

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

March 18, 1983

The fiftieth meeting of the Senate State Administration Committee was called to order by Senator Pete Story on March 18, 1983 at 10:00 a.m. in room 331 of the State Capitol Building in Helena, Montana.

ROLL CALL: Roll was called and all members were present. Senator Lee did not attend this meeting.

The meeting was called for EXECUTIVE SESSION:

EXECUTIVE SESSION:

ACTION ON HOUSE BILL 199: (Military Affairs)
SENATOR MARBUT directed questions to Major Kenneth Cottrill and asked about taking out food and clothing as shown on page 6 of the bill. Major Cottrill stated that it was a recommendation of the legislative auditor. He said that if there were an emergency they would take what they needed under Marshall Law. Senator Marbut asked about a local disaster. Major Cottrill said that he does not think that would make a difference. Senator Marbut referred to section 1 page 1 and the loose terms as to who is responsible for those state employees going on active duty. Major Cottrill said the national guard has full time employees who are state employees and for a long time had full time employees that were civil service technicians and when they converted them to a form of active duty, doing the same job but now being paid with active duty, title 32 funds, in an active duty capacity. When they put them on active duty there was some loose terms in federal law regarding active duty and who is responsible for punitive action against these people. The ruling at this point is, unless the state takes positive action it is up to the ruling military authority. What the state is asking is that they say these people are under the direct control of the Adjutant General.

SENATOR TOWE MOVED HOUSE BILL 199 BE CONCURRED IN.
MOTION PASSED. Senator Towe will carry this bill.

ACTION ON HOUSE BILL 303: (Nat. Guard Retirement)
There was some discussion on this bill. It was the consensus of some that only a very few would take advantage of this anyway and they would be only those that could afford it.

SENATOR HAMMOND MOVED HOUSE BILL 303 BE CONCURRED IN.
SENATOR MANNING MADE A SUBSTITUTE MOTION with an effective date of July 4, 1984
MOTION PASSED with Senator Hammond, Stimatz and Tveit voting "no".

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SENATOR MANNING MOVED HOUSE BILL 303 BE CONCURRED AS AMENDED.
ROLL CALL VOTE WAS TAKEN, EXHIBIT 1. Senators Tveit & Story "NO"
MOTION PASSED. Senator Manning will carry this bill.

ACTION ON HOUSE BILL 528: (leg. vacancy)

SENATOR TOWE submitted amendments and reviewed them with the committee, EXHIBIT 2. There is a first alternative and a second alternative to this amendment. Senator Towe explained the difference between the two.

SENATOR TOWE MOVED the amendments 1 through 5(a).
MOTION PASSED

SENATOR TOWE MOVED HOUSE BILL 528 BE CONCURRED IN AS AMENDED.
MOTION PASSED. SENATOR TOWE will carry this bill.

ACTION ON HOUSE BILL 424: (medicaid waiver)

This bill was discussed by the committee and Senator Towe suggested wording for a statement of intent, first striking the present statement of intent now attached to the bill. It was decided to retain the final sentence to the existing statement of intent. SEE ATTACHED EXHIBIT 3. Senator Towe suggested pulling the last sentence of the existing statement of intent and make it a separate section.

SENATOR MARBUT MOVED TO STRIKE THE STATEMENT OF INTENT.
MOTION PASSED.

SENATOR TOWE MOVED HOUSE BILL 424 AS AMENDED.
SENATOR TVEIT MADE A SUBSTITUTE MOTION THAT H.B.424 DO NOT PASS.
Roll call vote was taken. MOTION FAILED. EXHIBIT 4
THE MOTION REVERTED TO THE ORIGINAL MOTION.
MOTION PASSED. EXHIBIT 5. SENATOR TOWE will carry this bill.

ACTION ON HOUSE BILL 847: (increase salaries elec. off.)
SENATOR TOWE MOVED HOUSE BILL 847 BE CONCURRED IN.
MOTION PASSED. SENATOR STORY will carry this bill.

ACTION ON HOUSE BILL 288: (sec. of state-voter's info)
Senator Towe presented the Secretary of State's amendment:
1. Page 2, line 15.
Following: "printer"
Insert: "and shall be mailed in a manner and at a
rate determined by the secretary of state"
SENATOR TOWE MOVED THE ABOVE AMENDMENT.
MOTION PASSED.

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SENATOR MARBOT MOVED HOUSE BILL 288 BE CONCURRED IN AS AMENDED.

SENATOR TVEIT MADE A SUBSTITUTE MOTION THAT HOUSE BILL 288 DO NOT PASS. Roll call vote: EXHIBIT 6.
MOTION FAILED.

SENATOR MARBUT MOVED A REVERSED VOTE.
Held for Senator Lee's vote.

HOUSE BILL 107 was discussed.

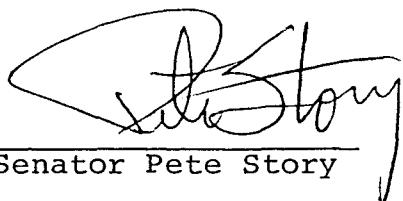
ACTION ON HOUSE BILL 450: (medicaid waiver)
SENATOR TOWE MOVED THE AMENDMENTS. See Standing Committee Report, attached.
MOTION PASSED.

SENATOR TOWE MOVED ALL REFERENCES TO THE BOARD OF INSTITUTIONS BE CHANGED TO THE DIVISION OF CORRECTIONS UNDER THE DEPARTMENT OF INSTITUTIONS. Take 5, 6, 7, 8, and 9 out of the bill.

MOTION PASSED.

SENATOR TOWE MOVED HOUSE BILL 450 BE CONCURRED IN AS AMENDED.
MOTION PASSED. Roll call vote. EXHIBIT 7.

The meeting adjourned at 11:45 a.m.



CHAIRMAN, Senator Pete Story

ROLL CALL

STATE ADMINISTRATION

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 3/18/83

SENATE
SEAT #

Each day attach to minutes.

ROLL CALL VOTE

EXHIBIT 1
State Admin.
3/18/83

SENATE COMMITTEE STATE ADMINISTRATION

Date March 18, 1983 House Bill No. 303 Time 10:00

NAME	(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

Leona Williams
Secretary, Leona Williams

Pete Story
Chairman, SENATOR PETE STORY

Motion: BE CONCURRED IN

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

1. Page 2, line 1.
Following: "the"
Insert: "following"
2. Page 2, line 2.
Following: "formula"
Insert: ":"
3. Page 2, lines 3 and 4.
Strike: "for" through "seat" on line 4
4. Page 2, line 5.
Following: "county"
Insert: "for the person vacating the legislative seat or, if such person was not himself elected, the votes cast for the last person to be elected for the current term"

5(a)

5. Page 2, line 8.
Following: "DETERMINED."
Insert: If a vacancy occurs in a holdover Senate seat after holdover senators have been assigned to new districts under each reapportionment, the formula must be applied using the votes cast for the senatorial candidates at the last election

in which such votes were cast. Such votes shall include only those cast by electors residing in the new Senate district for senate candidates of the party to which the person vacating the seat belonged. The Secretary of State shall provide an estimate of the number of votes so cast, by county or portion thereof.

5(b) Page 2, line 8.

Following: "DETERMINED."

~~Ans: "If a vacancy occurs in a holdover Senate seat after reapportionment and before a senate election has been held in the new district, the formula must be applied using the votes cast for the senatorial candidates at the last election in which such votes were cast. Such votes shall include only those cast by electors residing in the new Senate district for senate candidates of the party to which the person vacating the seat belonged. The Secretary of State shall provide an estimate of the number of votes so cast, by county or portion thereof.~~

SENATOR TOWE's proposal

STATEMENT OF INTENT
H.B.424

EXHIBIT 3
State Admin.
3/18/83

Following: Title

Insert: Section 1: Statement of Intent is required by
House Bill 424 because rulemaking is authorized in Section 5.

Section 2: In adopting rules necessary to implement rules of community based medicaid services and establishing a system of long-term care placement evaluation, the department of Social Rehabilitation Services shall attempt to comply with federal requirements on the use of medicaid funds and shall attempt to reduce costs to the state and other governmental funds to a minimal. The primary emphasis should be on homes and care of citizens in their own homes, however, in the event of group homes or other community based facilities can also provide the job at less expense that should also be considered provided their needs are met.

SENATE COMMITTEE ON STATE ADMINISTRATION

Date March 18, 1983 HOuse Bill No. 424 Time

NAME	DO NOT 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

Secretary, Leona Williams

Chairman SENATOR PETER STORY

Motion: BY SENATOR TVEIT - DO NOT PASS

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

ROLL CALL VOTE

EXHIBIT 5

SENATE COMMITTEE ON STATE ADMINISTRATION

THE MUSEUM

Secretary, Leon Williams

Chairman SENATOR PETE STORY

Motion: BY SENATOR TOWE --- DO PASS

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

ROLL CALL VOTE

EXHIBIT 6
 State Admin.
 3/18/83

SENATE COMMITTEE STATE ADMINISTRATION

Date March 18, 1983 House Bill No. 288 Time 10:00

NAME	DO NOT 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	

Leona Williams
 Secretary, Leona Williams

Pete Story
 Chairman SENATOR PETE STORY

Motion: SENATOR TVEIT MOVED -- DO NOT PASS

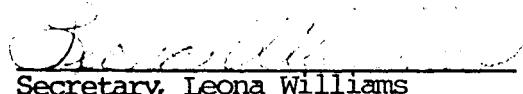
MOTION FAILED

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

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATIONEXHIBIT 7
State Admin.
3/18/83Date March 18, 1983 House Bill No. 450 Time 10:00

NAME	(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


 Secretary, Leona Williams


 Chairman, SENATOR PETE STORY
Motion: SENATOR TOWE MOVED -- BE CONCURRED IN.

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

STANDING COMMITTEE REPORT

MARCH 18

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PRESIDENT

MR.

STATE ADMINISTRATION

We, your committee on

HOUSE

having had under consideration Bill No. 199

Addy (Towe)

HOUSE

Respectfully report as follows: That Bill No. 199

BE CONCURRED IN

DO PASS

MARCH 18

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5.. Page 2, line 8.

Following: "DETERMINED."

Insert: "If a vacancy occurs in a holdover senate seat after holdover senators have been assigned to new districts under each reapportionment, the formula must be applied using the votes cast for the senatorial candidates at the last election in which such votes were cast. Such votes shall include only those cast by electors residing in the new senate district for senate candidates of the party to which the person vacating the seat belonged. The secretary of state shall provide an estimate of the number of votes so cast, by county or portion thereof."

And, as so amended
BE CONCURRED IN

STANDING COMMITTEE REPORT

MARCH 18

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PRESIDENT

MR.

STATE ADMINISTRATION

We, your committee on.....

HOUSE

having had under consideration Bill No. 303

Mueller (Manning)

HOUSE

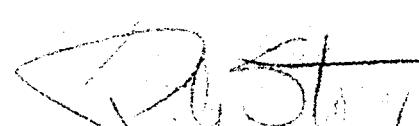
Respectfully report as follows: That..... Bill No. 303

third reading be amended as follows:

1. Page 2, line 1.
Strike: "1983"
Insert: "1984"

And, as so amended
BE CONCURRED IN

WITNESS



Chairman.

STANDING COMMITTEE REPORT

MARCH 18

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PRESIDENT

MR.

STATE ADMINISTRATION

We, your committee on

HOUSE

528

having had under consideration Bill No.

Bengtson (Towe)

HOUSE

528

Respectfully report as follows: That Bill No.

third reading, be amended as follows:

1. Page 2, line 1.
Following: "the"
Insert: "following"
2. Page 2, line 2.
Following: "formula"
Insert: ":"
3. Page 2, lines 3 and 4.
Strike: "for" through "seat" on line 4
4. Page 2, line 5.
Following: "county"
Insert: "for the person vacating the legislative seat or,
if such person was not himself elected, the votes
cast for the last person to be elected for the current
term"

~~DO PASS~~

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STANDING COMMITTEE REPORT

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MR. **PRESIDENT**

We, your committee on

STATE ADMINISTRATION

having had under consideration

HOUSE

Bill No. **847**

Driscoll (Story)

Respectfully report as follows: That

HOUSE

Bill No. **847**

RE CONCURRED IN

SENATOR

STATE PUB. CO.
Helena, Mont.

SENATOR PETE STORY

Chairman.

HC

STANDING COMMITTEE REPORT

MARCH 18

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MR. **PRESIDENT**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **HOUSE** Bill No. **424**

Shontz (Towe)

Respectfully report as follows: That **HOUSE** Bill No. **424**

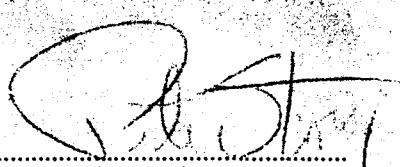
third reading, be amended as follows;

1. Strike: Statement of Intent in its entirety.

**And, as so amended
BE CONCURRED IN**

DO PASS

STATE PUB. CO.
Helena, Mont.


Chairman

J/C

STANDING COMMITTEE REPORT

1 of 9 pages

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MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 450

Brand (Towe)

Respectfully report as follows: That HOUSE Bill No. 450

be amended as follows:

1. Title, line 7.

Following: "SCIENCES"

Insert: ", TO THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES,"

2. Title, line 7.

Following: "TO"

Strike: remainder of line 7 through "INSTITUTIONS" on line 8

Insert: "THE DIVISION OF CORRECTIONS CREATED IN THIS ACT"

3. Title, line 9.

Strike: "BOARD"

Insert: "DIVISION OF CORRECTIONS"

~~DO PASS~~

CONTINUED..

MARCH 18

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4. Page 3, lines 14 through 19.
Strike: subsections (a), (b) and (c)
Renumber: all subsequent subsections

5. Page 5, line 1.
Strike: "board of institutions"
Insert: "division of corrections"

6. Page 5, line 4.
Strike: "board of institutions"
Insert: "division of corrections"

7. Page 6, lines 5 and 6.
Strike: "board of institutions"
Insert: "division of corrections"

8. Page 6, line 6.
Strike: "board" (of institutions)"
Insert: "division" (of corrections)"

9. Page 6, line 12.
Strike: "board of institutions"
Insert: "division of corrections"

10. Page 6, line 16.
Strike: "board of institutions"
Insert: "division of corrections"

11. Page 6, line 19 through page 8, line 8.
Strike: sections 5 through 7 in their entirety
Insert: "Section 5. Division of corrections. There is a
division of corrections within the department of
administration.

Section 5. Rules. The division of corrections may adopt
rules for the administration of the institutions, facilities,
and programs for which it is responsible."

12. Page 8, line 9.
Strike: "board"
Insert: "division"

13. Page 8, line 10.
Strike: "board"
Insert: "division"

14. Page 8, line 15.
Following: "state;"
Insert: "and"

CONTINUED...

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15. Page 8, line 17.

Following: "jurisdiction"

Strike: remainder of line 17 through "facilities" on line 19

16. Page 8, line 20.

Strike: "board"

Insert: "division"

17. Page 8, line 21.

Strike: "board"

Insert: "division"

18. Page 9.

Following: line 4

Insert: "Section 9. Functions of the department of institutions transferred to the department of social and rehabilitation services. (1) The following functions of the department of institutions and the director of the department of institutions are transferred to the department of social and rehabilitation services and the director of social and rehabilitation services as defined in Title 2, chapter 15, part 22:

(a) treating developmentally disabled persons under Title 53, chapter 20, part 1;

(b) transferring funds by budget amendment for developmental disability systems under 53-20-214; and

(c) relating to state-owned facilities under Title 53, chapter 20, part 5.

(2) Unless inconsistent with this act, any reference to the "department of institutions" or "department" (of institutions) in the sections listed in subsection (1) are changed to "department of social and rehabilitation services" or "department" (of social and rehabilitation services). The code commission shall conform internal references and grammar to these changes.

(3) The governor may by executive order assign to the department of social and rehabilitation services in a manner consistent with this act functions allocated to the department of institutions by the 48th legislature and not transferred by this act.

Section 10. Institutions in department of social and rehabilitation services. The following institutions are in the department:

(1) Boulder River school and hospital;

(2) Eastmont training center.

CONTINUED

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Section 11. Rules. The department of social and rehabilitation services may adopt reasonable rules to carry out the administration of those institutions in the department, designated by [section 10], and to provide procedures and criteria for the purposes of Title 53, chapter 20, part 1.

Section 12. Administration. The department of social and rehabilitation services shall administer Boulder River school and hospital and Eastmont training center in accordance with Title 53, chapter 20, part 1."

Renumber: all subsequent sections.

19. Page 9, line 19.

Following: "institutions"

Insert: "social and rehabilitation services or the department of"

20. Page 10, lines 16 and 17.

Strike: subsection (c) in its entirety

Renumber: subsequent subsections

21. Page 11, line 8.

Following: "pursuant to"

Strike: "subsections"

Insert: "subsection"

Following: "or"

Strike: "through"

Insert: "or"

22. Page 11, line 9.

Following: "(2)fbt"

Strike: "(c)"

Insert: "(b)"

23. Page 11, line 10.

Following: "director"

Strike: ","

Following: "or"

Insert: "or"

24. Page 11, lines 11 and 12.

Following: "instruction"

Strike: "chairman of the board of institutions,"

CONTINUED...

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25. Page 11, line 18.

Following: "subsection (2) ~~(d)~~"

Strike: "(e)"

Insert: "(d)"

Following: "or (2) ~~(e)~~"

Strike: "(f)"

Insert: "(e)"

26. Page 11, line 21.

Following: "subsection (2) ~~(e)~~"

Strike: "(d)"

Insert: "(e)"

Following: "(2) ~~(f)~~"

Strike: "(g)"

Insert: "(f)"

Following: "or (2) ~~(g)~~"

Strike: "(h)"

Insert: "(g)"

27. Page 14, line 6.

Following: "sciences"

Strike: remainder of line 6 through "institutions" on line 7

Insert: ", the department of social and rehabilitation services,
and the division of corrections"

28. Page 16, line 10.

Following: "sciences"

Strike: "and the board of institutions"

Insert: ", the department of social and rehabilitation services,
and the division of corrections"

29. Page 19, line 10.

Following: "sciences"

Strike: "and the board of institutions"

Insert: ", the department of social and rehabilitation services,
and the division of corrections"

30. Page 20, line 13.

Following: "sciences"

Strike: "or the board of institutions"

Insert: ", the department of social and rehabilitation services,
and the division of corrections"

31. Page 21, line 23.

Following: "sciences"

Strike: "and the board of institutions"

Insert: ", the department of social and rehabilitation services,
and the division of corrections"

CONTINUED . . .

32. Page 22, line 1.

Following: "sciences"

Strike: "and the board of institutions"

Insert: ", the department of social and rehabilitation services,
and the division of corrections"

33. Page 22, line 10.

Strike: "board of institutions"

Insert: "division of corrections"

34. Page 23, lines 6 and 7.

Following: "services"

Strike: ","

Following: "and"

Strike: "the department of health and environmental sciences,"

35. Page 23, line 7.

Strike: "board of institutions"

Insert: "division of corrections"

36. Page 23, line 20.

Following: "in 53-1-202,"

Insert: "the department of social and rehabilitation services,
as defined in [section 9],"

37. Page 23, lines 20 and 21.

Strike: "board of institutions"

Insert: "division of corrections"

38. Page 24, lines 20 and 21.

Strike: "board of institutions"

Insert: "division of corrections"

39. Page 31, lines 8, 22, 23, and 25.

Strike: "board of institutions"

Insert: "division of corrections"

40. Page 32, lines 14, 20, 21, and 24.

Strike: "board of institutions"

Insert: "division of corrections"

41. Page 33, line 4.

Strike: "board"

Insert: "division"

42. Page 33, lines 4 and 9.

Strike: "board of institutions"

Insert: "division of corrections"

CONTINUED...

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43. Page 34, lines 4, 5, 14, 15, and 17.
Strike: "board of institutions"
Insert: "division of corrections"

44. Page 35, lines 5, 6, 16, and 18.
Strike: "board of institutions"
Insert: "division of corrections"

45. Page 37, line 24.
Strike: "board of institutions"
Insert: "division of corrections"

46. Page 38, lines 17 and 18.
Strike: "board of institutions"
Insert: "division of corrections"

47. Page 38, line 19.
Strike: "board"
Insert: "division"

48. Page 39, lines 2, 20, and 21.
Strike: "board of institutions"
Insert: "division of corrections"

49. Page 40, lines 12, 16, and 20.
Strike: "board of institutions"
Insert: "division of corrections"

50. Page 41, lines 8, 9, and 14.
Strike: "board of institutions"
Insert: "division of corrections"

51. Page 42, line 10.
Following: "jurisdiction,"
Insert: "the department of social and rehabilitation services,"
Strike: "board of institutions"
Insert: "division of corrections"

52. Page 44, line 14.
Strike: "board of institutions"
Insert: "division of corrections"

53. Page 44, line 15.
Strike: "board"
Insert: "division"

CONTINUED

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54. Page 44.

Following: line 17

Insert: "(c) make at least one inspection a year of each state institution under the control of the department of social and rehabilitation services and submit a copy of the report to the department with recommendations in regard to fire prevention, fire protection, and public safety;"

Renumber: subsequent subsections

55. Page 47, line 14.

Following: "sciences"

Strike: "or the board of institutions"

Insert: ", the department of social and rehabilitation services, or the division of corrections"

56. Page 48, line 7.

Strike: "Board"

Insert: "Division"

Strike: "board of institutions"

Insert: "division of corrections"

57. Page 48, line 21.

Strike: subsection (1) in its entirety

Renumber: all subsequent subsections

58. Page 49, lines 1 and 2.

Strike: subsection (3) in its entirety

Renumber: all subsequent subsections

59. Page 49, line 16.

Strike: subsection (c) in its entirety

Renumber: all subsequent subsections

60. Page 49, line 20.

Strike: subsection (f) in its entirety

Renumber: all subsequent subsections

61. Page 51, line 11.

Following: "title;"

Insert: "and"

62. Page 51, line 16.

Following: "institutions"

Strike: remainder of line 16 through "disability" on line 19

63. Page 51, line 24.

Strike: "board"

Insert: "division"

CONTINUED

