

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

March 20, 1979

The forty-seventh meeting of the State Administration Committee was called to order by Chairman Pete Story on the above date in Room 442 of the State Capitol at 10:00 A.M.

ROLL CALL: All members of the Committee were present.

CONSIDERATION OF HOUSE BILL NO. 775: The Chairman called on Rep. Ann Mary Dussault, House District 95, Missoula, to present her testimony as sponsor of the Bill.

Rep. Dussault advised this Bill proposes three amendments to the law presently on the books. The first is on page 2, line 2, where it deletes Subsection 3. Sufficient money and time have not been allocated for this specific purpose. The "duty" to promote scientific and medical research concerning the incidence, cause, prevention and care of developmental disabilities has been changed from a mandatory duty imposed by the word "shall" to a permissive duty, on page 4. This problem arose a year ago, so we felt we should take care of it. The second change is on page 3 and involves mandating habilitation plans for all developmentally disabled clients who are in a community-based program funded by the state. All state institutions' programs for DD clients are required to provide habilitation plans. However, the duty of community-based programs to provide habilitation plans is not clearly stated by the regulations adopted by SRS. This duty should be clearly stated so that these training programs will be available for all DD clients. Rep. Dussault emphasized that these programs are supposed to be training programs. The third change is on page 6, lines 2 to 6, and allows reimbursement for actual expenses incurred by regional council members, who are state or county employees, in attending these meetings. These persons are not compensated for serving on the council. However, some council members must travel a great distance to attend these meetings at their own expense, while council members who are not state or county employees are compensated. She stated they had worked out these amendments in cooperation with the Dept. of SRS.

Further proponents were called for by the Chairman.

Aage Hansen, representing the Developmentally Disabled, testified they concur in this Bill and requested the Committee to support it.

There being no opponents, questions from the committee were called for.

Senator Ryan asked to be clarified on what the rehabilitation plan is, to which Rep. Dussault responded that the training plan had specific goals and growth expectations for the training of the disabled person.

Senator Story questioned increasing the cost by the third change. Beth Richter, State D D Council, responded that this provision just related to the regional council members. The law presently states that state and county employees may not be reimbursed for traveling expenses, and this would allow the reimbursement. Rep. Dussault added these people are not receiving any reimbursement of travel expenses to these meetings, but it might only affect one or two persons.

Senator Roskie commented that it seemed strange that this should have to be mandated by statute, to which Rep. Dussault replied that the SRS and the privately-operated corporations which run these community based services have contracts, and at times it puts the state agency in an untenable position; we want to be sure that these programs are training programs. Mr. Hansen added that the SRS has to have adopted a standard program, so real problems have never come up with minimum standards.

Senator Story inquired if a nursing home is considered a community-based facility, and was answered "no" and that the activity centers and group homes did handle the profoundly retarded.

Responding to Senator Story's questions relative to the minimum standards for the trainable and the profoundly retarded, Mr. Hansen stated that the program is geared to help each individual; that they fit a training program to the individual, rather than trying to fit the person to the program.

Senator Story commented that they see separate bills introduced each time: one year it asks for standards, and the next time asking for money to implement these, and wondered if that would happen here. Rep. Dussault replied that this will not cost any additional money, particularly where the law requiring all these things to be done is being repealed by this Bill. Continuing his questions, Senator Story asked if Rep. Dussault was familiar with the programs around the state, to which she replied mostly in the western part, and that Senator Olson has been a member of the DD council.

Senator Pat Ryan moved that House Bill No. 755 BE CONCURRED IN; motion carried by unanimous vote. Senator Ryan will also carry the Bill on the floor.

CONSIDERATION OF HOUSE BILL NO. 174: The Chairman called on Rep. John Vincent, House District 78, Bozeman, to present his testimony as sponsor of the Bill.

Rep. Vincent stated that the legislature had annual session bills brought up each time, but this is the only bill remaining out of those introduced this session. In explaining how his Bill was drafted, Rep. Vincent thought this was the most workable as it provided for 60-day sessions, with the session in the odd-numbered years being restricted to appropriation and tax bills and those

March 20, 1979

in even-numbered years limited to bills approved for introduction by two-thirds vote of either house or that specifically requested by the governor. If an annual session bill is to be successful, it must have restrictions which appeal to the people, he felt. This would still allow studies and interim hearings in preparation for the next session. Changes like bill drafting requests allowed only up to December 20th should make things move faster. A recent Republican poll on this issue showed that 54% of the people favored annual sessions with only 20% actually opposing them. He thought from that, that a fairly safe assumption would be that about 64% of the people would vote in favor of annual sessions. The issue really isn't if the legislators should have annual sessions, but whether this question should be voted on by the people. According to the Fiscal Note with the Bill, the cost for the annual session is a little over \$900,000, he said, and that if this issue were submitted on the ballot this time, it is lost, it should end annual session bills for quite some time.

Senator Story questioned how many third reading votes it had received, to which Rep. Vincent replied 60, and it would, therefore, take 40 Senate votes to pass.

Proponents were called for by the Chairman.

Joy Bruck, representing the League of Women Voters, rose in support of the legislation and submitted her testimony in writing, copy of which is attached hereto for further particulars, which related to cutting down expenses by eliminating so much interim activity and more efficient handling of bills by meeting every year.

Bill Bronson, Montana Student Lobby, presented testimony for Curt Johnson, supporting the Bill, copy of which is attached to these original Minutes for further particulars, and referred to a poll conducted by MSL, representing the entire university system, which indicated 64.16% were for annual sessions.

Paul Richards, Montana Common Cause, supporting the concept that annual sessions would allow issues to be considered in a timely manner, stated that the legislature is the only process for implementation of laws and the only one which has a check and balance system. Meeting only once every 24 months is not a time frame in which to thoroughly sort through so many new proposed laws.

Curt Johnson, Montana Student Lobby, in support of the Bill, restated the results of the student survey indicated an affirmative vote in favor of annual sessions.

Opponents were then called for.

Ed Nelson, representing the Montana Taxpayers Association, in opposition to the proposal, suggested looking at the fact that annual sessions would exclude some persons from running for the legislature. People holding down full-time jobs elsewhere or running a business or ranch usually can't afford to be away from their work that much every year, and the people who would run for election would then tend to be full time legislators. Another

March 20, 1979

problem was demonstrated by the trial annual session when they wound up with all the controversial bills being held over to the next annual session. Additional costs should be considered also, and perhaps something should be in the bill which states more clearly what can be handled in each session. He felt several issues were not addressed in this Bill.

There being no further testimony, questions by the Committee were called for.

Senator Brown questioned what the reason for restriction in odd-numbered years of issues which could be considered and no limitations on even-numbered years. Rep. Vincent responded that this was done in order to accommodate the appropriation session being in the odd-numbered year as it is now, with the first annual session being in the odd-numbered year. It would be then restricted to consideration of tax measures and appropriation. Only deviation would be bills which would receive a two-thirds vote to consider.

Senator Brown inquired if Rep. Vincent thought a 60-day regular session would be long enough and was answered that they had considered a 60 and 40-day split, but it was not as agreeable. It does increase the number of days over all, but if appropriation measures were not put into the general legislative session, he thought there would be enough time to allow for processing all general bills.

Senator Brown was inclined to consider amendments relative to the number of days allowed as the arguments were always in the last couple of weeks of a session, and perhaps a limitation of a total of 100 days in the two years. Rep. Vincent advised he would not object to amendments on the bill.

In closing, Rep. Vincent referred to the 1973-75 sessions as still retaining a great cross membership of persons and felt this would continue to be so. If the size of the legislature was reduced, then is when you would cut down on the people who could serve. Both the Senate and the House districts would increase in area, and he felt this would not be in the best interests of the people as some of the legislators have already discovered the problem of representing people in widely -scattered areas with different problems and the expense involved in traveling to these areas.

Senator Roskie questioned, in view of the fact that they are now geared to bi-annual sessions, if the rules, procedures, etc., could be completely revamped to accommodate yearly sessions. In responding, Rep. Vincent stated that he thought it could be handled. An example would be advance bill drafting requests with a deadline for filing of Dec. 20th, with only two being allowed after that time. This would also help the Legislative Council out. Transmittal deadlines would be revised; Idaho has no transmittal deadline, but Montana may not want that.

March 20, 1979

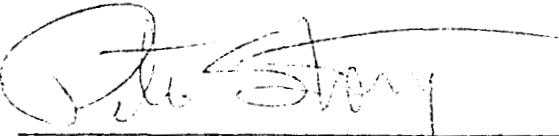
After some discussion on amending the Bill, Senator Ryan moved that House Bill No. 174 BE CONCURRED IN.

Senator Brown objected that it should be amended first to make it a better bill, whereupon Senator Ryan withdrew his motion.

The Chairman announced that due to other meeting schedules, their time had run out.

ADJOURNMENT:

There being no further business to come before the Committee, the meeting adjourned.



PETE STORY, CHAIRMAN

Date March 26, 1979

ROLL CALL.

STATE ADMINISTRATION COMMITTEE

46th LEGISLATIVE SESSION - 1979

Each Day Attach to Minutes.

DATE March 20, 1979

COMMITTEE ON

H.B. 174 & 755_v

VISITORS' REGISTER

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date 3-29-79 Name Bill No. 174 Time

Time

Dr. Ross

W. J. Reed
ND

NO

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

Jennie L. Palmer

Pete Story

Secretary

Chairman

Motion:

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

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date March 25, 1969 Room 100 Bill No. 7000 Time 10:00

④ B. luteo-ochracea

Jennie L. Palmer
Secretary

Pete Story

Motion: Senator Pat Ryan moved that House Bill No. 755

BE CONCURRED IN: motion carried by unanimous vote

Senator Ryan will carry the Bill on the floor.

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

STANDING COMMITTEE REPORT

March 20, 1979

MR. President

We, your committee on State Administration

having had under consideration House Bill No. 755

Dussault (P. Ryan)

Respectfully report as follows: That House Bill No. 755,

Third Reading Bill,

~~HB 755~~
CO-PASS

BE CONCURRED IN

1 HOUSE BILL NO. 174
2 INTRODUCED BY VINCENT
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO SUMMIT TO THE
5 QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE V.
6 SECTION 6. OF THE MONTANA CONSTITUTION TO PROVIDE THAT THE
7 LEGISLATURE SHALL MEET IN ANNUAL SESSIONS AND TO PROVIDE
8 LIMITATIONS ON THE BUSINESS THAT MAY BE CONDUCTED IN
9 EVEN-NUMBERED YEARS; AND PROVIDING AN EFFECTIVE DATE."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 Section 1. Article V, section 6, of the Montana
13 constitution is amended to read:

14 "Section 6. Sessions. The legislature shall meet--each
15 odd-numbered--year--in--regular--session--of--not--more--than--90
16 legislative--days, be a continuous--body--for 2--year--periods
17 beginning--when--the--only--slighted--members--take--office. The
18 legislature--shall--meet--once--a--year--in--a--regular--session--of
19 not--more--than--25--legislative--days--in--addition
20 to--legislation--relating--to--the--budget--and--financing--and--all
21 other--legislation--which--has--been--approved--for--introduction
22 session--in--excess--numbered--25--numbered--years--shall--be--limited
23 to--legislation--relating--to--the--budget--and--financing--and--all
24 other--legislation--which--has--been--approved--for--introduction
25 by--a--two--thirds--vote--of--the--members--of--either--house.)

1 legislature may increase the limit on the length of any
2 subsequent session. The legislature may be convened in
3 special sessions by the governor or at the written request
4 of a majority of the members.
5 Section 2. Effective date. If approved by the
6 electorate, this amendment shall be effective January 1,
7 1988 1991.
8 Section 3. Submission to electorate. This amendment
9 shall be submitted to the electors of the state of Montana
10 at the general election to be held November 6-7-1979 & 1980.
11 by printing on the ballot the full title of this act and the
12 following:
13 FOR annual sessions.
14 AGAINST annual sessions.
15
16
17
18
19
20
21
22
23
24
25

-?--

Montana Student Lobby

Curt Johnson, Lobbyist
1008 11th Avenue, Apt. #6
Helena, Montana • 59601

TO: SENATE STATE ADMINISTRATION 3/20
FROM: CURT JOHNSON
SUBJECT: HB 174 ANNUAL SESSIONS

The Montana Student Lobby represents the coalition of student interest at the 6 units of higher education in the University System.

In a survey conducted by the MSL, 100 students were randomly selected at each unit to respond to the question; "The Montana Legislature should have annual sessions." The results were as follows:

<u>UNIT</u>	<u>AGREE</u>	<u>DISAGREE</u>	<u>UNDECIDED</u>
MSU	63.7%	21.2%	15.1%
UM	78.8	12	9
EMC	75	9	9
NMC	63	19	17
TEC	43.3	37.8	18.9
WMC	<u>64.9</u>	<u>17.5</u>	<u>12.3</u>
MUS TOTAL	64.16	19.16	13.16

There are continual cries to make state government and their subsequent agencies more accountable with spending and to the citizens of the state. It only stands to reason that the business of the state would most efficiently be handled if the Legislative Assembly were to meet each year. At the amount indicated in the fiscal note, a move of this kind would be considered a wise investment.

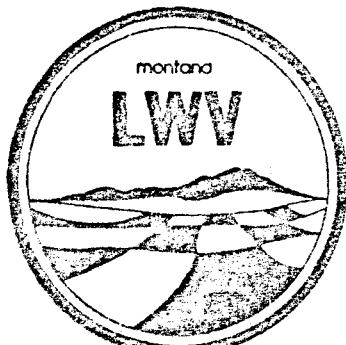
Due to the given nature of the University System there are many independent budget variables, namely students, that fluctuate over the biennium. This makes the processing of budgeting with any great accuracy quite difficult.

Once again, the MSL feels that annual sessions would serve to the benefit of all the people of the state, not only the University System. The provision for placing the ultimate decision before the voters of the state would further add support for the measure.

MSL Membership:

Montana State University • University of
Montana • Eastern Montana College • Montana Tech

March 26-77



HB 174

Annual Sessions

The League of Women Voters of Montana has supported annual sessions for years. As each session and interim passes, we can see an even greater need for the legislature to meet annually. More bills are introduced and have to be dealt with while, at the same time, an ever-growing budget must be handled. Separating the budget and general legislation could prove to be more efficient.

Interim activities are also growing-more studies are done - more oversight committees are established; there seems to be an almost continuous flow of legislators in and out of Helena. We think some of the interim activities could be handled during the budget session - not all legislators would be involved at all times with the budget concerns. And, possibly some of the interim activities needed during the long 21 month break would not be needed when the break is only 10 months.

In the past, the cost of the legislature meeting annually was a great concern. However, although we have not been able to get any figures, a biennial session plus 21 months of interim activities must be coming close to equalling the cost of annual sessions.

Due to implementing the Constitution, and the rules which governed the '73 - '74 session, we do not think that session should be used as an example. We do believe that if done properly, annual sessions would work very well.

For these reasons, and many more that have been spoken of in the past, we hope you will support HB 174.

Joy Bruck

League of Women Voters of Montana

NAME: Jay Lueck DATE: 3/20/79

ADDRESS: 1601 Alvarado (Apt 202)

PHONE: 443-3772

REPRESENTING WHOM? League of Weavd Nations of West Africa

APPEARING ON WHICH PROPOSAL: HB 174

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____