

MINUTES OF THE MEETING  
STATE ADMINISTRATION COMMITTEE  
MONTANA STATE SENATE

March 10, 1983

The forty-fourth meeting of the Senate State Administration Committee was called to order by Senator Pete Story, Chairman, on March 10, 1983 at 10:00 a.m. in room 331 of the State Capitol Building, Helena, Montana.

ROLL CALL: All members of the committee were present but Senator Towe.

The meeting was called to hear House Bills 627, 427, 693, 781 and 846.

CONSIDERATION OF HOUSE BILL 693:

"AN ACT REVISING THE PENALTY FOR FAILURE OF A COUNTY ASSESSOR TO MAKE AN ANNUAL STATEMENT TO THE DEPARTMENT OF REVENUE; AMENDING SECTIONS 15-5-105 and 15-8-706, MCA."

REPRESENTATIVE SWITZER, District 54, introduced H.B.693 as a bill that removes the penalty of \$1000 from the law. This bill amends 15-1-105 and removes 15-8-706, which is the penalty clause. That is the \$1000 penalty that is levied against the county assessors that does not submit its annual report to the department of revenue by July 1st. In some instances the state has not provided the numbers soon enough to the assessor so he can do this. This penalty has never been used. There are other penalties for not having this report filed. The \$1000 penalty seems excessive for that type of offence.

Page 2, lines 4 through 8 is new language that expands it to the agent's staff instead of agent only, this gives the agent more authority over the staff.

PROPOSERS:

CHARLES GRAVELY, representing County Assessors Association, testified in favor of H.B.693. He said that he feels that this bill is necessary and he reminded the committee that they are talking about the orphan that belongs to no one. He said that he is opposed to a penalty that no other public official has or that it is proper to subject the assessor to a penalty that is sometimes the departments fault. He asked support of H.B.693.

OPPOSERS: None

QUESTIONS OF THE COMMITTEE: None

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ACTION ON HOUSE BILL 693.

SENATOR HAMMOND MOVED HOUSE BILL BE CONCURRED IN  
MOTION PASSED. Senator Hammond will carry this bill.

CONSIDERATION OF HOUSE BILL 627:

"AN ACT TO INCREASE FROM 5 TO 10 THE NUMBER OF MEMBERS OF  
THE PUBLIC SERVICE COMMISSION PERSONAL STAFF THAT ARE EXEMPT  
FROM CERTAIN PROVISIONS OF THE STATE EMPLOYEE CLASSIFICATION  
AND PAY PLAN; AMENDING SECTION 2-18-104, MCA.

REPRESENTATIVE DOZIER, District 61, introduced this bill and  
stated that it was amended in the House but was not quite  
right. At the present the Public Service Commission may  
exempt 5 members and they would like to have five additional  
exemptions which this bill does. The bill exempts 10  
employees from the personal staff and that is, the Governor's  
office, Lt. Governor, Secretary of State, Attorney General,  
Superintendent of Public Instruction and the Auditor, each  
allowed 10 personal staff exemptions and they may get ten  
additional ones if they meet certain criteria. The criteria  
is listed as EXHIBIT 1.

SENATOR STORY stated that that would apply to other departments  
too.

It was said that a sepcial section is shown for the Public  
Service Commission.

PROPOSERS:

BILL OPITZ, Public Service Commission, testified to his support  
of the bill and said that it is their top priority. He said  
that they have lost staff to the auditor's office, fiscal analyst,  
and industry and the legislative consumer council. The problem  
they have with the bill as it was passed through the House is  
noted in the criteria. The bill states any exemption beyond  
10 would have to meet the criteria and they don't need more  
than 10. They therefore ask to strike everything after 10  
on page 2, line 4 and 5. See EXHIBITS 2, 3 and 4. He pointed  
out the importance of having qualified, trained people stating  
that it saves dollars and that they feel more productivity and  
improvement of morale is much higher.

TERRY WYLER, representing the Montana Dakota Utilities, testified  
in favor of H.B.627 and said that this was important to the  
utilities as well as the commission and said that it is easier  
for them to deal with those that desire to stay in the commission  
rather than those going out hunting for better jobs.

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OPPONENTS: None

QUESTIONS OF THE COMMITTEE:

SENATOR MARBUT stated that by striking the last words it is a considerable change in the existing law.

REPRESENTATIVE DOZIER said that it really isn't if you read the original law.

SENATOR MARBUT questioned the other departments approval saying it should be equal, not only in numbers but in criteria.

BILL OPITZ said the difference is that they would not be able to go beyond 10. Section 2 gives 10 exemptions to all other elected officials and will give another 5 as long as they meet that criteria. Section 3 as amended will only give them 10 and no opportunity to get more, therefore he wants to strike it out because they do not need 15.

The hearing closed on H.B.627.

CONSIDERATION OF HOUSE BILL 427:

"AN ACT TRANSFERRING THE RESPONSIBILITY FOR CONTROL OF STATE GOVERNMENT DATA PROCESSING FROM THE BUDGET DIRECTOR TO THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION; FURTHER DEFINING THE DEPARTMENT DIRECTOR'S RESPONSIBILITIES; CREATING A DATA PROCESSING ADVISORY COUNCIL; AMENDING SECTIONS...; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

REPRESENTATIVE HOLLIDAY introduced H.B. 427 said that currently the budget director is responsible for establishing guidelines for the operation and development of the data process of state government and H.B.427 shifts this responsibility to the Department of Administration and creates a data processing advisory council.

PROPOSERS:

BILL GOSNELL, of the Governor's Office said that data processing is becoming a full time job for the budget office to handle and they want to return it to the Department of Administration. He said they support this move and the creation of the advisory council.

MIKE TREVOR, Department of Administration, said that they support this bill and are ready to handle this without more FTEs. Mr. Trevor is the administrator of computer services. The establishment of the advisory council in the process making and policy making will be in the best interest of state government as a whole.

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JIM SPRING, Chairman of the Governor's council on Management, said that he was here to urge the committee's consideration of this particular bill. He said in their study they found an inconsistency in the department and in not doing it together it created a very high cost. This bill will show a good cooperation between the departments. He called the attention of the committee to the fiscal note.

IRV DAYTON, Commissioner of Higher Education, said that the university system has had a chance to work with the executive branch in preparation of this bill and support the bill. He stated they have worked with Mr. McGee in the Budget Office and Mr. Trevor in the Department of Administration and they screen all computer purchase requests in their office and then work with the executive branch to make sure the kind of coordination that this bill calls for. He feels that their working relations have been excellent in the past and feel they can continue through this bill.

### OPPONENTS:

MAYNARD OLSON, representing the Office of Public Instruction, said that they are opposed to this bill on the basis that it would be giving authority by one selective office over other elective officials. They feel the data processing in the superintendent's office, that they have had for many years, is very efficient and at less cost than this program would be. There is a decentralization in data processing with one central computer and there is a development of many computers that are becoming more efficient that could be tied into the state superintendent's. They ask that the bill be amended to take the state superintendent's office out of the bill.

### QUESTIONS OF THE COMMITTEE:

SENATOR MARBUT asked about the amendments and questioned the advisory council. He directed his question to the committee legal staff person, Dave Cogley.

DAVE COGLEY stated that he was not prepared to answer the whole question but as far as the way the advisory council was set up, it is a little bit loose as far as stating how many members would serve although it is not a real problem.

The hearing closed on H.B. 427.

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CONSIDERATION OF HOUSE BILL 781:

"AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE V, SECTION 3, OF THE MONTANA CONSTITUTION TO PROVIDE FOR THE ELECTION OF SENATORS FOLLOWING THE FILING OF A PLAN FOR LEGISLATIVE REDISTRICTING AND REAPPORTIONMENT BY REQUIRING ELECTIONS TO BE HELD IN ALL SENATE DISTRICTS."

REPRESENTATIVE DRISCOL, District 69, presented this bill as a House State Administration Bill. This bill submits to the voters that all senators, after reapportionment, have to run again. Page 2 of the bill is the new section, shown on line 5.

PROPOSERS: None

OPPOSERS: None

QUESTIONS OF THE COMMITTEE:

SENATOR STORY asked how many votes this got in the House.

REPRESENTATIVE DRISCOL said that he believes on third reading it was 70.

SENATOR TVEIT mentioned that this bill addresses the two years and four years on the election, but does it address it after that time senators will be elected every two years.

REPRESENTATIVE DRISCOL said "no".

The hearing closed on H.B. 781.

CONSIDERATION OF HOUSE BILL 846:

"AN ACT EXPANDING THE PROHIBITIONS AGAINST POLITICAL COERCION OF PUBLIC EMPLOYEES AND POLITICAL ACTIVITIES OF PUBLIC EMPLOYEES AND POLITICAL ACTIVITIES OF PUBLIC EMPLOYEES WHILE ON THE JOB."

REPRESENTATIVE BRAND, District 28, presented this bill and said that it was derived out of committee. The problem is that in state government, especially here in Helena, people were asked to contribute or do various things for political purposes while they were on duty. This bill is to curb those activities.

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PROPOSERS: None.

OPPOSERS: None.

QUESTIONS OF THE COMMITTEE: None.

SENATOR STORY stated that they will hold this bill for awhile to see what the- will do with SENATE BILL 438 as they do not want them both to fail.

REPRESENTATIVE BRAND said they will amend S.B. 438 to add the ballot issue.

The hearing closed on H. B. 846.

EXECUTIVE SESSION:

ACTION ON HOUSE BILL 627:

SENATOR MANNING MOVED THE AMENDMENT to strike everything after "10" on page 2, line 4, and line 5 through "department".  
MOTION PASSED.

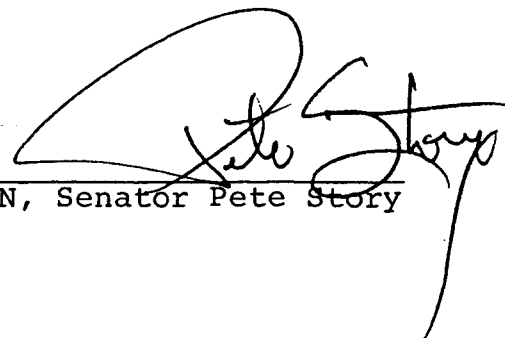
SENATOR MANNING MOVED THAT H.B. 627 BE CONCURRED IN AS AMENDED.

MOTION PASSED. Senator Hammond will carry this bill.

ACTION ON HOUSE BILL 781:

It was decided to bring the amendments in Friday for action.

There was no further business and the meeting adjourned at 11:35 a.m.

  
\_\_\_\_\_  
CHAIRMAN, Senator Pete Story

# ROLL CALL

STATE ADMINISTRATION

COMMITTEE

47th LEGISLATIVE SESSION -- 1983

Date 3/10/83

-----				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
SENATOR GARY LEE	X			

Each day attach to minutes.

NAME: Bill Opitz DATE: 3/10/83

ADDRESS: 2 Wood Ct Helena, Mont.

PHONE: 449-3007 <sup>office</sup> ✓ - 443-3624 <sup>home</sup> ✓

REPRESENTING WHOM? Mont. Public Service Commission

APPEARING ON WHICH PROPOSAL: HB-627

DO YOU: SUPPORT? X AMEND? X OPPOSE?       

COMMENT: See attached statement of support.

Proposed amendment: See attached  
pg 2 lines 4 & 5, strike the phrase  
"and must be approved by the Department  
according to criteria approved by the Department."

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



PUBLIC SERVICE COMMISSION

EXHIBIT 3  
1227 11th Avenue • Helena, Montana 59620  
Telephone: (406) 449-3007 or 449-3008

pg 1

February 15, 1983

Thomas Schneider, Chairman  
John Driscoll  
Howard Ellis  
Clyde Jarvis  
Danny Oberg

TO: Representative Dozier  
Montana House of Representatives

FROM: Bill Opitz, Executive Director  
Public Service Commission

RE: HB-627, Allowing for Ten Exemptions

- (1) The top priority bill for the Commission.
- (2) Provides for equality with other elected officials.  
*closer*
- (3) Main purpose: to prevent turnover.
  - (a) In the past, the Commission has lost employees to Legislative agencies and industry.
- (4) Termination procedures will remain the same.
  - (a) The Commission's EEO/Affirmative Action Plan was used as the model for training of other State agencies.
- (5) Positive aspects of retaining employees would be:
  - (a) Savings in training dollars
  - (b) Improved productivity
  - (c) Improved employee morale
  - (d) *Increased* ~~Built up~~ loyalty to the organization
  - (e) Employees become more career-oriented and therefore more professional in their approach to their job
  - (f) Public interest is better served

Representative Dozier

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February 15, 1983

(6) Work at the PSC is hard on health.

(a) In the last two years: 1 heart attack, 1 stroke, a case of MS, and a by-pass surgery occurred out of a population of 44--mostly young people.

(7) Fiscal note - depicts maximum impact

(a) Instead of \$20,000/year, most likely would be

84 - \$4,000

85 - 8,000

PROPOSED AMENDMENTS  
TO HOUSE THIRD READING BILL

1. Page 2, Line 11.

Strike: Subsection (3) in its entirety

Insert: "(3) The number of members of the personal  
staff of the public service commission who  
are exempted by subsection (1) may not exceed  
ten."

March 10, 1983

COMMITTEE ON

# VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

## Criteria for Exempt Personal Staff

Section 59-903(3) R.C.M. 1947 provides that personal staff of elected officials enumerated in Article VI, Section 1 of the Constitution of Montana shall not exceed ten (10) unless approved by the Department of Administration under the following criteria.

1. An employee who has duties assigned by the elected official and not through intermediate supervisors.
2. An employee whose appointment or dismissal is the sole prerogative of the elected official.
3. An employee who is responsible for formulating policy recommendations for direct submission to the elected official.
4. An employee who has authority to represent the elected official and/or make commitments on behalf of the elected official, subject to final approval of the elected official.

Elected officials shall submit to the Department of Administration the names of employees that they request be exempt under the criteria for exempt personal staff. Failure to request an exemption shall cause the presumption that it is the intent of the elected official that the position shall be classified and paid according to the rules of the State Classification and Pay Plans.

# STANDING COMMITTEE REPORT

MARCH 10

83

19.....

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 627

Dozier (Hammond)

Respectfully report as follows: That HOUSE Bill No. 627

third reading, be amended as follows:

1. Page 2, line 4.  
Following: "10"  
Strike: Remainder of line 4 through "DEPARTMENT"  
on line 5

And, as so amended,

BE CONCURRED IN

DO PASS

*P. C.*

# STANDING COMMITTEE REPORT

MARCH 10 19 83

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 781

Driscoll (Story)

Respectfully report as follows: That HOUSE Bill No. 781

BE NOT CONCURRED IN  
~~DO NOT~~

*Handwritten signature*

STANDING COMMITTEE REPORT

MARCH 10

83

19.....

PRESIDENT

MR. ....

STATE ADMINISTRATION

We, your committee on .....

HOUSE

623

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

Switzer (Tveit)

HOUSE

693

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

BE CONCURRED IN

~~DOXKASX~~

NC