

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 11, 1983

The twenty-ninth meeting of the Senate State Administration Committee was called to order by Senator Pete Story, Chairman, on February 11, 1983 at 10:30 a.m. in Room 331 of the State Capitol Building, Helena, Montana.

ROLL CALL: Roll call was taken and all members were present.

EXECUTIVE SESSION:

ACTION ON SENATE BILL 166:

SENATOR HAMMOND MOVED S.B.166 DO NOT PASS.

SENATOR MARBUT made a SUBSTITUTE MOTION that S.B.166 DO PASS.
MOTION PASSED. Roll call vote, EXHIBIT 1.

Dave Cogley, staff attorney questioned the statement of intent that was sent with the bill stating that he did not believe it to be necessary.

SENATOR TOWE MOVED a letter to the department that would show the intent.

NO ACTION WAS TAKEN.

ACTION ON SENATE BILL 40:

Amendments to this bill were presented as EXHIBIT 2 by Senator Story.

Senator Story said that he went to Mona Jamison of the Governor's office to see what he would get a veto on. The effect of her position is that the present statutes are unconstitutional so why fix them up. She is not interested in this bill in any case. However, he stated, what we have done is this; the first section is based upon an affirmative request that at least five members of the committee and an open meeting. Now if there were five people show up, say two democrates and three republicans, it would only take three and it could be three republicans to make a request. With this bill one member of the opposite party has to be involved in making the request.

The second amendment starts on line 18, page 3. This whole bill is because of the department of heath economic impact statement. This dealtwith Ambient Air rules and there was one section where the Anaconda Company said that we don't know if we can comply with Ambient Air standards and we will have to consider down if these standards were adopted. They did not know if they were trying to get by easy or mean exactly what they said or if

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they were intending to close down any way and this would make a good excuse. If this bill were in affect we might have been able to find out.

That comes to the point of the second amendment, letting the code not go back to the department because if they are bent in adopting a rule for something, they might make out an economic impact statement that simply supports their own ideas and may not be fair and impartial. In the economic impact statement prepared by the department, on page 22 to 32 were documents and graphs on why it was needed and only one page on which is stated that "other pathologists offered different views". This is not impartial Senator Story said and that is why the language in this bill.

SENATOR TOWE asked, regarding line 16 where it says "designated by the committee", if Senator Story might have in mind that the committee might designate someother department other than the department of health. Senator Story said "yes". The options we are trying to give the committee, one asking for a economic impact statement, ask another department to compare or contract with someone to compare. The intention is that it takes five members now and it isn't going to be a partisan action. It might be that some of the data we already know is readily available to another department, is what we have in mind there. Our intent is that we can ask another department to do research. It also ties into this.. if we just say we want an economic impact statement, they have to give us a whole load. We have asked for a shopping list because we might not be concerned with just one or a combination of items.

SENATOR STORY the other thing they have done in reinserting the stricken language on the top of page 4 of the bill. This is there safety valve.

They have taken out subsection 2, except the bottom of line 24 and 25 after the word "hearing"; "the committee may withdraw its request or decision for an economic impact statement at any time. We might start into something and find out that the cost of the analysis may be more than the cost of the impact and we want the ability to not make the department flounder on through.

Correction was made to correct the amendment (Exhibit 2) to show amendment 1. Page 3, after "rule" to strike lines 6 through 15. On subsection 4, they have put back into the language the stricken material on top of page four, lines 1, 2 and 3. On page 3, line 18, strike "and with the governor". On page 4, following line 3, put in "(3) If it is impossible to formulate such an estimate, the reasons for

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impossibility of formulation must be filed and published instead of the economic impact statement." Amendment 4 of Exhibit 2 should say page 4, lines 9 through line 8 on page 5 in its entirety.

It was decided that they do want to strike section 2. Senator Towe showed a correction of the amendment on line 6 after "rule" to insert "." and strike "thru agency" in line 15.

SENATOR TOWE MOVED THE AMENDMENTS DO PASS.
MOTION PASSED.

SENATOR HAMMOND MOVED THAT S.B.40 DO PASS AS AMENDED.
MOTION PASSED.

MOTION WAS MADE TO RECONSIDER S.B.40.
SENATOR TOWE MOVED the amendment to the title, line 7, to strike "SECTIONS 2-4-305 AND" and to insert "SECTION".
MOTION PASSED.

SENATOR HAMMOND AGAIN MOVED THAT S.B.40 DO PASS AS AMENDED.
MOTION PASSED.

MOTION WAS AGAIN MADE BY SENATOR TOWE TO RECONSIDER S.B.40.
MOTION PASSED.

It was upon the suggestion of the staff attorney, Dave Cogley, and MOTION was made by SENATOR TOWE Page 1, line 18, to strike "The" and Insert "as an alternate, the". MOTION PASSED.

SENATOR HAMMOND AGAIN MOVED THAT SENATE BILL 40 DO PASS AS AMENDED. MOTION PASSED.

ACTION ON SENATE BILL 309:

There was a discussion as to whether S.B.339 or S.B.309 should be heard first.

SENATOR HAMMOND MOVED THAT S.B.309 DO PASS.
SENATOR MARBUT MADE A SUBSTITUTION MOTION THAT THE AMENDMENTS TO S.B.309 DO PASS.
Chairman Story asked Senator Marbut if the amendments were prepared. Action was held up on this bill.

ACTION ON SENATE BILL 339:

Senator Marbut said that this bill has one amendment. If S.B.309 does not pass and 339 does pass we need to throw complication construction on S.B.339 which are not there. There would have to be an amendment to 5-7-101 section, to strike the language. SENATOR TOWE said that a simpler way would be to include in the first section 339 and strike out

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the language in S.B.309. If S.B.339 passes we want to strike that language at the bottom of page one anyway.

SENATOR TOWE voiced his support against the bill.

SENATOR HAMMOND said he favored this bill. SENATOR STIMATZ stated he agreed with Senator Hammond and stated that they are getting in too much material that has no bearing on the bill.

SENATOR HAMMOND MOVED TO TAKE S.B.339 OFF THE TABLE.
MOTION PASSED

SENATOR MARBUT MOVED THE AMENDMENT.
MOTION PASSED.

SENATOR HAMMOND MOVED THAT SENATE BILL 339 DO PASS AS AMENDED.
MOTION FAILED. EXHIBIT 3 shows a roll call vote.

Due to a misunderstanding it was moved by the committee to reconsider the vote.

SENATOR HAMMOND MOVED THAT SENATE BILL 339 DO PASS AS AMENDED.
Roll call vote (EXHIBIT 4) shows 4 yes, 3 no.
MOTION PASSED.

ACTION ON SENATE BILL NO. 309:

SENATOR MARBUT moved the amendments for S.B.309, EXHIBIT 5.

SENATOR TVEIT made a SUBSTITUTE MOTION that S.B.309 DO PASS as it is written with no amendments.

SENATOR MARBUT reviewed his amendments and explanation of the codification instructions, which says if both S.B.339 and S.B. 309 both go through, they will have to pick up this language.

DAVE COGLEY, staff attorney suggested that maybe Section 1 could be struck from the bill and reinsert this amendment and strike the word "Montana".

SENATOR MARBUT continued reviewing his proposed amendments.

QUESTION WAS CALLED ON SENATOR TVEIT MOTION THAT S.B.309 DO PASS.
MOTION FAILED.

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SENATOR STORY suggested that the amendments be taken one at a time.

SENATOR TOWE MOVED to strike Section 1, then to reinsert Section 1 but striking "Montana".

MOTION PASSED with SENATOR TVEIT voting no.

SENATOR TOWE MOVED reinsert the old section 5-7-101, striking the word "Montana" as it appears on page 2, line 2.

MOTION PASSED.

SENATOR TOWE MOVED on page 2, line 21-22 and 23 to reinstate the language in the existing law and strike all the other lines in that language.

MOTION PASSED with SENATORS HAMMOND AND TVEIT voting no.

There was continued explanations and discussion regarding the amendments. It was decided to continue the action on these amendments at the next meeting.

The meeting adjourned at 12:30 p.m.

A handwritten signature in dark ink, appearing to read "Pete Story", is written over a horizontal line. The signature is stylized with a large, looping initial "P" and a long, sweeping underline.

CHAIRMAN, Senator Pete Story

ROLL CALL

STATE ADMINISTRATION

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 2/11/83

| | | | | SENATE SEAT # |
|--------------------------------|---------|--------|---------|------------------|
| NAME | PRESENT | ABSENT | EXCUSED | |
| SENATOR PETE STORY, Chairman | X | | | 45 |
| SENATOR H. W. HAMMOND, Vice Ch | X | | | 34 |
| SENATOR REED MARBUT | X | | | 44 |
| SENATOR LARRY TVEIT | X | | | 33 |
| SENATOR R. MANNING | X | | | 48 |
| SENATOR LAWRENCE STIMATZ | X | | | 7 |
| SENATOR THOMAS TOWE | X | | | 26 |
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Each day attach to minutes.


ROLL CALL VOTE

EXHIBIT I
State Admin.
2/11/83

SENATE COMMITTEE STATE ADMINISTRATION

Date 2/11/83 Senate Bill No. 166 Time

| NAME | DO PASS | |
|--------------------------|---------|----|
| | YES | NO |
| SENATOR H.W. HAMMOND | | X |
| SENATOR REED MARBITT | X | |
| SENATOR LARRY TVEIT | | X |
| SENATOR R. MANNING | X | |
| SENATOR LAWRENCE STIMATZ | X | |
| SENATOR THOMAS TOWE | X | |
| SENATOR PETE STORY | | X |
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Secretary, Leona Williams


Chairman SENATOR PETE STORY

Motion: _____

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

AMENDMENTS TO SENATE BILL 40 - INTRODUCED BILL

- correct
1. Page 3, lines ⁶ 8 through 15.
Following: "in progress" ~~rule~~
Strike: the remainder of line 6 through "agency." in line 15
2. Page 3, line 18.
Strike: "and with the governor"
3. Page 4.
Following: line 3
Insert: "(3) If it is impossible to formulate such an estimate, the reasons for impossibility of formulation must be filed and published instead of the economic impact statement."
Renumber: all subsequent subsections
4. Page 4, lines 9 through ~~19.8~~ page 5
Strike: "However" through "committee."
Renumber: Subsequent Subsection
5. Page 4, line 23.
Strike: "approval of the applicable"
Insert: "the reasons for impossibility or the economic impact"
6. Page 4, line 23.
Strike: "by"
Insert: "has been filed with"
7. Page 4, lines 23 and 24.
Strike: "or the governor pursuant to subsection (5)"
8. Page 5, line 1.
Strike: "approval of the"
Insert: "the filing of the reasons for impossibility or the economic impact"
9. Page 5, line 1.
Strike: "by"
Insert: "with"
10. Page 5, line 2.
Strike: "or the governor"
11. Page 5, lines 4 through 8.
Following: "rulemaking."
Strike: the remainder of line 4 through "section" in line 8
12. Page 7, line 17.
Strike: "approval"
Insert: "the filing"
13. Page 7, line 18.
Strike: "by"
Insert: "or the reasons for impossibility with"
14. Page 7, line 18.
Strike: "or the governor"
- 89 5 - 1045

ROLL CALL VOTE

EXHIBIT 3

SENATE COMMITTEE STATE ADMINISTRATION

RECONSIDERED 1ST Vote

Date Feb. 11, 1983 Senate Bill No. 339 Time

| NAME | DO PASS | YES | (NO) |
|--------------------------|---------|-----|--------|
| SENATOR H.W. HAMMOND | | X | |
| SENATOR REED MARBUT | | X | |
| SENATOR LARRY TVEIT | | X | |
| SENATOR R. MANNING | | | X |
| SENATOR LAWRENCE STIMATZ | | | X |
| SENATOR THOMAS TOWE | | | X |
| SENATOR PETE STORY | | | X |
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Leona Williams
Secretary, Leona Williams

Pete Story
Chairman SENATOR PETE STORY

Motion:

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

ROLL CALL VOTE

EXHIBIT 4

SENATE COMMITTEE STATE ADMINISTRATIONReconsidered
2nd VoteDate Feb. 11, 1983 Senate Bill No. 339 Time 10:30

| NAME | DO PASS | (YES) | NO |
|--------------------------|---------|---------|----|
| SENATOR H.W. HAMMOND | | X | |
| SENATOR REED MARBUT | | X | |
| SENATOR LARRY TVEIT | | X | |
| SENATOR R. MANNING | | | X |
| SENATOR LAWRENCE STIMATZ | | X | |
| SENATOR THOMAS TOWE | | | X |
| SENATOR PETE STORY | | | X |
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Leona Williams
Secretary, Leona Williams

Pete Story
Chairman SENATOR PETE STORY

Motion: _____

DO PASS (Upon reconsideration & explanation)

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

MARBUT AMENDMENTS TO SB 309

- ① Page 2 line 21-22-23 Strike new language
- ② Page 3 line 14-15-16 Strike new language
- ③ Page 5 line 19 Strike or
Add "after compensation
or reimbursement."
- ④ Page 6 line 22-23 ^{INSERT STRIKE} ~~Return to bill~~
~~LANGUAGE~~ STRIKE "SUCH"
- ⑤ Page 7 line 9 thru 22 ^{STRIKE LINES 9 thru 19} ~~Return to bill~~
~~REINSTATE~~ ~~REINSTATE~~ ~~REINSTATE~~
- ⑥ Page 8 line 23 Return to \$10.00
- ⑦ Page 9 line 1 Return to \$100.00
- ⑧ Page 9 line 24-25 Return OFFICIAL ACTION
Strike new language
- ⑨ Page 10 line 16 and 17 Strike repealer of
5-7-213

See SB 339.

Codification instructions should
indicate language on page 1
line 24 and 25 of SB 309 should
be struck.

STANDING COMMITTEE REPORT

..... 19

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE

Bill No. 166

Respectfully report as follows: That SENATE

Bill No. 166

DO PASS

W. C.

STANDING COMMITTEE REPORT

FEBRUARY 11 19 83

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 40

Respectfully report as follows: That SENATE Bill No. 40

introduced bill, be amended as follows:

1. Title, line 7.
Strike: "SECTIONS 2-4-305 AND"
Insert: "SECTION"
2. Page 1, line 18.
Strike: "The"
Insert: "As an alternative, the"
3. Page 1, line 19.
Strike: "also"
4. Page 3, lines 6 through 15.
Following: "rule"
Strike: the remainder of line 6 through "agency" in
line 15

DO ~~NOT~~ PASS

continued..

4/11

5. Page 3, line 18
Strike: "and with the governor"
6. Page 4
Following: line 3
Insert: "(3) If it is impossible to formulate such
an estimate, the reasons for impossibility
of formulation must be filed and published
instead of the economic impact statement."
7. Page 4, line 9 through page 5, line 8.
Following: "section."
Strike: remainder of section 1
8. Page 5, line 9.
Strike: section 2 in its entirety

And, as so amended,
DO PASS.

STANDING COMMITTEE REPORT

FEBRUARY 11 19 83

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 339

Respectfully report as follows: That SENATE Bill No. 339

introduced bill, be amended as follows:

1. Title, line 6
Following: "OFFICIALS;"
Insert: "AMENDING SECTION 5-7-101, MCA;"
2. Page 1,
Following: line 8
Insert: "Section 1. Section 5-7-101, MCA, is amended to read:
5-7-101. Purposes of chapter - applicability.
(1) The purposes of this chapter are to promote a high standard of ethics in the practice of lobbying, to prevent unfair and unethical lobbying practices, to provide for the licensing of lobbyists and the suspension or revocation of the licenses, to require ~~elected-officials-to-make-public-their-business-interests~~ and to require disclosure of the amounts of money spent for lobbying.
(2) Nothing in this chapter subjects any Montana citizen lobbying on his own behalf to any reporting requirements nor deprives any such citizen of the constitutional right to communicate with public officials.

XXXXXX

XXXXXX continued...

Chairman.

STATE ADMINISTRATION
SENATE BILL 339
Page 2

FEBRUARY 11..... 19 83.....

Renumber: Subsequent section

And, as so amended
DO PASS