

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
49th LEGISLATURE SPECIAL SESSION III
HOUSE OF REPRESENTATIVES

June 25, 1986

The meeting of the State Administration Committee was called to order by Chairman Sales on June 25, 1986 at 9:00 a.m. in Room 317 of the State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL NO. 48: Rep. Ed Grady, District #47, explained the purpose of the bill and said it was to get four or five blind people back into the State building vending stations. This program was set up under the federal program, the Randolph-Shepherd Act, but was administered and funded by the state. It is being dropped by the department of social and rehabilitation services at the end of June. This bill would give them (the blind people) preference in the case of equal proposals. If there is an existing contract they would have priority of meeting the existing bid. The federal act was adopted in 1978 by the Legislature.

PROPONENTS:

Virginia Sutich, President of the Montana Association of Blind, supported Rep. Grady's bill and said it does give several blind people the opportunity to make a living. She said she would like the Committee to give a Do Pass on the bill.

Faye Woodall also appeared as a proponent and stated that he was a potential bidder. He said he had been blind for two years and previous to that he had been in construction. That is no longer possible and asked for help in the form of this bill.

Robert VanDerVere, concerned citizen and lobbyist, said he was not usually a proponent of preference but said it has to be done in some instances. He asked that the Committee grant this preference.

Maggie Bullock, Department of Social and Rehabilitation Services, supported the bill and said they do have the ability to train these people to get into the food service business if that is where their qualifications lie.

Mike Muszkiewicz, Department of Administration, also supported HB 48 and said that they could implement the program without too much hassle to the department.

Jack Noble, University System, supported the bill but asked that his amendment be adopted deleting the university system and the vo-tech centers.

Rep. Budd Gould, District #61, appeared as a proponent to the bill and said that Rep. Grady deserves a great deal of credit as he had put in a lot of time on this bill. Mr. Gould also pointed out that there was a great deal of jobs lost through Mountain Bell moving out of the state and that this is a small effort to maintain a few jobs for the blind in Montana.

OPPONENTS: There were no opponents.

DISCUSSION OF HOUSE BILL NO. 48: Rep. O'Connell asked what the Randolph-Shepherd Act consisted of and Maggie Bullock explained that it was federal legislation passed in 1935 that gives preference to individuals who are blind in federal buildings. The 1981 Legislature passed the "Little Randolph-Shepherd Act" for state buildings.

Rep. Phillips wanted to know what the problems were that the SRS had experienced in administering the program. Ms. Bullock said that inspections were conducted of the stations for fire and safety and the State was told that they would have to correct the deficiencies in those locations at a cost of \$127,000. Either the corrections would have to be made or a change would have to be made in menu. This was the choice that was taken and the people operating the stations said they could no longer make any money so they withdrew from the program. She also said that in the federal act they had an absolute preference. She said that as of June 30th the department of SRS is no longer going to administer the program.

Rep. Holliday asked if the amendments do not address the same topic and asked if the Committee would have to adopt both proposed amendments. Mr. Muszkiewicz said that the university system would have priority but he would like to see the department of administration's amendments adopted also.

Rep. Jenkins expressed his uneasiness with the statement of intent granting rulemaking authority, however, Mr. Muszkiewicz said that somebody has to write the rules and decisions have to be made without including all of that in the bill.

Rep. O'Connell asked if nothing is done with this bill if the program would automatically revert to the federal program and give them absolute preference. Rep. Grady said that was not true as this was a discretionary program. Rep. Gould said they did not want total preference, they would rather have it a preference on a tie bid.

Ms. Bullock said that nothing had changed at the federal level and there has never been an appropriation for this program. It has always been the responsibility of the state for the funding, the rules and regulations.

There being no further questions from the Committee, Rep. Grady closed saying that he would rather see it this way instead of total preference. He had confidence in the department and they have offered to include him in the rule making so he could see no problem with rulemaking authority. The program will be phased out the 30th of June and therefore there will be a lot of equipment in the state buildings that will not be used and will have to be sold if something isn't done before June 30th. He agreed with the amendments that had been proposed and also proposed one by the Montana Association of Blind on page 4, line 1, a copy being attached to the minutes.

EXECUTIVE ACTION:

House Bill No. 48: Rep. Pistoria moved that HB No. 48 DO PASS.

Rep. O'Connell expressed her disapproval with the bill and said that some of the 5% cuts have not been made and said this was one that should not be cut.

Rep. Holliday pointed out that the title would have to be amended to conform with the amendment striking section 6.

Rep. Holliday moved to ADOPT THE AMENDMENTS proposed by Rep. Grady and the amendment to the title. MOTION CARRIED with Rep. O'Connell voting "no".

Rep. Phillips moved the ADOPTION OF THE AMENDMENTS on page 2, line 16, seconded by Rep. Garcia. MOTION CARRIED with Reps. Holliday, O'Connell, Sales and Peterson voting "no".

Rep. Holliday moved ADOPTION OF AMENDMENTS excluding the vo-tech and university system, seconded by Rep. Jenkins. MOTION CARRIED with Reps. O'Connell and Sales voting "no".

Rep. Holliday moved that HB 48 DO PASS AS AMENDED WITH STATEMENT OF INTENT, seconded by Rep. Compton. MOTION CARRIED UNANIMOUSLY.

RECONSIDERATION OF HOUSE BILL NO. 13: Chairman Sales explained to the Committee that HB 13 had been returned to Committee after extensive amendments had been made to the bill. Most of the intent of the bill had been removed with the amendments and bills by Rep. Ellerd and Rep. Manuel had both been passed and said it was clear that this was a dead bill.

Rep. Harbin moved TO TABLE HB 13, seconded by Rep. Cody.

Rep. Phillips said there ought to be equal sharing in the salary cuts and freezes and the intent in Committee was fair and reasonable. The question being called, the MOTION CARRIED with Reps. Peterson, Moore, Phillips, Jenkins and Hayne voting "no".

RECONSIDERATION OF HOUSE BILL NO. 27: Chairman Sales asked for some discussion by the Committee before the bill is taken from the table. He also said that Rep. Manuel's bill was passed, it is a voluntary bill and it seems to be what the body of the House wants to do. There has been a lot taken out of HB27 before Rep. Rehberg even has a chance to discuss it.

Rep. Cody said that the intent of both HB 27 and 13 was excellent, however, the reason some of this can't be taken care of is because of constitutionality. Sometime, somewhere the taxpayers' money is going to have to pay to fight what has been done here.

Rep. Moore asked if it was constitutional to cut the legislator's salary and state employees, however, Rep. Cody replied that they were not cut but frozen.

Rep. Smith moved to REMOVE HB 27 FROM THE TABLE, seconded by Rep. Phillips. MOTION CARRIED with Rep. Harbin voting "no".

Rep. Jenkins asked Rep. Rehberg what his bill was going to do now that Reps. Ellerd and Manuel's bills had been passed. Rep. Rehberg said at this point he was not too sure. He said they were still working very hard to make the pay cuts and freezes fair to everyone. The pay freeze was passed but there is a question on the foundation program. He said the only portion left in the bill that the Committee might wish to address would be protection from further salary increases among the administrators. Rep. Rehberg suggested that the bill die in Committee.


Rep. Holliday moved to AMEND THE BILL by deleting all reference to county officials and legislators. MOTION CARRIED.

Rep. Janet Moore was very adamant that something should be done at this level if everybody else must take a pay cut or freeze and expressed her view that the Governor could take the lead and take a pay cut.

Rep. Harbin said there was a great deal of merit to the bill but pointed out to Rep. Rehberg that if he was going to introduce the bill at the 1987 session that a termination date be written into the bill. As the bill is now written the freeze would go on indefinitely.

Rep. Phillips moved TO TABLE HB 27, seconded by Rep. Pistoria. MOTION CARRIED with Reps. Janet Moore and Peterson voting "no".

The meeting was adjourned at 9:45:


WALTER SALES, Chairman

DAILY ROLL CALL

STATE ADMINISTRATION

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 6-25-86

NAME	PRESENT	ABSENT	EXCUSED
SALES, Chairman	✓		
O'CONNELL	✓		
CAMPBELL	✓		
CODY	✓		
COMPTON	✓		
GARCIA	✓		
HARBIN	✓		
HAYNE	✓		
HOLLIDAY	✓		
JENKINS	✓		
KENNERLY	✓		
MOORE	✓		
NELSON	✓		
PETERSON	✓		
PHILLIPS	✓		
PISTORIA	✓		
SMITH	✓		
VELEBER	✓		

VISITORS' REGISTER

ADMINISTRATION

COMMITTEE

BILL NO.

HB 48

DATE _____

6-25-86

SPONSOR

Grady

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STATEMENT OF INTENT

H BILL NO. 40 ~~[LC-135]~~

A statement of intent is required for this bill because section 5 grants rulemaking authority to the department of administration to establish procedures for the implementation by state agencies of the preference authorized by this bill. It is intended that the rules include but not be limited to provisions governing the method of determination of eligibility for the preference authorized in section 2.

Proposed Amendments HB 48
First Reading Copy

1. Page 2, line 16
Following: "food"
Strike: ", "
Insert: "or"
Following: "beverage"
Strike: ", or other"

STANDING COMMITTEE REPORT

Page 1 of 2

June 25

19⁸⁶

Mr. Speaker: We, the committee on State Administration

report House Bill No. 43

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☒ as amended
☒ statement of intent attached

Walter Sales,

Chairman

1. Title, lines 10 through 12.
Strike: "REPEALING" on line 10 through ";" on line 12.
2. Page 2, line 8.
Following: "(5)"
Insert: "(a)"
Renumber: subsequent subsections within (5)(a)
3. Page 2.
Following: line 13
Insert: "(b) State property does not include vocational institutions or institutions of higher education."
4. Page 2, line 16.
Following: "food"
Strike: ", "
Insert: "or"
Following: "beverage"
Strike: ", or other"
5. Page 4, line 1.
Strike: "vandar"
Insert: "preference"
6. Page 4, lines 3 and 4.
Strike: section 6 in its entirety
Renumber: subsequent sections

First reading copy (White)
color

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