

LEGISLATIVE ADMINISTRATION

March 8, 1983

SENATE BILL NO. 451

Chairman Menahan called the meeting to order at 11:00 A.M., in Room 343, all members were present. Also present were Senators Stephens and Hims1, and Representatives Marks and Dave Brown. Joy Bruck from the League of Women Voters and Dave Cogley from Legislative Council were also at the meeting.

Chairman Menahan called on Senator Stephens, the sponsor of Senate Bill No. 451, to speak on the bill.

Senator Stephens said the bill was drafted because there was a real need for it. He said the on-going problems of state government concerning the ability to live within its means had become out of proportion, and that the legislators should set an example regarding this matter.

The Senator went on to say that since 1975, when the council was first started, it had grown 800%; the payroll of the council was now 4.2 million dollars, and they were proposing the hiring of nine more auditors, which would bring it up to an even greater figure.

Senator Stephens spoke of other states who had stream-lined their state government and that fewer people were doing the same work that the many employees of the Council were performing. He said the spending was out of control, and he felt that by having this management committee of twelve members they could over-see the Council's salaries and thereby take the pressure off the executives in charge. The Senator said the drafting of this bill was the first step to try and have some control over the spending, and that it would require courage to do this.

He further spoke of the great travel expenses of the legislators, and that this committee could over-see this, and perhaps look into some of the meetings in the interim requiring the legislators to attend and the expense thereof. Senator Stephens said he was asking the legislators to discipline themselves.

Chairman Menahan asked if there were any other proponents to the bill, and there being none, he called for any opponents. Senator Hims1 testified regarding his fears with this bill. He said he disliked having to stand in opposition of his leader, but that he felt this committee, independent of the Legislative Council, could have far-reaching effects that they should consider. He further said that the post-audit committee was established to see that the wishes of the legislators were carried out, and that the constitution writers provided for this, and clearly states, "The legislature shall establish a legislative post-audit committee which shall supervise post-auditing duties provided by law."

Senator Hims1 said every agency must be audited every two years, and that if they had to hire auditors from the outside for these duties, it would cost a great deal more than it does now. He said the members should look very carefully at all of these things before making

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their decisions on this bill. He said he had no objection to having a review regarding the council and the problems thereof.

Joy Bruck spoke in opposition to Senate Bill No. 451, saying that if all this proposed committee would do, would be to establish a procedure of coordinating the staff and the salaries thereof, and salaries of the legislative committees, and more important, over-see what is being done by each committee so duplication could be avoided, they could support the bill. However, she said, for this committee to replace such committees as the Administrative Code Committee, the Environmental Quality Council, the Revenue Oversight Committee, and the other two committees, the League would definitely be opposed to that.

Ms. Brock said the committee would certainly diminish the oversight of the Executive Branch, something that is needed particularly when the interim is as long as ours. And, that further, the League did not think this committee could do nearly as good a job as the present committees do because this new committee would just be 'spread too thin'. She said the members would probably have to be here very often just to be able to do even a mediocre job in these areas.

Joy Bruck was concerned that this bill would eliminate the citizen members of the EQC, and said that the League believes this is an important element of the Environmental Quality Council.

Representative Dave Brown spoke as an opponent of Senate Bill No. 451 also. He said he felt this bill's passage would be a breach of the government, and further stated that it would be the same as having twelve full time legislators on hand.

Representative Marks said he was really not an opponent or proponent of the bill, but said he would like to make some comments on it. He said he would certainly agree with Senator Stephens that Montana is unique, and that this state functions differently from other states, in that some states govern by executive branch and we have a legislative branch.

He stated that he thought the bill had some good things in it, and that he wondered about the budget regarding the travel; he felt that the legislators should take responsibility for some of these things. Representative Marks said he thought the legislature could function better than it does, and there should be some review as to how to improve things.

Representative Donaldson inquired as to the functions of the auditors in other states compared to Montana. Senator Stephens replied that Nevada had twelve and that Wyoming had only four, but said he really didn't know exactly what their duties were.

Representative Jan Brown said they should check to see just what the duties were of those auditors in the states that only required so few.

Senator Stephens said that eight states had enacted a bill similar to the one he was proposing and that they had streamlined things so that they had just a few people doing what our 146 people were doing.

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He said that this committee was not to be a 'super-committee', but that there would be some management to try and get things under control. He again said he thought that there should be some more control.

Representative Curtiss asked Senate Stephens how much time these proposed committee members would have to spend managing the Council, and he answered that it could be four or five times a year that they would meet, or maybe even more.

Further discussion followed regarding the functions of the proposed committee, and Senator Stephens explained that they would hire an executive director who would take over on October 1, 1983, and who would work with the committee to determine what changes should be made. He said they could examine the staffing levels and make some judgements regarding this matter, and that he really had no idea what the committee would do, but that there were just too many people working in the Council.

Rep. Donaldson inquired as to the amendments of the bill, and was given a copy of the amendments. Senator Stephens said they had amended the bill to keep it alive, and said that the bill was really not so powerful.

Chairman Menahan asked if any of the one-hundred and fifty-eight people on the Legislative Council staff would lose their jobs, and Senator Stephens said that would be up to the committee.

Representative Marks said that in effect they would have that authority, and he wondered what should be done with the EQC administrative staff on October 1, when the committee would take over.

Dave Cogley, from the Legislative Council, was called on to give his views regarding this matter, and he said that the bill does transfer the functions of the EQC to the Legislative Management Committee, and that the committee could examine the functions of the EQC, and perhaps re-assign them to the Council.

Rep. Donaldson said he had been surprised at the amount of comp-time the Council employees had, and wondered about the excesses concerning this.

Senator Stephens said he was not saying that there were people in the Council doing nothing, but that in Kentucky fewer people were performing these same functions. He said he was in no way impugning the staff, but that if General Motors ran their business in such a manner, they would be out of business in no time.

Chairman Menahan pointed out that the Legislative Fiscal Analyst's office was requesting more people.

Rep. Jan Brown asked if some of the control couldn't come from the legislators themselves, and could perhaps have tighter control over the staff and thereby solve some of these problems.

Chairman Menahan thanked Senator Stephens, and said they would be holding an executive session soon. He asked the secretary to have more copies made of the proposed amendments to the bill so that all of the

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members could look them over, and further said, that Dave Cogley would be available to the committee to answer any questions the members may have.

Representative Donaldson said he could see no way that four people could draft the amount of bills the legislators request.

Representative Marks said the Council, in its organizational meeting is going to address some of these problems. He said he had been appointed to this committee.

Chairman Menahan said he had not experienced any problems with the Legislative Council.

There being no further business, the meeting was adjourned.

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Secretary, Zorka DaSilva

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CHAIRMAN WILLIAM MENAHAN