

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

January 8, 1985

The first meeting of the State Administration Committee was called to order by Chairman Haffey on January 8, 1985 at 10:00 a.m. in Room 331, State Capitol.

MEMBERS: The following Senators are members of this committee.

SENATOR JACK HAFHEY, Chairman
SENATOR LES HIRSCH, Vice-Chairman
SENATOR JOHN ANDERSON
SENATOR WILLIAM FARRELL
SENATOR ETHEL HARDING
SENATOR J. D. LYNCH
SENATOR DICK MANNING
SENATOR JOHN MOHAR
SENATOR LARRY TVEIT

GLENDA PENNINGTON is secretary to the committee and VALENCIA LANE is the Legislative Council representative and will be Staff Attorney for the committee. They were both introduced by the Chairman.

The Chairman gave the members a short run-down on handling matters in this committee.

ROLL CALL: Roll was called and all members of this committee were present.

A quorum is present and I just have a couple of brief comments. This is how we will try to handle each bill. Sponsors will be asked to sign in and there is a place for them to do so. Please on the sign in sheet indicate whether you are a proponent or an opponent. Sponsors will present their bill. Proponents will then be asked to testify; opponents will then testify; and, sponsors will then close. As far as executive action, we will try to take action on the same day as we hear them as far as possible. We will try to do this in order to keep from building up a backlog.

The Chairman proceeded to list a few short notes regarding chairs, coffee, etc.

The Chairman was the sponsor for SENATE BILL 12, so he turned the meeting over to Senator Les Hirsch, Vice-Chairman, to proceed.

SENATE BILL 12, is a bill entitled, "AN ACT TO INCLUDE THE UNIVERSITY SYSTEM AND THE LEGISLATIVE AND JUDICIAL BRANCHES OF STATE GOVERNMENT IN BUDGET AMENDMENT PROCEDURES; AMENDING SECTION 17-7-404, MCA; AND PROVIDING AN EFFECTIVE DATE." It was introduced by SENATOR JACK HAFHEY, who explained that this is a housekeeping bill, presented at the request of the Legislative Finance Committee. It is a

bill to cause the University System, and the legislative, and judicial branches of state government to do what the executive branch of government already has to do when it requests budget amendments. A budget amendment is a change in appropriations from that that was included in the last legislative session. From the end of one legislative session to another, new funds become available from new sources that were not contemplated during that session. Budget amendments can only be made when funds become available from other places. They wanted us to become aware of the impact, so legislature two sessions ago began to put into law and now has in law, budget amendments saying what the approving authority must do before the budget can be amended. And the criteria must be approved and checked to allow for the budget authority to approve it. Only the executive branch has to do this, to meet this criteria. The University System and the Legislative Branch will not only have to go through the criteria but they have to get approval through the fiscal analyst's office and the finance committee will say whether it approves or rejects or disagrees with the approving of that budget amendment. This causes some problems for these agencies, but what is good for one is good for all of them. I don't know if there are any proponents here, but Curt Nichols, Principal Analyst from the Fiscal Analyst's Office is here to answer any questions.

There were no other proponents and no opponents.

SENATOR MANNING made a motion that SENATE BILL 12 do pass; and it was seconded by SENATOR CONOVER and unanimously passed.

SENATE BILL 13: "AN ACT CLARIFYING THAT THE MONTANA ADMINISTRATIVE PROCEDURE ACT DOES NOT APPLY TO ALL UNITS OF LOCAL GOVERNMENT, SCHOOL DISTRICTS, OR ANY OTHER POLITICAL SUBDIVISIONS OF THE STATE; AMENDING SECTION 2-4-102, MCA; AND PROVIDING AN APPLICABILITY DATE." SENATOR PETE STORY sponsored this bill and explained that there were hundreds of meetings of little tiny units of government and that this bill would clearly spell out that these smaller units did not have to follow the procedures followed by the larger units of government, such as state government. These small units such as local governments and county commissions and school districts would spend more time and expense trying to comply with all the rules and regulations than the job should require. MAPA should be applied to state agencies rather than to local governments.

Thank you Senator Story, are there proponents:

ALEC HANSEN, League of Cities and Towns, concurs.

GORDON MORRIS, Montana Association of Counties, concurs.

CHIP ERDMANN, Montana School Board Association. We would also like to support this bill and would endorse the comments of the previous speaker. We do not think that the Administrative Procedure Act should apply to school districts. RICHARD TRERISE, Montana Association of County School Superintendents, concurs. JOHN LARSON, on behalf of the State Superintendent of Public Instruction.

STATE ADMINISTRATION

January 8, 1985

Page 3

Thank you, are there any opponents: RAY BLEHM, Montana Firemen's Association. Mr. Blehm wasn't adamantly opposed to SB-13 but was concerned that some of the larger local government units, such as the city of Billings, can pass rules without any chance of input by affected persons and wanted the committee to consider this in their deliberations on SB-13.

SENATOR LYNCH asked for further information regarding the school district's problem. It was referred to ROGER TIPPY, who explained the Yanzick case in detail. SENATOR LYNCH asked for further clarification from Mr. Larson. Mr. Larson told him in some detail about the Yanzick case and the Donnes case in Red Lodge.

SENATOR PETE STORY: The more complex government gets, the more important it is that government does not trample over citizens. It is an improper vehicle for school boards, and it should be clarified. If they complied with MAPA, any decisions these hundreds of units made would cost taxpayers millions to put them in the records.

SENATE BILL 13 was deferred until our next meeting.


SENATE BILL 14: SENATOR ALAN KOLSTAD explained that he is sponsoring this bill on behalf of the Legislative Council. A bill entitled, "AN ACT TO RESTRICT FREE LEGISLATIVE PROCEEDINGS FOR NEWS MEDIA TO MONTANA NEWSPAPERS AND BROADCASTERS; AMENDING SECTION 5-11-213, MCA." This really closes a loophole that exists in our statutes. At the present time we are obligated to furnish to all news media copies of legislative proceedings. This bill would make it so that out-of-state news media would have to pay for any copies that they were furnished. Right now, they could request and we would have to furnish it to them free-of-charge.

There were no other proponents or opponents.

SENATOR LYNCH asked how much one of these packets costs. SENATOR KOLSTAD replied that they are about \$400.00 per packet, but he would have to check his records.

SENATOR LYNCH made a motion that SENATE BILL 14 do pass, SENATOR CONOVER seconded, and it was unanimously passed.

Motion was made to adjourn at 10:45 a.m.


SENATOR JACK HAFFEY, Chairman

STANDING COMMITTEE REPORT

January 8,

19 35

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 12

BUDGET AMENDMENT PROCEDURES--INCLUSION OF UNIV. SYSTEM, LEG. AND JUDICIAL

Respectfully report as follows: That SENATE Bill No. 12

DO PASS

STANDING COMMITTEE REPORT

January 3, 1985

MR.PRESIDENT.....

We, your committee onSTATE ADMINISTRATION.....

having had under considerationSENATE..... Bill No. 14.....

RESTRICTION OF FREE LEGISLATIVE PROCEEDINGS FOR NEWS MEDIA TO
MONTANA MEDIA

Respectfully report as follows: That.....SENATE..... Bill No. 14.....

DO PASS

.....*John H. Haffey*.....
Chairman.