

STATE ADMINISTRATION  
MARCH 23, 1981  
RM 436

The meeting of the House State Administration Committee was called to order at 9:00 a.m. on Monday, March 23, 1981, with Chairman Jerry Feda presiding. All members were present except Representatives Holliday, O'Connell and Phillips. The purpose of this meeting was to hold executive session for the bills heard in committee on Friday, March 20, 1981.

EXECUTIVE SESSION:

SENATE BILL 109

BE CONCURRED IN  
AS AMENDED

The committee discussed the amendments proposed by Mr. Shanahan at the hearing. Lois Menzies, staff researcher explained that the bill needed a couple of mechanical amendments.

Representative Pistoria said that during the testimony on this bill an amendment was proposed to include the governor (or an elected official) as being exempt under this law.

Representative Sales moved that all of the above mentioned amendments be adopted. (A copy of these amendments is attached.)

A vote was taken on the motion to amend and carried unanimously.

Representative Briggs moved that SB 109 BE CONCURRED IN AS AMENDED. A vote was taken and carried with 12 YES, 4 NO and 3 absent. Representatives Azzara, McBride, Dussault and Kennerly voted no.

SENATE BILL 298

BE CONCURRED IN  
AS AMENDED

Representative Winslow moved that SB 298 be amended to say that no rule is valid if any portion of that rule was implemented in any bill rejected by the legislature within the past two sessions.

A vote was taken on this amendment and carried unanimously.

Discussion was held on the amendments submitted by the sponsor and prepared by David Niss. Lois explained the amendments to the committee.

SB 298 (cont.)

Representative Dussault said that there could be a problem if two similar bills were introduced in the legislature and one of the bills is killed. If the agency wanted to adopt a rule dealing with the bill that passed would they be in violation of this bill because a similar bill was killed.

Representative McBride said that it is very difficult to determine why a bill is killed. There may be several opinions and various reasons involved. She said that since there are no minutes of the proceedings of the committee of the whole, we have no record of why a bill may have been rejected on the floor.

Representative McBride moved that SB 298 be not concurred.

Representative Sales moved that the committee adopt the amendments proposed by the sponsor. A vote was taken and carried unanimously. A copy of the amendments is attached.

Representative Dussault said that she would like to propose an amendment that would say that two-thirds of the Administrative Code Committee would have to object to a rule before the rule could not be adopted and the agency would have to provide written determination.

Representative Sales said that would be giving the committee the power to override legislation that the legislature has already acted on.

Representative Dussault said that the way it is now any one person can override action taken by the legislature. It could be an irresponsible, irrational person with no just cause.

After further consideration, Representative Dussault withdrew her motion. She said she had read it wrong and it is even more irresponsible than she thought.

Representative Sales made a substitute motion that SB 298 BE CONCURRED IN AS AMENDED. A vote was taken and carried with 11 YES, 5 NO and 3 absent. Representatives Azzara, Dussault, McBride, Kennerly and Spilker voted no.

Representative Kanduch was assigned to carry SB 298 in the House.

EXECUTIVE SESSION (CONT.)

SENATE BILL 432

BE CONCURRED IN

Lois Menzies, committee researcher said that she had thought that a coordination clause would be necessary with SB 405 and SB 432 but after further research she said this would not be necessary because SB 405 will supercede this legislation.

Representative Sales moved that SB 432 BE CONCURRED IN. A vote was taken and carried unanimously with those present.

Representative Quillici was requested to carry this bill in the House by the Sponsor.

SENATE BILL 442

BE CONCURRED IN  
AS AMENDED

Representative McBride reported to the committee the sub-committee findings on SB 442. She explained that as of July 1, the Board is defunct. She said that the Legislative Audit Committee report revealed that the Board was not serving it's function but that the local government by adopting an ordinance could effectively serve this purpose.

Representative Spilker said that there had been some discussion during the testimony on possibly amending the bill so that cash could be put up as a bond.

Representative Spilker moved this amendment. A vote carried unanimously.

Representative McBride said that there was some concern that the local government might adopt an ordinance that will not be as strict as present requirements. She passed out a proposed amendment to the committee. (copy attached)

Representative McBride moved the amendment. A vote carried unanimously.

Representative McBride also suggested that an effective date be provided and she moved that the committee allow Lois Menzies to draft an amendment to this effect. A vote carried unanimously.

SB 442 (cont.)

Representative Mueller moved that SB 442 BE CONCURRED IN AS AMENDED. A vote was taken and carried with 14 YES, 1 NO, and 4 absent. Representative Pistoria voted no.

Representative McBride was assigned to carry SB 442 in the House.

SENATE BILL 354

BE CONCURRED IN

Senate bill 354 was heard in committee on March 6, 1981. Representative McBride explained that this bill was held off the floor until the committee could act on SB 442.

Representative McBride moved that SB 354 BE CONCURRED IN.

A vote was taken and carried unanimously.

Representative McBride will carry SB 354 in the House.

SENATE JOINT RESOLUTION 25

BE CONCURRED IN  
AS AMENDED

Representative Sales moved that SJR 25 BE CONCURRED IN. He said that something has to be done about these small schools that are levying over 50% of their budgets just for teachers' retirement.

Representative Mueller said that if the money they levy stays within the county it could be considered equalization within the county.

Rep. Dussault said that she wanted to propose an amendment that would add another "WHEREAS" to be included in the study. (A copy of the amendment is attached.)

A vote was taken on the amendment and carried unanimously with those present.

Representative Sales changed his motion to BE CONCURRED IN AS AMENDED. A vote was taken and carried with 14 YES, 1 NO and 4 absent. Representative Smith voted no.

A motion was made to adjourn at 10:00 a.m.

Respectfully submitted,



G. C. JERRY FEDA

# STANDING COMMITTEE REPORT

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MARCH 23, 19 81

MR. **SPEAKER**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **SENATE** Bill No. **442**

**A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR COUNTY AND MUNICIPAL REGULATION OF BOXING AND WRESTLING MATCHES; REQUIRING PERMITS THEREFOR; REQUIRING SAFETY RULES; AUTHORIZING THE COLLECTION OF TAXES ON THE PROCEEDS OF SUCH EVENTS; AND REPEALING SECTION 7-21-4211, MCA."**

Respectfully report as follows: That **SENATE** Bill No. **442**

be amended as follows:

1. Title, line 9.

Following: ";"

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

2. Page 2, line 4.

Following: "shall"

Insert: "meet or exceed the safety codes required by recognized professional boxing and wrestling organizations and"

3. Page 2, line 14.

Following: "bond"

Insert: "or deposit"

XXXXXX (continued)

DO PASS

STATE ADMINISTRATION

HOUSE AMENDMENTS TO SB 442 -2-

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4. Page 2, line 17.

Following: "bond"

Insert: "or deposit"

5. Page 3.

Following: line 19

Insert: "Section 3. Effective Date. This act is  
effective July 1, 1981."

AND: BE CONCURRED IN AS AMENDED

*Bride*

K. McBRIDE

Amendment to Senate Bill 442

Third Reading Copy

1. Page 2, line 12

Following: "Promoter."

Insert: "The rules adopted must meet or exceed the *safety codes* ~~standards~~ required  
by recognized professional boxing organizations."

JN/pb

# STANDING COMMITTEE REPORT

MARCH 23,

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**SPEAKER**

MR. ....

**STATE ADMINISTRATION**

We, your committee on .....

**SENATE**

**109**

Bill No. ....

having had under consideration .....

**A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE LOBBYIST  
DISCLOSURE INITIATIVE, NO. 85, TO CLARIFY THAT ITS  
PROVISIONS APPLY TO ALL LOBBYING ACTIVITIES OF STATE AND  
LOCAL GOVERNMENTAL ENTITIES OR SUBDIVISIONS THEREOF,  
INCLUDING LOBBYING BY PUBLIC OFFICIALS; TO FURTHER ENUMERATE  
THE ACCOUNTING REQUIREMENTS OF PRINCIPALS; AND TO DECREASE  
THE CONTRIBUTION AMOUNT FOR ACCOUNTING BY PRINCIPALS;  
AMENDING SECTIONS 2, 11, AND 14 OF THE INITIATIVE."**

**SENATE**

**109**

Bill No. ....

Respectfully report as follows: That .....

**be amended as follows:**

**1. Title, line 8.**

**Following: ";**

**Insert: "TO PROVIDE THAT OFFICIAL RULEMAKING IS  
INCLUDED IN THE DEFINITION OF LOBBYING;"**

**2. Title, lines 9 and 10.**

**Following: ";** on line 9

**Strike: "AND" through ";** on line 10

**3. Page 1, line 24.**

**Following: "ITS"**

**Strike: "OFFICER"**

**Insert: "officers"**

**4. Page 2, line 11.**

**Following: "capacity"**

**Insert: "or an elected official"**

~~DO NOT~~  
PASS

(continued)



5. Page 2, line 14.

Following: "OFFICIAL"

Insert: "rulemaking"

6. Page 2, line 15.

Following: "OFFICIAL"

Insert: "rulemaking"

7. Page 3, line 14.

Following: "LEGISLATION"

Insert: "or rulemaking activity"

8. Page 9, line 4.

Following: "(XII)"

Strike: "GRANTS, OF"

Insert: "any grant,"

Following: "PORTION"

Insert: "of which"

AND: BE CONCURRED IN AS AMENDED

# STANDING COMMITTEE REPORT

MARCH 23,

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## SPEAKER

MR. ....

## STATE ADMINISTRATION

We, your committee on .....

## SENATE JOINT RESOLUTION

25

having had under consideration ..... Bill No. ....

**A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES  
OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON FUNDING  
METHODS USED BY SCHOOL DISTRICTS TO FINANCE PUBLIC PENSION PLANS.**

## SENATE JOINT RESOLUTION

25

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

**be amended as follows:**

1. Page 2, line 1.  
Following: "districts"  
Strike: "."  
Insert: "; and"

2. Page 2.  
Following: line 1  
Insert: "WHEREAS, the 1979 Montana Legislature contributed  
to the counties' financial burden by requiring school  
districts to fund retirement costs for special education  
personnel through the countywide property tax."

~~EX-PASS~~ **AND: BE CONCURRED IN AS AMENDED**

# STANDING COMMITTEE REPORT

MARCH 23,

1981

MR. **SPEAKER**

**STATE ADMINISTRATION**

We, your committee on

**SENATE**

Bill No. **298**

having had under consideration

**A BILL FOR AN ACT ENTITLED: "AN ACT TO PREVENT THE ADOPTION  
OF AGENCY RULES THAT WOULD IMPLEMENT LEGISLATION PREVIOUSLY  
DEFEATED BY THE LEGISLATURE OF A LEGISLATIVE COMMITTEE."**

Respectfully report as follows: That **SENATE** Bill No. **298**

be amended as follows:

1. Title, line 6.

Following: "LEGISLATURE"

Strike: "OR" through "COMMITTEE"

2. Page 1, line 10.

Following: "No"

Strike: remainder of line 10

3. Page 1, line 11.

Following: "rule"

Insert: "is valid"

4. Page 1, line 13.

Following: "house"

Strike: "or any standing committee"

Following: "legislature"

Insert: "during the two previous legislative sessions"

~~DO NOT~~

(continued)

5. Page 1, line 16.  
Following: "OBJECTS"  
Insert: "in writing"

6. Page 1, line 20.  
Following: " ; "  
Insert: "or"

7. Page 2.  
Following: line 1  
Insert: "Section 2. Section 2-4-305, MCA, is amended to read:  
2-4-305. Requisites for validity - authority and statement  
of reasons."

Subsections (1) through (5) remain unchanged

"(6) No rule is valid unless adopted in substantial  
compliance with 2-4-302 or 2-4-303 and [section 1] and  
this section and unless notice of adoption thereof is  
published within 6 months of the publishing of notice of  
the proposed rule."

Renumber: subsequent section

AND: BE CONCURRED IN AS AMENDED