

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 11, 1987

The twenty-second meeting of the State Administration Committee was called to order by Chairman Jack Haffey on February 11, 1987 at 10:00 a.m. in Room 331 of the State Capitol.

ROLL CALL: All committee members were present except for Senator Hofman who was excused.

The hearing was opened on Senate Bill 70.

CONSIDERATION OF SENATE BILL 70: Senator Delwyn Gage, Senate District 5, Cut Bank, was the sponsor for this bill entitled, "AN ACT GENERALLY REVISING LAWS CONCERNING LEGISLATIVE STATUTORY COMMITTEES AND JOINT SUBCOMMITTEES; REDUCING LEGISLATIVE MEMBERSHIP ON STATUTORY COMMITTEES AND SUBCOMMITTEES TO FOUR MEMBERS; ELIMINATING NONLEGISLATIVE MEMBERS ON STATUTORY COMMITTEES; ABOLISHING THE COAL TAX OVERSIGHT SUBCOMMITTEE AND TRANSFERRING ITS DUTIES TO THE REVENUE OVERSIGHT COMMITTEE; AMENDING SECTIONS 1-13-103, 1-13-111, . . . , AND 90-4-303, MCA; REPEALING SECTIONS 5-18-201 THROUGH 5-18-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." He stated with the revenue restraints the state is facing now we need to find ways to cut spending and this bill would be a recommendation to cut membership on statutory committees and interim committees to four legislative members. He noted by his estimates, assuming that the legislature could get through 300 bills, it would cut spending by 27 million dollars. He noted, too, he felt few who served on the interim committees did much leg work anyway before coming to the meetings as they rely on the staff people to do this for them. He stated he would not be resentful if all the sections were repealed and reduce spending even more. He felt that priorities need to be set and by doing so it might alleviate the necessity of cutting other more vital programs. He then went through the bill section by section.

PROPOSERS: There were none.

OPPOSERS: Jean Marie Souvigne, representing the League of Women Voters, submitted written testimony from Joy Bruck opposing the bill. The League felt that four people was not enough representation on a committee and also objected to abolishing the Coal Tax Oversight Subcommittee also. (EXHIBIT 1)

Dave Brown, House District 72, Butte, opposed the bill because he felt it was putting a very heavy burden on four members to make the decision that must be made. He felt it was necessary to keep representation as broad as can be on the different committees and especially for those regarding public policy issues. He stated we would be diminishing the legislature's

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areas of expertise both from the administration and from the public. He was concerned about removing public members from the Environmental Quality Council also because you would be removing public input.

George Ochenski, from the Montana Environmental Information Center, opposed the bill because of the removal of public members from the council.

QUESTIONS ON SENATE BILL 70: There were none.

Senator Gage then noted he did not feel this measure precludes a cross section of our constituents because he felt the legislature does represent the public. He felt it would make more people available to serve on committees rather than putting the burden on just a few. He had been told that if no other council was eliminated but one it should be the EQC. He wondered just how much good came from the committees anyway. He felt this would be a signal that the legislature is willing to look at itself too in these times of budget cuts. The hearing was CLOSED on SB 70.

The hearing was opened on Senate Bill 42.

CONSIDERATION OF SENATE BILL 42: Senator Ted Neuman, Senate District 21, Great Falls, is the sponsor of this bill entitled, "AN ACT TO REVISE THE MEMBERSHIP AND DUTIES OF THE LEGISLATIVE COUNCIL; TO CENTRALIZE ADMINISTRATIVE SUPPORT SERVICES FOR THE LEGISLATIVE BRANCH AGENCIES; TO PROVIDE UNIFORM ADMINISTRATIVE POLICIES FOR THE LEGISLATIVE BRANCH AGENCIES, AMENDING SECTIONS 5-11-101, 5-11,105, ... AND 75-1-323, MCA; REPEALING SECTION 5-11-112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." This bill would reorganize the legislative council and increase the duties and responsibilities that the legislative council now provides. He stated this was an effort to streamline and operate in a more efficient manner. The legislative council would provide staff and bill drafting services for the legislature and its committees, institute policies to ensure coordination of the activities of the permanent legislative committees and staff, establish an employee classification and pay plan, establish uniform personnel policies applicable to all fulltime and session employees, establish a centralized procurement of office supplies and provide a standard accounting and payroll system which would include legislators and the staff. A uniform budget would be prepared by the council for appropriations rather than separately as is done presently. The membership of the council would consist of the leadership of the House and of the Senate as he felt they should be included in the operation and control of legislative support services. He then distributed a page of amendments which would prescribe the makeup of the new legislative council. It would be a 12 member group. (EXHIBIT 2)

PROPOSERS: Representative Bob Marks, House District 75, Clancy, noted the council has worked hard to improve its role but that leadership has in the past been reluctant to serve on the council and he felt this made good sense. He also submitted amendments he would propose be introduced in the bill also. He would like to see the membership at four members and still provide a cross section which would provide overall supervision to the legislature. He disagreed on the direct appointment of members to the committees. He would like to see preference given to members who were already on the same types of committees. He was concerned about mandating the pay plan and felt this should be carefully studied first and then be changed only if it is in the best interests to do so. The remainder of his amendments dealt with the pay plan also. He felt leadership should have a strong involvement in the composition of the council. (EXHIBIT 3)

Dave Brown, Representative from House District 72, Butte, also supported the bill and offered some amendment suggestions also. He felt this was a good effort to streamline operations and coordinate efforts in that direction. He basically agreed with the makeup of its membership. He suggested language on page 3 of the bill be added that the council would establish an agreement with other committees and make the council the leading agency and also to check with other agencies before putting into policy new procedures. Regarding the pay plan, he felt a coordinated effort should be made to be sure that all interim standing committees have the same plan. Section "k" on page 3 he felt should be struck from the bill. All remaining changes in the bill he would strike and make the council the leading agency to set legislative policy and to implement new policy.

OPPOSERS: Senator Lynch, Senate District 34, Butte, opposed the bill because he felt the present legislative council is doing a very adequate job. He felt that suggesting that having leadership on the council is absolutely essential is a fallacy as there are leaders on the council presently and he felt it was wrong to mandate that the leaders be on the council committee. He stated they may not wish to be on the committee. He felt membership on the committees should be spread around to get more input from a variety of expertise. He pointed out that the present council has been working with the audit committee, the EQC and others to coordinate themselves. He suggested a good review of House Bill 702 be considered also.

Representative John Cobb, House District 11, Augusta, also opposed the bill for the same reasons as Senator Lynch.

QUESTIONS ON SENATE BILL 42: Senator Haffey asked Judy Rippingale, Legislative Fiscal Analyst, how she felt this might affect her office. She was concerned about the restrictions they are now under regarding comp time and if this were to pass she thought they might have to revise their policies on comp time. She noted there is always concern among her staff people about whether or not they are being treated equally in accordance with other agencies. She was also concerned about the centralization of purchasing especially in contracted services in areas such as data processing. Senator Haffey asked her if she could see a cost savings to this proposal and she stated she did not feel it would save dollars. Ms. Rippingale also noted she could not envision any changes at the present time which would make the council operate any more efficiently. Senator Haffey then asked Scott Seacat, Legislative Auditor, if it might impede or affect his responsibilities and his response was "maybe." He stated it would depend on the policies that the council might adopt. He noted that many of the changes suggested were already being considered.

Jim Payne, from the Montana Consumer Council, stated it might and it might not affect them. He could foresee no changes in their FTE's and doubted this would realize any significant savings. Debbie Schmidt, Executive Director of the Environmental Quality Council, felt the idea behind the proposal was positive but was unsure just how it would affect their office at this time.

Bob Person, Director of the Legislative Council, stated he felt this was well motivated to address concerns that have been expressed regarding the council and stated they would do their best to implement whatever policy the legislature dictated.

Senator Rasmussen asked if there were different pay plans in place now and was told by Senator Lynch there has been an effort to try very hard to relate to the state pay plan. Scott Seacat noted their pay plan is the executive pay plan which was passed by the legislature. It was also noted there had been regular meetings before session to try and establish procedures to enable the council to run more efficiently.

Senator Neuman noted in CLOSING that this bill would alleviate many concerns regarding the council. He noted there has been some jurisdictional disputes in the past regarding who was in charge during interims between sessions and he felt with leadership on the committee these types of issues could be more easily addressed. He noted there are some duplications of efforts in areas of research that could be eliminated. He felt implementing a centralized method of purchasing was wise. He stated he was not trying to limit the number of legislators who want to be involved. He stated that he to felt the

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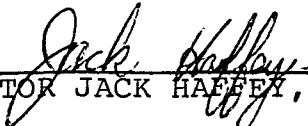
pay plan should be uniform and well thought out before being adopted. The hearing was CLOSED on SB 42.

EXECUTIVE ACTION ON SENATE BILL 70: Senator Lynch MOVED THAT SENATE BILL 70 DO NOT PASS. Senator Abrams seconded the motion. Senator Lynch stated that by limiting the number of committee members to four it would be just to vest a responsibility for so few people. He felt that eight members would be much more realistic to represent a good cross section. Senator Harding wondered about the necessity of having the interim committees and if this was the wisest way to be spending money. Senator Farrell stated we have to start cutting somewhere and this was a good place to begin. Senator Rasmussen felt this might be a good signal that the legislature is willing to take painful cuts also. Senator Lynch noted that the legislative council took budget cuts when the executive branch directed them to do so also. He felt the interim studies that are conducted are important. Senator Abrams agreed with Senator Lynch because he felt it made a better informed legislator. Senator Vaughn wondered if a quorum was not present if a decision could be made and was told there had to be a quorum. Senator Haffey pointed out the far reaching effects that some of the committee's decisions have on all of us such as the finance committee. He felt the bill should not be acted upon in haste. Senator Farrell stated he did not feel the interim committees were all that effective.

On a vote of Senator Lynch's motion the bill DO NOT PASS there was a roll call vote. The motion failed with six senators voting "no" and three senators voting "yes." Senator Rasmussen then MOVED THAT SENATE BILL 70 DO PASS and on a roll call vote, this motion carried with six senators voting "yes" and three senators voting "no."

The meeting was adjourned at 11:20 a.m.

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SENATOR JACK HAFFEY, Chairman

ROLL CALL

SENATE STATE ADMINISTRATION COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 2/11/87

NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACK HAFNEY	X		
SENATOR WILLIAM FARRELL	X		
SENATOR LES HIRSCH	X		
SENATOR JOHN ANDERSON	X		
SENATOR J. D. LYNCH	X		
SENATOR ETHEL HARDING	X		
SENATOR ELEANOR VAUGHN	X		
SENATOR SAM HOFMAN			E
SENATOR HUBERT ABRAMS	X		
SENATOR TOM RASMUSSEN	X		

Each day attach to minutes.

SB 70

REVISING LAWS CONCERNING LEGISLATIVE STATUTORY COMMITTEES AND JOINT SUB-COMMITTEES; REDUCING COMMITTEE MEMBERSHIP TO FOUR; ELIMINATING NON-LEGISLATIVE MEMBERS ON COMMITTEES; ABOLISHING COAL TAX OVERSIGHT COMMITTEE.

The League of Women Voters of Montana opposes SB 70. Although we advocate efficiency in government and the legislative process, and we agree with the Legislature's desire to balance the budget for the next biennium, we do not believe SB 70 is in the best interest of Montana citizens, and believe more would be lost than gained.

Montana is a large state. By having only four members on each committee, it would be impossible to be representative of a cross-section of the state. If there are going to be interim committees dealing with the variety of issues that we do, broad representation is a necessity on all committees.

Nor would there be the cross-section of thoughts and ideas coming out of the committees. When eight people, with varied backgrounds, look at an administrative rule, deal with a controversial issue, or study a subject of statewide concern, the results have to be more representative of the interests of the state than if only four people are looking at these things....and we need to have that capability. *because decisions made affect the whole state.*

As to the non-legislative members of the EQC....let me say this....the "public" views situations from a different perspective than the legislature. We are outside the system, and we approach issues differently than you do. The environment is one of the areas that affects the whole state. The League has always supported the EQC having public members as voting members of the committee....it is not only unique and truly gives the citizen a voice in the environmental concerns of the state, but those voices are speaking with no politics involved.

The abolishment of the Coal Tax Oversight Subcommittee concerns us, too. The coal tax issue is so very extensive that we question whether four members, *spread that bill over* making up the Revenue Oversight Committee could possible have the time - or the *in depth* fortitude - to keep on top of the coal tax issues, along with all the other issues that they are required to handle.

Again, let me state that the LWV does not think SB 70 is in the best interest of the citizens of Montana, and therefore urge you to vote against this bill.

Joy Bruck
LWV of Montana

Proposed Amendment to SB 42

1. Page 1, line 18.
 Strike: "minority"
 Insert: "the"
 Following: "of the"
 Insert: "opposite party in the"

2. Page 1, line 20.
 Strike: "minority"
 Insert: "the"
 Following: "of the"
 Insert: "opposite party in the"
 Following: "senate;"
 Insert: "and"

3. Page 1, line 21 through page 2, line 9.
 Strike: "of the" on line 21, page 1 through
 "committee" on line 9, page 2
 Insert: "appointed by each person listed in
 subsections (1) and (2)"

4. Page 3, line 23
 Strike: "unified"
 Insert: "consolidated"

PROPOSED AMENDMENTS TO SENATE BILL NO. 42

1. Page 2, line 1, following "party"
Strike material on lines 1 through 3
Insert: ". In consultation with the committee on committees of the senate, preference shall be given to members of the environmental quality council, legislative audit committee, legislative finance committee, legislative consumer committee; and"
2. Page 2, line 7, following "party"
Strike material on lines 7 through 9
Insert: "in consultation with the speaker of the house."
3. Page 3, line 9, following "(e)"
Strike: "establish an"
Insert: "study"
Strike: "plan" following "pay"
Insert: "plans"
4. Page 3, line 11, following "committees"
Insert: "and to adopt the same if there is determined by the legislative council that is in the best interests of the legislature"
5. Page 3, line 12, following "establish"
Strike: "uniform"
6. Page 4, lines 12 and 13
Strike: "consistent with the employee classification and pay plan established under 5-11-105."
7. Page 4, lines 23 and 24
Strike: "consistent with the employee classification and pay plan established under 5-11-105,"
8. Page 5, lines 8 through 10, following "of"
Strike: "legislative appropriation and consistent with administrative policies established under 5-11-105"
Insert: "the appropriation"
9. Page 5, lines 14 and 15, following "salary"
Strike: ", consistent with the employee classification and pay plan established under 5-11-105"
10. Page 6, lines 1 and 2, following "appropriations"
Strike: "and consistent with administrative policies established under 5-11-105"
11. Page 6, lines 8 and 9, following "salary"
Strike: ", consistent with the employee classification and pay plan established under 5-11-105"
12. Page 6, lines 24 and 25, "appropriation"
Strike: "and consistent with administrative policies established under 5-11-105"

Amendments to SB 42

13. Page 7, lines 4 and 5, following "salary" Strike: "consistent with the employee classification and pay plan established under 5-11-105"
14. Page 7, line 24, following "appropriations" and line 1 on page 8 Strike: "and consistent with the administrative policies established under 5-11-105"

ROLL CALL VOTE

STATE ADMINISTRATION

SENATE COMMITTEE _____

Date Feb. 11, 1987 SB Bill No. 70 Time 11:16a.m.

NAME	YES	NO
SENATOR JACK HAFHEY		X
SENATOR WILLIAM FARRELL	X	
SENATOR LES HIRSCH	X	
SENATOR JOHN ANDERSON	X	
SENATOR ETHEL HARDING	X	
SENATOR ELEANOR VAUGHN	X	
SENATOR SAM HOFMAN	excused	excused
SENATOR HUBERT ABRAMS		X
SENATOR TOM RASMUSSEN	X	
SENATOR J. D. LYNCH		X

Carol Duval
Secretary

Senator Jack Haffey
Chairman

Motion: MOTION BY SEN. RASMUSSEN THAT SENATE BILL 70 DO PASS.
The motion carried.

ROLL CALL VOTE

STATE ADMINISTRATION

SENATE COMMITTEE

Date Feb. 11, 1987 SB Bill No. 70 Time 11:15 a.m.

NAME	YES	NO
SENATOR JACK HAFHEY	X	
SENATOR WILLIAM FARRELL		X
SENATOR LES HIRSCH		X
SENATOR JOHN ANDERSON		X
SENATOR ETHEL HARDING		X
SENATOR ELEANOR VAUGHN		X
SENATOR SAM HOFMAN	EXCUSED	EXCUSED
SENATOR HUBERT ABRAMS	X	
SENATOR TOM RASMUSSEN		X
SENATOR J. D. LYNCH	X	

Carol Duval
Secretary

Senator Jack Haffey
Chairman

Motion: MOTION BY SENATOR LYNCH THAT SENATE BILL 70 DO NOT PASS.

The motion failed.

STANDING COMMITTEE REPORT

FEBRUARY 11

87

..... 19.....

MR. PRESIDENT

We, your committee on..... **SENATE STATE ADMINISTRATION**

having had under consideration..... **SENATE BILL** No. **70**

first reading copy (white)
color

REDUCING STATUTORY COMMITTEES & JOINT SUBCOMMITTEES TO 4 LEGISLATIVE MEMBERS
Gage

SENATE BILL **70**

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

~~DO PASS~~

~~XXXXXXXXXX~~
~~DO NOT PASS~~

.....
SENATOR JACK HAPPEY

Chairman.