

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

January 11, 1983

The meeting of the State Administration Committee was called to order by Chairman Pete Story on January 7, 1983 at 10:00 a.m. in Room 331, State Capitol.

ROLL CALL: Roll was called all members were present with the exception of SENATORS TVEIT and STIMATZ who were excused because of conflicting committees.

SENATE BILL NO. 66; "AN ACT AMENDING SECTIONS 2-16-301 AND 2-16-302, MCA, TO ABOLISH THE REQUIREMENTS THAT CLERKS AND SUBORDINATES OF PUBLIC OFFICERS BE APPOINTED IN WRITING AND TAKE AN OATH OF OFFICE," was introduced by SENATOR KEATING. He stated that it has been determined the swearing of the oath of office and hiring people in the Clerk and Records Office and particularly in the Secretary of the State's office is unnecessary. This will save unnecessary paper work and the taxpayer money.

PROPOSERS and OPPOSERS were called. There being none, the meeting closed on SENATE BILL NO. 66.

SENATE BILL NO 63: "AN ACT DEFINING THE DUTIES OF A VOLUNTEER FIREFIGHTER FOR THE PURPOSE OF DISABILITY PAYMENTS AND EXEMPTING CERTAIN FIRE DISTRICTS FROM AUDITS CONDUCTED BY THE DEPARTMENT OF ADMINISTRATION; AMENDING SECTION 2-7-503, 19-12-502, AND 19-12-504, MCA" was introduced by SENATOR TURNAGE. He stated that Senate Bill No. 63 has been introduced by the volunteer fire department in Lake County Montana. There budget is small but annually they are required to pay the auditors.

SENATOR TURNAGE asked the committee to support this bill but offered some change of language in the last sentence of page 2 to "The trustees shall annually file with the Board of County Commissioners of the County in which the majority of the district is located, an itemized account of all receipts and expenditures for the year, signed under oath by an officer of the fire company designated by the fire district trustees", and striking after "23" on page 2, line 21 through page 3, line 1, EXHIBIT 1. Senator Turnage they need something in writing and signed by a responsible party what they have received and what they did not.

PROPOSERS for Senate Bill NO. 63 were called.

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REPRESENTATIVE GENE ERNST of Judith Basin County spoke favoring S. B. 63 and saying he was requested by his fire district to speak to this bill. The Judith Basin fire district has a budget of four or five thousand dollars and they spend \$300 to be audited and they are upset about it as they feel the money could be put to better use. He stated that he would like to expand the section of the law; page 1, line 20, exempting irrigation districts and conservancy districts from the audit and that he has a bill in the House that would do this. He closed by saying that he would support S.B. 63 at this time.

ART KORN of the Montana State Volunteer Firemen's Association spoke to the committee expressing his support of S.B. 63. He questioned the number of fire companies per population. It was suggested one company per each thousand residents and also, no fire company more than 28 certificate members.

There being no other proponents and no opponents, QUESTIONS were asked from the committee.

SENATOR TOWE asked how much the budgets may amount to.

SENATOR MARBUT asked if the duties were addressed.

SENATOR TURNAGE spoke to the committee saying that unless the firemen are called on a fire, there is no workmen's compensation so they are therefore requesting to define language that will include outside functions they participate in in the name of the fire department.

SENATOR STORY asked if Senator Turnage were opposed to an audit if it were necessary and Senator Turnage said he saw no objections.

The meeting was CLOSED on SENATE BILL NO. 63.

SENATE BILL NO. 58 was introduced by SENATOR STORY as "AN ACT GIVING THE STATE AUDITOR, SUPERINTENDENT OF PUBLIC INSTRUCTION AND SECRETARY OF STATE THE POWERS ACCORDED APPOINTED DEPARTMENT HEADS AND EXEMPTING SUCH ELECTED OFFICIALS FROM THE GUBERNATORIAL PERMISSION OR APPROVAL REQUIREMENTS AND DUTIES REQUIRED OF DEPARTMENT HEADS." VICE CHAIRMAN HAMMOND chaired the meeting.

SENATOR STORY stated that most of the boards, out of statutory law unless judicial, are at the pleasure of the department heads. Mostly by oversight we discovered we had not given the elected officials the same privileges as the department heads. This would give equal standing to the Superintendent of Public Instruction, State Auditor and Secretary of State the same powers as all the department heads and would not anticipate any

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financial impact if they set up an advisory council. He said he believes the school superintendent has had an advisory council although they have not had the authority to do so. This bill was set up to do this but stated that he has been advised that the bill does not exactly do this because the language leaves it to the discretion of the governor for these people to do this and they are elected as the governor is. Senator Story stated he has asked for an amendment drawn up that would do this. At this time Senator Story introduced Cliff Christian of the Secretary of State's office.

CLIFF CHRISTIAN presented the attached amendment, EXHIBIT 2.


MAYNARD OLSON, representing the State Superintendent, Ed Argenbright, stated that they are in agreement with the amendment and thus support this bill.

There being no other proponents and no opponents the meeting was CLOSED on SENATE BILL NO. 58.

It was suggested by SENATOR TOWE that the staff attorney, DAVE COGLEY, be assigned to find any inconsistencies.

January 14th, Friday was announced as the day of executive session.

It was moved that the meeting adjourn.


Chairman

ROLL CALL

STATE ADMINISTRATION

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date Jan 11

SENATE

SEAT #

[illegible]

Each day attach to minutes.

4 INSERT

7-33-2105

The trustees shall annually file with the Board of County Commissioners of the County in which the majority of the district is located an itemized account of all receipts & expenditures for the year, signed under oath by an officer of the fire company designated by the fire district trustees.

1)

AMENDMENT TO SENATE BILL #58

LINE 21. Insert a period after the word "power". Strike the word "unless" on line 21 and all language on line 22.

Executive branch elected officials, constitutionally mandated, should not be placed in a position where another elected official can impede actions of his office.

An excellent administrative example is the mandated organizational chart for each department (including elected officials) of State 2-15-112 (G).

This organizational chart must be created and must be approved by the Governor. Yet when the Secretary of State submitted its chart for approval by the Governor, he refused to approve the chart on the grounds of separation of powers. The Secretary of State agrees with the Governor's reasoning. However, because of this conflict, a simple matter like an organizational chart for the Secretary of State has taken a great deal of the Governor's staff time as well as the Secretary of State -- and the question is still not resolved.

Constitutionally elected officials answer to the highest authority in this State -- the voters. To have statutory language that puts one elected official against another (either on administrative or political grounds) is incorrect. Thus, we ask for the above amendment.

NAME: 100 West Coast DATE: Jan 11

ADDRESS: _____

PHONE: _____

REPRESENTING WHOM? self

APPEARING ON WHICH PROPOSAL: A B C

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY