

STATE ADMINISTRATION
FEBRUARY 2, 1981
RM 436

The meeting of the State Administration Committee was called to order at 8:00 a.m. on February 2, 1981 with Chairman Jerry Feda presiding. All members were present except Representative Azzara who was absent.

Chairman Feda opened the hearing on House Bill 108.

HOUSE BILL 108-SPONSOR, Representative Ellison, stated that this bill is companion legislation to HB 225, a proposed constitutional amendment requiring the Secretary of State to poll members of the Legislature if the Governor vetoes a bill when the Legislature is not in session. HB 108 outlines the polling procedure, including the mailing of ballots, to be used by the Secretary upon receipt of the veto message.

PROPOSERS

There were no proposers testifying on HB 108.

OPPOSERS

There were no opposers testifying on HB 108.

Chairman Feda opened the hearing to questions by the committee.

Representative Mueller asked Representative Ellison if he had checked on the legality of this bill.

Representative Ellison said that HB 225 took care of that problem.

Representative Ellison closed the hearing on HB 108.

HOUSE BILL 387-SPONSOR, Representative Hart, introduced HB 387 at the request of the Department of Institutions. The bill permits the Department of Administration to exempt the Department of Institutions from the procurement procedure pertaining to purchases, leases, or rentals of goods and services for the legislative, judicial, and executive branches of government for the purchase of styled, seasonable clothing for residents of the Eastmont Training Center.

HB 387 (cont.)

Representative Hart said that the Department had requested an amendment to the bill and she had no objections to this amendment.

CURT CHISHOLM, Deputy Director, Department of Institutions, explained the amendment to the committee and stated that the title would also have to be amended. A copy of this amendment is attached and is EXHIBIT 1 of the minutes. Mr. Chisholm said that to make all the exclusions now would eliminate future amendments. He said that by exempting the institutions and community based programs from the bidding requirement, the department would eliminate waste which is sometimes caused when they are forced to purchase clothing in large quantities which sometimes do not meet the size and style requirements. He also said that eliminating the bidding requirement would give the local vendor's more business.

There were no other proponents to HB 387.

OPPONENTS

There were no opponents testifying on HB 387.

Chairman Feda opened the hearing to questions from the committee.

Representative Pistoria asked Mr. Chisholm if these purchases could amount to 2 or 3 hundred thousand dollars.

Mr. Chisholm said that it could be that much. He said the department would probably still bid on clothing for some institutions such as the prisons.

Representative Kropp said that the department may have a tendency to give unfair advantages to some merchants.

Mr. Chisholm said that he did not think the department would be superfluous and that they would probably try and spread the business equally among the local merchants in cases where local merchants were used.

Representative Hart closed the hearing on House Bill 387.

HOUSE BILL 412-SPONSOR, Representative Menahan, introduced this bill at the request of the Public Employees' Retirement Board. This bill requires the payment of the employer contribution for a person appointed by the Governor who elects to join the Public Employees' Retirement System.

PROPOSERS

LARRY NACHSHEIM, P.E.R.S., appeared in support of HB 412. Mr. Nachsheim said that this bill would provide a consistent policy for payment of employer contributions. Presently, this obligation exists in elected offices but there is no obligation for employer contributions in Governor appointed positions.

There were no other proponents for HB 412.

OPPOSERS

There were no opposers testifying on HB 412.

Chairman Feda opened the hearing to questions from the committee.

Representative Sales asked Mr. Nachsheim how many people are we talking about.

Mr. Nachsheim said that he really did not know exactly but it would be 18 directors and all of the Governors' staff.

Representative Spilker questioned the fiscal impact of this bill. Mr. Nachsheim had earlier said there could be a potential savings.

Mr. Nachsheim said that they did not draft the fiscal note. He said that he was referring to the fact that the Governor's office has been paying these contribution even though it is not required.

Representative Menahan closed the hearing on HB 412.

HOUSE BILL 462-SPONSOR, Representative Seifert, was not present for the hearing on 462 because of an emergency situation. Because there were witnesses present at the hearing, Mr. Larry Darcy was allowed to introduce the bill to the committee.

LARRY DARCY, Department of Administration, stated that this bill clarifies the laws relating to expenditures from the state general fund authorized by the Governor under emergency or disaster conditions and to the levying of an emergency tax by the governing body of a city, town, or county.

PROPOSERS

MIKE STEPHEN, Montana Assoc. of Counties, stated their support of the bill.

OPPOSERS

There were no opposers to House Bill 462.

There were no questions by the committee.

HOUSE BILL-470-SPONSOR, Representative McBride, stated that she was not aware that this bill was scheduled for hearing today. She requested that the hearing be postponed until Wednesday, February 4, 1981. The committee agreed to this request.

EXECUTIVE SESSION

HOUSE BILL 328

DO NOT PASS

Representative Sales made a motion that HB 328 DO NOT PASS. The motion was seconded by Representative Mueller. Discussion followed. Representative Sales said that one of the main concerns he had about the bill was who would decide which initiatives would be put on the ballot if more than the allowed number qualified.

Representative Winslow said that he thought the problem was in the writing of the initiative and not the number. Other representatives concurred with this.

Question was called on the motion and a vote taken. Motion carried with 15 YES and 3 NO and 1 absent. Representatives Smith, Kropp and Kanduch voted NO.

EXECUTIVE SESSION (cont.)

HOUSE BILL 330

SUB-COMMITTEE

Representative Spilker suggested that the language in the bill be changed so that it would not state specific professions that must be represented on the board. She said that she had a concern about the situation addressed in this bill but did not think that addressing one private sector would have any effect.

The idea of limiting the terms of the board members was dicussed by the committee.

Representative Dussault made a motion that HB 330 DO NOT PASS. She addressed the motion. She said that in reality there are enforced checks and balances in the appointment system. She said that the Senate has the opportunity to review the Governors appointments to the board and reject any appointment if they desire.

Representative Spilker said that she did not think the Senate would disapprove an appointment by the Governor.

Representative O'Connell made a substitute motion that HB 330 be placed in a sub-committee to be studied. The motion was seconded by Representative Smith. Discussion followed. A vote was taken and carried with 16 YES and 2 NO and 1 absent. Representatives McBride and Pistoria voted NO.

Chairman Feda appointed Representatives Hanson, Kropp and Kanduch to the sub-committee.

HOUSE BILL 329

DO PASS

Representative Kanduch made a motion that HB 329 DO PASS. The motion was seconded by Representative Briggs. A vote was taken and carried unanimously.

HOUSE BILL 108

NO ACTION TAKEN

Representative Dussault said that she did not think the section giving the Legislature the option to call a special session should be deleted from the bill. Other members agreed with this. A motion was made to amend the bill to reinstate the stricken language. Motion carried unanimously.

EXECUTIVE SESSION (cont.)

Representative Kropp made a motion that HB 108 DO PASS AS AMENDED. Discussion followed. A vote was taken and carried 16 YES and 2 NO with 1 absent. Representatives McBride and Dussault voted no. This action was later reconsidered after discussing HB 225, companion bill to HB 108.

HOUSE BILL 225

HOLD FOR AMENDMENTS

Discussion on the amendments to HB 225 that would make the bill coherent with HB 108 was held. It was decided that more than a simple amendment would be needed. The committee moved to refer this bill to Lois Menzies, staff researcher, for amendments.

Representative Mueller moved that action on HB 108 be reconsidered. A vote was taken and carried unanimously.

These bills will be acted on together after the amendments are resubmitted to the committee.

HOUSE BILL 387

DO PASS AS AMENDED

Representative Sales moved the amendments. (See Exhibit 1) A vote was taken and carried unanimously. Representative Sales made a motion that HB 387 DO PASS AS AMENDED. A vote was taken and carried with 17 YES and 1 NO with 1 absent. Representative Pistoria voted NO.

HOUSE BILL 412

HOLD

Representative Briggs made a motion that HB 412 DO NOT PASS. Discussion on this motion followed.

Representative Sales said that he would like to know how many people we are talking about with this bill. He said, these programs are in rough financial condition and I would not want to add another burden on them.

A vote was taken on the motion and FAILED with 9 voting YES and 9 voting NO.

Representative Dussault said that the committee should make a request from the budget office for an indication of the number of people involved.

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EXECUTIVE SESSION (cont.)

HB 412 (cont.)

Representative Dussault moved that HB 412 be held in committee until further information could be obtained.

A vote was taken and carried unanimously.

HOUSE BILL 462

DO PASS - CONSENT CALENDAR

Representative Kropp moved a DO PASS on HB 462. The motion was seconded by Representative Smith. A vote was taken and carried unanimously with one member absent.

Representative Mueller moved that HB 462 be placed on the consent calendar. A vote was taken and carried unanimously.

A motion was made to adjourn at 9:30 a.m.

Respectfully submitted,



G. C. "JERRY" FEDA, Chairman

Cathy Martin-Secretary

2/2/81

EXHIBIT 1

AMENDMENT TO HB 387
requested by Department of Institutions

1. Title, lines 5 and 6.

Following: "EXEMPTING" in line 5

Strike: "THE" through "CNETER" in line 6

Insert: "INSTITUTIONS AND COMMUNITY-BASED PROGRAMS
IN THE DEPARTMENT OF INSTITUTIONS"

2. Page 2, lines 3 through 5.

Following: "residents of"

Strike: "juvenile" through "center"

Insert: "its institutions and community-based programs"

VISITORS' REGISTER

HOUSE COMMITTEE

FILE 112

Date 2/2/81

SPONSOR _____

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE _____ COMMITTEE _____

Full 2/602 Date _____

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE COMMITTEE

LL 281

Date _____

SPONSOR _____

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.