Brown moved confirmation of the above persons; motion carried without opposition.

For appointment to the Board of Horse Racing:

Robert J. Holland
Dale D. Mahlum
Dr. Joseph Murphy

Sen. Rasmussen moved confirmation of the above persons; motion was unanimously passed.

For appointment to the Board of Housing:

William A. Groff
Robert F. James
Virginia Jellison
James J. Leary
Calvin Robinson

Sen. Ryan moved confirmation of the above persons; motion was unanimously passed.

For appointment to the Board of Institutions:

John W. Devine
W.J. Hoopes, M.D.
Zella A. Jacobson
Willis McKeon

Sen. Hafferman moved confirmation of the above persons; motion was unanimously accepted.

For appointment to the Board of Investments:

John A. Hauf
Jay Lalonde

Sen. Hafferman moved the above persons be confirmed; motion passed unanimously.

For appointment to the Board of Labor Appeals:

James W. Murry

After questioning which side Mr. Murry would represent on this Board, Sen. Hafferman moved the confirmation of the above person. Motion carried without opposition.

For appointment to the Board of Livestock:

Donald L. Herzog

Sen. Jergeson moved confirmation of the above person; motion carried unanimously.

For appointment to the Board of Medical Examiners:

C.G. McCarthy, M.D.
John W. Strizich, M.D.

Sen. Brown moved confirmation of the above persons; motion passed unanimously.

For appointment to the Board of Milk Control:

Curtis A. Cook
Patricia DeVries

After discussion on the merits of the board and its necessity or if its functions should be withdrawn, Sen. Brown moved the above persons be confirmed; motion passed with Sen. Hafferman voting "no".

For appointment to the Board of Morticians:

J. Everett Bullis
Lyman M. Clayton, Jr.
Dennis F. Dolan
Jack H. Severns
Vernon H. Vial

Sen. Roskie moved confirmation of the above persons; motion carried without opposition.

For appointment to the Board of Natural Resources & Conservation:

William Bertsche
J. Viola Herak

Sen. Jergeson moved confirmation of the above persons; motion was passed unanimously.

For appointment to the Board of Oil and Gas Conservation:

Paul C. Bunn
Richard A. Campbell

Sen. Roskie moved the above persons be confirmed; motion carried unanimously.

For appointment to the Board of Personnel Appeals:

John J. Quinn
Joseph B. Reber

After a short discussion on the affiliation of Mr. Reber as to his interest in the best interests of the public, Sen. Hafferman moved confirmation of the above persons; motion carried without opposition.

For appointment to the Board of Regents of Higher Education:

Laura W. Briney
Jeffrey B. Morrison
Mrs. Mary Pace

Sen. Ryan moved confirmation of the above persons after a short discussion on confirming a person whose term had already expired. Motion carried without opposition.

For appointment to the Board of Social & Rehabilitation Appeals:

Gerald D. Schultz

After discussion as to what the functions of this board might be, such as medicare or medicaid payments from nursing homes, Sen. Jergeson moved the above persons be confirmed. Motion passed unanimously.

For appointment to the Board of Water Well Contractors:

T.F. Benes

Sen. Brown moved confirmation of the above person, which passed unanimously.

Chairman Story advised the Committee this report would not be sent out on the floor until after transmittal deadline. Discussion on the procedure was held with the Chairman mentioning he had received 6 letters against Ron Richards on different issues.

RECONSIDERATION OF SENATE BILL NO. 138: The Chairman explained that the Secretary of State had decided this bill was perhaps premature as they were not sure how much money they really did need. They didn't like our amendment to cut it to 10%, and rather than use this as a vehicle to transfer it to the other House, Sen. Peterson, sponsor of the bill, asked that we take it back and hold it in the committee.

Sen. Jergeson then moved that Senate Bill No. 138 be tabled; motion carried by unanimous vote.

The Committee was furnished with a copy of the Report and Recommendation of the Salary Commission which was commented on at some length, including mentioning legislators' salaries.

DISPOSITION OF SENATE BILL NO. 233: Sen. Roskie moved that Senate Bill No. 233 DO NOT PASS. Discussion was called for.

Sen. Rasmussen thought that the public did have a valid interest in this lobby measure and perhaps there would be a referendum on the issue and that it would be best to take care of it while they still had some control.

Sen. Story commented this bill focuses only on the business and industry lobbying, not on the lobbying being done by the state agencies and their personnel, which is our tax money being spent on lobbying. He felt the largest amount of money was spent by state agencies. He had gathered some statistics which indicated as much as \$1.5 million per year is spent by the Department of Natural Resources. The Department of Health also spends a great deal of money on so-called public meetings, brochures and propaganda. As an example, the Board of Health made a movie costing \$23,000 which no one will ever see - it was made to influence legislation, but failed to meet their specific purposes so it was shelved. This was paid for by our tax money.

Sen. Brown did not think the bill dealt with that and that establishment of a limitation is not good - that everyone should have to file a statement at the end of the session, whether it be a hippy-type or a Montana Power executive.

Sen. Roskie agreed with Sen. Story on the point of other groups spending large amounts of money trying to influence legislators, including the Council of Churches.

Sen. Jergeson contended it would be meaningful to the people to find out where that money was coming from.

Sen. Ryan made a correlation between this and the sudden interest in alcoholics simply because there is now a funded program dealing with them.

Question was called for. Upon roll call vote, the motion of "do not pass" carried by majority vote, with Senators Brown, Rasmussen and Jergeson voting "no".

DISPOSITION OF SENATE BILL NO. 351: The Chairman commented that the Salary Commission's Report did not show what they were particularly interested in as far as how they could relate that to this bill on increasing the Tax Appeal Board's salary, but that it should not go back to the governor because of the conflict of interest.

Sen. Jergeson moved that Senate Bill No. 351 DO PASS. Discussion ensued, with Sen. Rasmussen stating it should be amended.

Considerable discussion was held on who should handle setting the salaries for this board and the proper amount of increase to allow, after which Sen. Pat Ryan moved that Senate Bill No. 351 DO NOT PASS as a substitute motion.

Upon discussion, the Chairman explained the position had just been created a couple of sessions ago so there was really not anything comparable to use as a guide.

Upon voting, the motion failed, which brought the Committee back to the Do Pass motion.

Sen. Rasmussen made a substitute motion of DO PASS AS AMENDED and stated he would like to see the board tied to something.

Further discussion was held on the logical place to tie in this board and what increase in salary would be reasonable, with Sen. Rasmussen expressing he felt the chairman should receive at least \$1,000 more than the other board members as she also handled all of the duties that an executive secretary would do.

Researcher Kathleen Harrington explained that this board was originally under the exemption statute where the governor set the salaries and that last session, it was put under the legislature.

In discussion relating to plugging it into the state pay plan, the researcher was directed to find the grade and step which would come closest to \$21,000 for the chairman and \$20,000 for the other members. A grade 17, step 1 is presently \$20,156 and a grade 16, step 3 is \$19,341. Sen. Ryan pointed out that if this was put under the state plan, then they would get into a bunch of paperwork on having to get a job classification, etc.

In further discussion, it was mentioned trying to get away from having to consider a bill each session and changing the salary to reflect a 6% increase.

Sen. Brown moved to fix the chairman's salary at \$21,500 and the other members of the board at \$20,500 and worry about getting in another bill next time. He also included with this motion the amendment to strike any reference to the governor. The motion carried by majority vote, with Senators Hafferman and Ryan voting "no".

Sen. Brown then moved that Senate Bill No. 351 DO PASS AS AMENDED; motion carried by majority vote, with Senators Ryan and Hafferman voting "no", the amendments being as follows: (See attached copy of Standing Committee Report)

DISPOSITION OF SENATE BILL NO. 360: Sen. Jergeson felt there should be an interim study committee to study all these retirement systems as they all seem to have a rippling effect and seem to be expanding so rapidly, it is quite confusing. Sen. Roskie expressed some questions as to funding.

Sen. Roskie then moved that Senate Bill No. 360 DO NOT PASS; motion carried unanimously with Sen. Rasmussen abstaining as he did not hear the testimony on this bill.

DISPOSITION OF SENATE BILL NO. 370: Sen. Jergeson moved that Senate Bill No. 370 DO PASS on the basis of the savings to the state if private aircraft is utilized.

Sen. Roskie requested a letter of intent on this bill in order to clarify the cost-efficiency of private aircraft use over state-owned vehicles. Motion passed without opposition.

DISPOSITION OF SENATE BILL NO. 403: Researcher Harrington advised the Committee that none of the bills presently introduced actually recreates the board of real estate.

After discussion Sen. Bill Hafferman moved that Senate Bill No. 403 DO PASS. Sen. Jergeson made a substitute motion that Senate Bill No. 403 BE AMENDED to provide for an immediate effective date. This motion passed unanimously, as did the motion to pass, with the amendments being as follows: (See attached copy of Standing Committee Report)

ADJOURNMENT:

There being no further business, the meeting was adjourned by Chairman Story at 12:15 P.M.


Pete Story, Chairman

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date Feb 15-79 Senate Bill No. 138 Second Reading Ser
Time 10:30 in Room
Committee on Finance

Jennie L. Palmer
Secretary

Pete Story

Motion:

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

Date Feb. 15, 1979

ROLL CALL,

STATE ADMINISTRATION COMMITTEE

46th LEGISLATIVE SESSION - 1979

Each Day Attach to Minutes.

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date Feb. 15-79 Seville Bill No. 360 Time

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Jennie L. Palmer
Secretary

Pete Story

Motion: Senator Roskie moved that Senate Bill No. 360 DO
NOT PASS; motion carried by unanimous vote with
Senator Rasmussen abstaining as he did not hear
the testimony on the Bill.

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

STANDING COMMITTEE REPORT

February 15, 1979

MR. President

We, your committee on State Administration,

having had under consideration Senate Bill No. 260,

Respectfully report as follows: That Senate Bill No. 350,

Introduced Bill,

~~DO PASS~~ DO NOT PASS

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date Feb. 15, 1979 SENATE Bill No. 233 Time
(D) DO NOT PASS

Jennie L. Palmer
Secretary

Pete Story
Chairman

Motion: Senator George Roskie moved that Senate Bill No. 233
DO NOT PASS; motion carried by majority vote,
with Senators Brown, Rasmussen and Jergeson
voting "no".

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

STANDING COMMITTEE REPORT

.....February 13.....1979.....

MR. **President**

We, your committee on **State Administration**

having had under consideration **Senate** Bill No. 233....

Respectfully report as follows: That **Senate** Bill No. 233,....

Introduced Bill,

DO PASS **DO NOT PRESS**

AMENDMENTS TO SENATE BILL 233

SECTION 2(1):

Page 1, beginning at Line 25 strike everything after the word "of" to the end of said Subsection (1) and insert "attempting to influence legislative action."

SECTION 2(2):

Page 2, beginning at Line 11 after the word "behalf" insert "and not in concert with others".

Page 2, beginning at Line 16 strike all the language after the word "When" to and including the word "lobbyist" on Page 2, Line 22.

SECTION 2(5):

Page 3, at Lines 20 and 21 strike the words "in excess of \$1,000".

SECTION 2(5)(b):

Page 4, at Lines 1 and 2 strike the words "in excess of \$1,000".

Page 4, at Line 5 add the words "For purposes of this subsection, any of the entities mentioned herein have spent money if regularly salaried employees attempt to influence legislative action."

SECTION 7:

Page 7, at Line 18 after the word "efforts" insert "or reimbursement for expenses".

(more)

SECTION 8(1)(d):

Page 8, at Line 17 strike the ";" following the word "lobbying" and insert "and the cost of articles or editorials expressing a position on any present or future legislative proposals;"

SECTION 8(2):

Page 9, at Line 2 strike "\$100" and insert "\$5.00".

SECTION 8(3):

Page 9, at Line 10 strike "\$500" and insert "\$10.00".

SECTION 8:

Page 10, after the end of the present Section 8, insert the following subsections:

"(6) list all persons who provided services without cost to support or oppose legislative action at the request or instigation of the principal showing the nature of the services rendered, the date when rendered and purpose for which rendered;

(7) list all regularly salaried employees of any board, department, commission, or other agency of the state, or any county or municipal corporation who spent time attempting to influence legislative action, indicating the nature of the services rendered and the date when rendered;

(8) the accounting required by this section shall include a statement by the attorney or advisor who prepares or presents information to a lobbyist, verifying the amount charged by him for such services."

James
Mark
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ADDITIONS TO AMENDMENTS TO SENATE BILL 233

(SECTION 8 cont.)

(9) list all contractual payments to firms not under the control of the principal showing the nature of the services rendered, the date when rendered and the purpose for which rendered when any part of the contract has the effect of lobbying as defined in the amended version of Section 1.

(10) list the amounts of all general purpose or special grants or donations by any principal to any individual or organization, listing the name of the recipient and the percentage of the grant or donation used to attempt to influence legislation.

AMENDMENTS TO SENATE BILL 233

SECTION 2(1):

Page 1, beginning at Line 25 strike everything after the word "of" to the end of said Subsection (1) and insert "attempting to influence legislative action."

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(7) list all regularly salaried employees of any board, department, commission, or other agency of the state, or any county or municipal corporation who spent time attempting to influence legislative action, indicating the nature of the services rendered and the date when rendered;

(8) the accounting required by this section shall include a statement by the attorney or advisor who prepares or presents information to a lobbyist, verifying the amount charged by him for such services."

ADDITIONS TO AMENDMENTS TO SENATE BILL 233

(SECTION 8 cont.)

(9) list all contractual payments to firms not under the control of the principal showing the nature of the services rendered, the date when rendered and the purpose for which rendered when any part of the contract has the effect of lobbying as defined in the amended version of Section 1.

(10) list the amounts of all general purpose or special grants or donations by any principal to any individual or organization, listing the name of the recipient and the percentage of the grant or donation used to attempt to influence legislation.

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date Feb 15-79 Ent Bill No. 403 Time

(3) Amend to amend affidavit to
(2) do same as present.

NAME _____ YES _____ NO _____

Jennie L. Palmer
Secretary

Pete Story

Motion: Senator Greg Jergeson moved that Senate Bill No. 403 BE AMENDED to provide for an immediate effective date as follows: Title, line 6. Following "MCA", Insert "; PROVIDING AN IMMEDIATE EFFECTIVE DATE" Page 2, line 11. Following line 10, Insert "Section 2. Effective date. This act is effective on passage and approval." Motion carried by unanimous vote. Sen. Bill Hafferman then moved that Senate Bill No. 403 DO PASS AS AMENDED; motion carried without opposition.
(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

February 15, 1973

MR. President.....

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

having had under consideration Senate..... Bill No. 403.....

Respectfully report as follows: That..... Senate..... Bill No. 403.....

Introduced Bill, be amended as follows:

1. Title, line 6.

Following: "MCA"

Insert: ";" PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2, line 11.

Following: line 10

Insert: "Section 2. Effective date. This act is effective on
passage and approval."

And, as so amended,

DO PASS

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date Feb 15-79 1979 Bill No. 351 Time

(2) $D \in \mathbb{R}^{200 \times 3}$

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or Not Pass

Jennie L. Palmer
Secretary

Pete Story
Chairman

Motion: Senator Pat Ryan made a substitute motion to Senator Jergeson's motion which is that Senate Bill No. 351 DO NOT PASS; this motion failed to pass with only Sen. Ryan and Senator Roskie voting "yes".

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

ROLL CALL VOTE RECORD

SENATE COMMITTEE

STATE ADMINISTRATION

Date Feb 15-74 Bill No. 351 Time

Bill No. 357 Time

2. a. 1. to die

NAME _____

YES

NO reference to love

Jennie L. Palmer
Secretary

Pete Story
Chairman

Motion: Senator Bob Brown moved that Senate Bill No. 351 BE
AMENDED to increase the salary of the Chairman of the Tax Appeal
Board to \$21,500.00 and the other board members to \$20,500.00 and
strike the reference to the governor's office; motion carried by
majority vote, with Senators Ryan and Hafferman voting "no".
(include enough information on motion--put with yellow copy of
committee report.)

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date Feb. 15-29 19 85 th Bill No. 351 Time

Jennie L. Palmer
Secretary

Pete Story
Chairman

Motion: Senator Bob Brown then moved that Senate Bill No. 351
DO PASS AS AMENDED: motion carried by majority vote, with
Senators Ryan and Hafferman voting "no".

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

STANDING COMMITTEE REPORT

February ¹⁵ 19 79

MR. President

We, your committee on State Administration

having had under consideration Senate Bill No. 351

Respectfully report as follows: That Senate Bill No. 351

Introduced Bill, be amended as follows:

1. Title, line 5.

Following: "CHAIRMAN"

Insert: "AND MEMBERS"

Following: "BOARD;"

Strike: "AND TO"

2. Title, lines 6 and 7.

Following: line 5

Strike: line 6 in its entirety through "MEMBERS;" on line 7

3. Page 2, line 1.

Following: "receive"

Strike: "additional compensation of not more than"

Insert: "a salary of \$21,500"

DO PASSX

(continued)

February 15 1979

4. Page 2, line 2.

Following: line 1

Strike: "\$1,000"

Following: "year"

Strike: ", payable in the same manner as the salary"

Following: "The"

Insert: "remaining"

5. Page 2, line 3.

Following: "board"

Insert: "members"

Following: "paid"

Strike: "such salary as"

Insert: "a salary of \$20,500 a year."

6. Page 2, line 4.

Following: line 3

Strike: "determined by the governor and"

Insert: "All members of the board shall receive"

Following: "expenses"

Strike: ","

And, as so amended, DO PASS

9a.