

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairman Jan Brown, on February 1, 1989, at 9:00 a.m.

ROLL CALL

Members Present: All present except:

Members Excused: Reps. O'Connell and Gervais

Members Absent: None

Staff Present: Judy Burggraff, Secretary; Lois Menzies, Staff Researcher

Announcements/Discussion: Chairman Brown asked Rep. Whalen if he was working on the amendment for HB 171. Rep. Whalen said that he, Rep. Roth and Lois Menzies were going to get together and do that.

HEARING ON HB 278

Presentation and Opening Statement by Sponsor:

Rep. Bob Ream, House District 54, introduced the bill. Under current law, most state contracts for supplies and services must be awarded by competitive sealed bidding. This bill would permit the Department of Administration or a purchasing agency to reject all bids and purchase a supply from a supplier whose "current publicly advertised or established" catalog price is less than any bid. In addition, this bill permits an office supply available for purchase from the Department of Administration under a bulk-purchase program or a term contract to be purchased from a supplier whose "current publicly advertised or established" catalog price at the time of purchase is less than the price for which the office supply was available from the Department or under the term contract.

Rep. Ream said that some of the people at the University of Montana have been frustrated over the years as the "end user" in the process of purchasing as they sometimes find equipment or supplies to be more expensive through the purchasing process than they could purchase locally.

Amendments to the bill were distributed to the Committee by Rep. Ream (Exhibit 1) with an explanatory summary sheet attached.

Rep. Ream stated that Marvin Eicholtz has been working with Rep. Ream and the University System in arriving at the amendments. Rep. Ream said he thinks this bill as amended will create a savings within the university systems and other state agencies around the state. Rep. Ream read a letter from Marvin Eicholtz saying that the fiscal note is no longer applicable with the inclusion of the proposed amendment (Exhibit 2).

Testifying Proponents and Who They Represent:

Marvin Eicholtz, Administrator, Procurement and Printing,
Department of Administration

Don Ingels, Montana Chamber of Commerce

Sheila Stearns, University of Montana

Mike Craig, Associated Students of the University of Montana

Proponent Testimony:

MARVIN EICHOLTZ said that with the proposed amendments to HB 278 he supports the bill, but without the amendments he would be opposing it. He said that without the amendments the bill would jeopardize the competitive sealed bid process. He said that the bill had been before the Legislature in other sessions; in 1985 the Department of Administration opposed it, and the bill was killed; in 1987 the bill was heavily amended so that it was unworkable. This bill is a compromise. The bill will do the following: (1) If the Department is aware of an established catalog price at the time of the bid opening, it will be considered in the award. If it is lower than the lowest responsible bidder, we will reject the bids and allow the agency to purchase from the catalog price. (2) If a better price can be found than what is in the central stores operation, the agency is allowed to purchase it.

DON INGELS said the Montana Chamber of Commerce supports the bill and would like to add their support to the concept of HB 278.

SHEILA STEARNS said that the University of Montana lends their support to the bill; it is a bill that the faculty and staff have been eager for for quite some time. She said that their budgets have been extremely tight, and it is frustrating when they see items that could be purchased cheaper in a catalog or locally but have had to go a more expensive route.

MIKE CRAIG said the Associated Students of University of Montana support the bill and its concept. The two associations from the larger universities have made a similar request. The request is in bill form now in the Senate, but it is

specific to the student associations.

Testifying Opponents and Who They Represent: None

Questions From Committee Members:

REP. WESTLAKE asked Rep. Ream if the bill would affect the Montana preference law in regards to the 3 percent advantage for Montana bidders. Rep. Ream said that the bill would not affect that law.

Closing by Sponsor:

Rep. Ream apologized for coming in with amendments that were longer than the bill. He said that for the first time in the last three sessions there has been a spirit of "trying to solve the issues" and one of cooperation.

DISPOSITION OF HB 278

Motion: Rep. Campbell moved DO PASS.

Discussion: Rep. Nelson asked for a rewrite on the bill with the inclusion of the amendments so the bill could be in a readable form. Rep. Campbell withdrew his motion. Lois Menzies will take care of having the bill rewritten.

HEARING ON HB 365

Presentation and Opening Statement by Sponsor: Rep. Dan Harrington, House District 68, introduced the bill. Under current law, a county must contract with one newspaper to do all the printing for the county (including publication of legal advertising and printing of forms, materials and supplies), unless the newspaper in the county does not own or operate a commercial printing establishment or unless the county is a first-class county. A county that does not have a newspaper that owns or operates a commercial printing establishment must and a first-class county may contract with a legally qualified newspaper to publish its legal advertising and contract with a commercial printing establishment to provide its printed forms, materials and supplies. This bill permits all counties to separate their printing contracts into two parts: one for legal advertising and one for printed materials.

Testifying Proponents and Who They Represent:

Beverly Gibson, Montana Association of Counties

Ken Dunham, Associated Printers and Publishers

Proponent Testimony:

BEVERLY GIBSON said that the bill is a result of a resolution

(Exhibit 3) of the Montana Association of Counties from their June, 1988, meeting in Missoula. Ms. Gibson said that there were going to be several proponent delegations from Broadwater, Ravalli and Glacier Valley Counties, plus others, to speak that day, but due to the weather they were unable to attend. Ms. Gibson pointed out that only first-class counties can separate their printing contracts from legal printing. Roosevelt County has been a first-class county for some time, but they recently lost taxable valuation and are now a second-class county necessitating Roosevelt county to change their method of handling county printing.

KEN DUNHAM said the trade association which he represents is comprised of commercial print shops in the state. He said the bill is viewed with a lot of interest by the Montana printing industry, which in the past has not been able to compete for much of the county printing business in second-class counties. The bill offers an advantage to the printing industry and also to the county governments as they will be able to obtain more competitive bidding for their printing needs. He said there have been various technical changes in the printing industry, which enables the commercial printers to offer more competitive pricing along with a wider range of products. There are approximately 200 print shops in Montana, which comprises about 1 percent of the state's work force. Mr. Dunham said that the print shops have a sizeable capital investment and thus contribute to Montana's economy. He said the commercial printers are uncomfortable testifying against their friends in the other half of the industry in the newspaper business. Mr. Dunham said that the bill points up the need for an active county printing board in the state to oversee some of the issues.

Testifying Opponents and Who They Represent:

Charles Walk, Executive Director, Montana Newspaper Association

Opponent Testimony:

CHARLES WALK presented written testimony (Exhibit 4).

Questions From Committee Members:

REP. MOORE asked Mr. Walk if the newspapers make their greatest profit off of their advertising rather than printing. Mr. Walk said that if it was broken down according to the smaller papers this probably would be true. In the class-one counties, which are not affected, the newspapers make all of the profit from the counties from the legal publishing. Mr. Walk said that the smaller counties would probably have a pretty even split, and most is made from the county printing contract --not the legal advertising

contract.

Closing by Sponsor: Rep. Harrington said that the idea that has been put forth in the bill is that the smaller counties should have the same opportunity as the larger counties in the handling of their printing. He asked the Committee to look favorably on his bill.

DISPOSITION OF HB 365

Chairman Brown asked if the Committee would like to deal with HB 365, Rep. Harrington's bill on printing contracts. The Committee said it would like to contact the county and newspaper people at home before acting on the bill.

HEARING ON HB 396

Presentation and Opening Statement by Sponsor: Rep. Ervin Davis, House District 53, Lake County, presented written testimony to the Committee (Exhibit 5). This bill, requested by the Board of Speech Pathologists and Audiologists, generally revises the laws regulating the practice of speech pathology and audiology. The bill changes the name of the Board to the "Board of Speech-language Pathologists and Audiologists." Several definitions are expanded including the definitions of "speech pathologist," "audiologist," "practice of speech pathology," and "practice of audiology." In addition, the bill provides that the license of a speech-language pathologist or audiologist must be renewed according to rules adopted by the Department of Commerce.

Rep. Davis distributed amendments to HB 396 (Exhibits 6). He said that the first amendment is just cleaning up an oversight; the second amendment makes it very clear that audiologists are not exempt from licensing requirements of the hearing aid dispensing laws.

Testifying Proponents and Who They Represent:

Marilyn Pearson, Board Member, Speech-Language Pathology and Audiology Board

Merle DeVoe, Office of Public Instruction

Mona Jamison, Montana Speech Language-Hearing Association

Proponent Testimony:

MARILYN PEARSON presented written testimony to the Committee (Exhibit 7).

MERLE DEVOE said he coordinates the hearing division program for the state; he is an audiologist and a member of Montana

Speech and Hearing Association. He said that this is a housekeeping bill. The members of the national speech and hearing association in Baltimore added "language" to their logo and called themselves The American Speech-Language and Hearing Association. Many states that have licensure laws are following to keep the name of the association and the designation of the therapists in line with the national association. He said that he had received some phone calls asking if the Association had overstepped their boundary where we mention "hearing aid, fitting and dispensing" in this bill. Some people assumed that an audiologist might try to dispense under this bill and not get a license for dispensing, which is already in effect. We proposed an amendment (number 3, Exhibit 6) that states very clearly that an audiologist cannot dispense hearing aids under this law without first obtaining the credentials necessary under the hearing aid licensure law.

MONA JAMISON said that the Montana Speech-Language and Hearing Association supports the bill as amended. She said that the amendment is critical because audiologists are highly trained and the majority of them must have a master's degree before they can practice. The bill, as originally drafted, would have meant that the only license that the audiologist would have needed for prescribing hearing aids, would have been the license received from the Board. She said that from an education standpoint, that may have been enough. The Board regulates hearing aid dispensers also. The necessity for the dual licensing is to make sure that the Board can be sustained in such a way that there are enough people contributing so that the Board can regulate properly. The audiologists believe that in terms of a consumer protection act, that it is important that they also be required to meet the standards and criteria of the hearing aid dispensing board.

Testifying Opponents and Who They Represent:

None

Questions From Committee Members:

REP. SQUIRES asked Mona Jamison who the other people are that are dispensing. Ms. Jamison said that there are other people who are not audiologists, who still have to be licensed under a separate act, in order to dispense hearing aids. She said that the Hearing Aid Dispensing Board has the second highest number of complaints received by people who are dispensing hearing aids and are not evaluating the hearing of the individual. People without an audiology degree or license must still meet the criteria for licensure under another board.

REP. WESTLAKE asked Ms. Jamison if the licensure requirements are going to be more strict under this bill.

Ms. Jamsion said that the bill will not affect the licensing requirements; the bill simply changes "speech pathology" to "speech-language pathology" and amends the section that says audiologists are not exempted from the licensing under the hearing aid dispensing law.

Closing by Sponsor: Rep. Davis said that this bill does not change anything; it just brings the name up to date. He requested a do pass.

DISPOSITION OF HB 396

Motion: Rep. Squires moved HB 396 DO PASS.

Discussion: None

Amendments, Discussion, and Votes: Rep. Squires moved the amendments. The motion on the amendments CARRIED unanimously. Rep. Squires moved HB 396 DO PASS AS AMENDED. REP. HAYNE asked Rep. Davis why the language "speech-language" has to be changed. Rep. Davis said that Dr. DeVoe had testified that the federal group changed that name themselves. It had nothing to do with Montana; they just want to make their group match. REP. ROTH said he thinks the reason that they have done that is because speech pathologists also deal with the language end of their training. He said he thinks that they are just clarifying it so that they are just not dealing with speech in the therapy that they use.

Recommendation and Vote: The motion CARRIED unanimously.

HEARING ON HB 370

Presentation and Opening Statement by Sponsor:

Rep. Vicki Cocchiarella, House District 59, introduced the bill and distributed a fiscal note, which was unsigned as it had just been delivered to her that morning in Committee (Exhibit 8). She then distributed menus from various eating establishments in Helena. She said that the bill is asking for a slight increase in the meal allowance for the state employees who travel within the state.

This bill increases the amount authorized for meal reimbursement for state employees and certain elected officials engaged in state business while away from their designated headquarters but within the state as follows:
(1) breakfast is increased from \$3 to \$4, (2) lunch is increased from \$3.50 to \$4, and (3) dinner is increased from \$8 to \$9.

Rep. Cocchiarella said that the meal raises were 17 percent; and they had not been raised for 8 years. During that time, inflation has eaten up an estimated amount of 32 percent of buying power. Actual meal prices have increased by at least 25 percent and up to 57 percent in some restaurants. Rep. Cocchiarella gave examples of increases of costs in various restaurants for breakfast, lunch and dinner.

Rep. Cocchiarella said that no additional appropriation authority is requested because the agencies who ask their employees to travel would have to include the increase in meals as part of their budget in this biennium.

Testifying Proponents and Who They Represent:

Tom Schneider, Executive Director, Montana Public Employees' Association

Vern Sitter, President, Montana Innkeepers' Association

Proponent Testimony:

TOM SCHNEIDER said he wanted to emphasize the following: (1) If the Legislature had given 25 cents per meal each legislative session since the last time the codes were changed we wouldn't have the situation we now have. Instead the Legislature has said "it's convenient, we'll kill the bill, the employees can take it out of their pocket. It doesn't cost us any money, so who cares." (2) If the bill costs the amount the fiscal notes says, and you don't pass this, that means the employees who travel will subsidize the state by that amount of money; the state is doing their travel at the employees' expense.

Mr. Schneider said that one of the arguments is "if you stayed home you would have to eat anyway." He said that the area that is closest to being true in is lunch, and really it is the only meal that has that validity. That is why the noon meal has only been increased by 50 cents since a lot of people eat out at noon whether they're traveling for the employer or not. Mr. Schneider said "if you really think the current reimbursement is too low, then you should raise it and you shouldn't let the determination live on whether the state has revenue or not, because it isn't fair and it isn't just. You have just asked the employees to go through a two-year wage freeze, and you want to continue to have them take money out of their pockets; that's not fair."

VERN SITTER said that the Innkeepers' Association would like to encourage passage of HB 370. He said that there are a couple of points that he would like to bring out: (1) A good share of state employees are traveling to meet with other state employees. This generally means they are staying at a convention-type of hotel. Often the convention

hotel will cut its rates to accommodate the state employee. He said he does not know of restaurants that will cut their meal rate for the state employees. (2) There is a bill now before the Legislature to increase the minimum wage. Even if this bill does not pass, he is sure that the federal government will increase minimum wages, which will result in an approximate increase of 20 percent in the cost of meals.

Testifying Opponents and Who They Represent: None

Questions From Committee Members: None

Closing by Sponsor: Rep. Cocchiarella said if the amount for the meals is too much, or too low, please make a change that you think is more appropriate. Don't take the amount out of the state employees' pockets to subsidize the state's budget.

DISPOSITION OF HB 370

Motion: Rep. Campbell moved DO PASS on HB 370.

Discussion: None

Amendments, Discussion, and Votes: Rep. Campbell moved to amend HB 370 page 2, line 4. Strike: "\$4" Insert: "\$4.50". Rep. Campbell said he thinks it is really tough to find a meal for \$4; it will be tough at \$4.50. The amendment CARRIED, 13 - 3 with Reps. DeBruycker, Roth and Compton voting no. Rep. Campbell moved HB 370 DO PASS AS AMENDED. REP. ROTH said he does think that the bill is reasonable legislation.

Recommendation and Vote: The motion CARRIED. The vote was 15 - 1 with Rep. DeBruycker voting no.

DISPOSITION OF HB 210

Hearing Date: January 27, 1989

Motion: Rep. Campbell moved HB 210 DO PASS.

Discussion: CHAIRMAN BROWN said that it was indicated to her that Rep. Swysgood had asked for a fiscal note. He didn't officially get one. The committee didn't officially request one, so a fiscal note was not prepared. Lois Menzies said that the Office of the Legislative Auditor had prepared some fiscal information about the bill for Rep. Swysgood. She said that the bill requires that the interest earnings on gross revenue from the lottery go to the Superintendent of Public Instruction for equalization aid for teachers' retirement. The Legislative Auditor estimated that in fiscal year 1987 - 1988, this amounted to \$496,954.22. The Auditor has not speculated what it will be for the next biennium, which is what the Committee would probably get in a fiscal note.

HOUSE COMMITTEE ON STATE ADMINISTRATION

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CHAIRMAN BROWN asked the Committee if it wished to request a fiscal note and wait another six days before acting on the bill. She said there were no opponents, no proponents and no questions from the committee during the hearing. REP. ROTH said he didn't think that it mattered how much the money is. He said he thinks that it is the concept of the bill that the Committee is dealing with; the Committee should be able to act on the bill.

Amendments, Discussion, and Votes: None

Recommendation and Vote: The motion CARRIED unanimously.

ADJOURNMENT

Adjournment At: 10:18


REP. JAN BROWN, Chairman

JB/jb

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DAILY ROLL CALL
STATE ADMINISTRATION COMMITTEE

51th LEGISLATIVE SESSION -- 1989

Date February 1, 1989

NAME	PRESENT	ABSENT	EXCUSED
Rep. Jan Brown, Chairman	✓		
Rep. Helen O'Connell, Vice Ch.			✓
Rep. Vicki Cocchiarella	✓		
Rep. Ervin Davis	✓		
Rep. Floyd "Bob" Gervais			✓
Rep. Janet Moore	✓		
Rep. Angela Russell	✓		
Rep. Carolyn Squires			
Rep. Vernon Westlake	✓		
Rep. Timothy Whalen			
Rep. Bud Campbell	✓		
Rep. Duane Compton	✓		
Rep. Roger DeBruycker	✓		
Rep. Harriet Hayne	✓		
Rep. Richard Nelson	✓		
Rep. John Phillips			
Rep. Rande Roth	✓		
Rep. Wilbur Spring, Jr.	✓		

STANDING COMMITTEE REPORT

February 1, 1989

Page 1 of 2

Mr. Speaker: We, the committee on State Administration report that HOUSE BILL 396 (first reading copy -- white) do pass as amended.

Signed: _____

Jan Brown, Chairman

And, that such amendments read:

1. Title, line 7.

Strike: "PATHOLOGY"

Insert: "PATHOLOGIST"

Strike: "AUDIOLOGY"

Insert: "AUDIOLOGIST"

2. Title, line 11.

Following: "37-15-102,"

Insert: "37-15-103,"

3. Page 7.

Following: line 14

Insert: "Section 3. Section 37-15-103, MCA, is amended to read:

"37-15-103. Exemptions. (1) Nothing in this chapter ~~shall prevent~~ prevents a person licensed in this state under any other law from engaging in the profession or business for which he is licensed.

(2) Nothing in this chapter ~~shall restrict~~ restricts or ~~prevent~~ prevents activities of a speech speech-language pathology or audiology nature or the use of the official title of the position for which they were employed on the part of a speech speech-language pathologist or audiologist employed by federal agencies.

(3) Those persons performing activities described in subsection (2) of this section who are not licensed under this chapter must do so solely within the confines of or under the jurisdiction of the organization in which they are employed and ~~shall~~ may not offer speech speech-language pathology or audiology services to the public for compensation over and above the salary they receive for performance of their official duties with organizations by

which they are employed. However, without obtaining a license under this chapter, ~~such these~~ persons may consult or disseminate their research findings and scientific information to other accredited academic institutions or governmental agencies. They also may offer lectures to the public for a fee without being licensed under this chapter.

(4) Nothing in this chapter ~~shall restrict restricts~~ activities and services of a student in speech speech-language pathology or audiology from pursuing a course of study in speech speech-language pathology or audiology at an accredited or approved college or university or an approved clinical training facility. However, these activities and services must constitute a part of his supervised course of study, and ~~no a fee shall may not~~ accrue directly or indirectly to the student. These persons ~~shall must~~ be designated by the title "speech speech-language pathology (or audiology) intern", "speech speech-language pathology (or audiology) trainee", or a title clearly indicating the training status appropriate to his level of training.

(5) Nothing in this chapter ~~shall restrict restricts~~ a person from another state from offering speech speech-language pathology or audiology services in this state if ~~such these~~ services are performed for no more than 5 days in any calendar year and if the services are performed in cooperation with a speech speech-language pathologist or audiologist licensed under this chapter. However, by securing a temporary license from the board subject to ~~such~~ limitations as the board may impose, a person not a resident of this state who is not licensed under this chapter but who is licensed under the law of another state ~~which that~~ has established licensure requirements at least equivalent to those established by this chapter or who is the holder of the ASHA certificate of clinical competency in speech speech-language pathology or audiology or its equivalent may offer speech speech-language pathology or audiology services in this state for no more than 30 days in any calendar year if ~~such the~~ services are performed in cooperation with a speech speech-language pathologist or audiologist licensed under this chapter.

(6) Nothing in this chapter ~~shall restrict restricts~~ any person holding a class A certificate issued by the conference of executives of American schools of the deaf from performing the functions for which he qualifies.

(7) Nothing in this chapter ~~shall restrict restricts~~ any person who holds a certificate of registration in this state as a hearing aid dealer from performing those functions for which he qualifies and ~~which that~~ are described in Title 37, chapter 16.

(8) Nothing in this chapter exempts an audiologist who

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sells, dispenses, or fits hearing aids from the licensing requirements or other provisions of Title 37, chapter 16."

Renumber: subsequent sections

STANDING COMMITTEE REPORT

February 1, 1989

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that HOUSE BILL 370 (first reading copy -- white) do pass as amended.

Signed: _____

Jan Brown
Jan Brown, Chairman

And, that such amendments read:

1. Page 2, line 4.

Strike: "\$4"

Insert: "\$4.50"

STANDING COMMITTEE REPORT

February 1, 1989

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report
that HOUSE BILL 210 (first reading copy -- white) do pass .

Signed: Jan Brown
Jan Brown, Chairman

HB 278

Except for a minor change in the definitions for Section 18-4-301, the following indicates how the law would read:

- (2) At the time the department or purchasing agency opens invitation for bids or requests for proposal, if a supplier's current publicly advertised established catalog price is received at or before the bid or proposal opening and is less than the lowest responsible and responsive bidder or offeror for a bid or improves upon the conditions for a proposal using the same factors and weights included in the proposal the department or purchasing agency may reject all bids or proposals and purchase the supply from that supplier without meeting the requirements of 18-4-303 through 18-4-306.
- (3) An office supply supplied to other agencies by the department's central stores program may be purchased by a purchasing agency, without meeting the requirements of 18-4-303 through 18-4-306, from a supplier whose publicly advertised established catalog price is less than the price offered by the central stores program and conforms in all material respects to terms, conditions and quality offered by the central stores program.

SUGGESTED AMENDMENTS TO HB 278 - INTRODUCED BILL (1c0275/01)

2 of 4

1. Page 1.

Following: Line 15

Insert: "Section 1. Section 18-4-301, MCA, is amended to read:
"18-4-301. (Effective July 1, 1989) Definitions. As used
in this part, the following definitions apply:

(1) "Cost-reimbursement contract" means a contract
under which a contractor is reimbursed for costs which are
allowable and allocable in accordance with the contract
terms and the provisions of this chapter, and a fee, if any.

(2) "Established catalog price" means the price
included in a catalog, price list, schedule, or other form
that:

(a) is regularly maintained by a manufacturer or
contractor;

(b) is either published or otherwise available for
inspection by customers; and

(c) states prices at which sales are currently or were
last made to a significant number of any category of buyers
or buyers constituting the general buying public for the
supplies or services involved.

(3) "Invitation for bids" means all documents, whether
attached or incorporated by reference, utilized for
soliciting bids.

(4) "Office supply" means an item included under the
office supply commodity class codes maintained by the
department.

~~(4)~~(5) "Purchase description" means the words used
in a solicitation to describe the supplies or services to
be purchased and includes specifications attached to or made
a part of the solicitation.

~~(5)~~(6) "Request for proposals" means all documents,
whether attached or incorporated by reference, utilized for
soliciting proposals.

~~(6)~~(7) "Responsible bidder or offeror" means a
person who has the capability in all respects to perform
fully the contract requirements and the integrity and
reliability which will assure good faith performance.

~~(7)~~(8) "Responsive bidder" means a person who has
submitted a bid which conforms in all material respects to
the invitation for bids.

Renumber: subsequent sections

2. Page 2, line 3.

Following: "opens"

Insert: "invitation for"

3. Page 2, line 4.

Strike: "proposals"

Insert: "requests for proposal"

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4. Page 2, line 6.

Following: "is"

Insert: "received at or before the bid or proposal opening and
is"

5. Page 2, line 7.

Strike: "any bid"

Insert: "the lowest responsible and responsive bidder or
offeror for a bid or improves upon the conditions for a
proposal using the same factors and weights included in the
proposal"

6. Page 2, line 9.

Strike: "or proposal received,"

7. Page 2, line 15.

Following: "bids"

Insert: "or proposals"

8. Page 2, line 17 through line 19.

Following: "supply" on line 17

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

Insert: "supplied to other agencies by the department's central
stores program"

9. Page 2, line 22 through page 3, line 1.

Following: "price" on line 22

Strike: remainder of line 22 through "contract." on page 3,
line 1

Insert: "is less than the price offered by the central stores
program and conforms in all material respects to terms,
conditions and quality offered by the central stores
program."

10. Page 3, line 16.

Following: "opens"

Insert: "invitation for"

11. Page 3, line 16.

Strike: "proposals"

Insert: "requests for proposal"

12. Page 3, line 17.

Following: "is"

Insert: "received at or before the bid or proposal opening and
is"

13. Page 3, line 17 through line 18.

Following: "than" on line 17

Strike: remainder of line 17 through "received" on line 18

Insert: "the lowest responsible and responsive bidder or
offeror for a bid or improves upon the conditions for a
proposal using the same factors and weights included in the
proposal"

14. Page 3, line 19.

Following: "bids"

Insert: "or proposals"

15. Page 3, line 22 through line 23.

Following: "supply" on line 22

Strike: remainder of line 22 through "contract" on line 23

Insert: "supplied to other agencies by the department's central stores program"

16. Page 4, line 1 through line 3.

Following: "price" on line 1

Strike: remainder of line 1 through "contract." on line 3

Insert: "is less than the price offered by the central stores program and conforms in all material respects to terms, conditions and quality offered by the central stores program."

DEPARTMENT OF ADMINISTRATION

PROCUREMENT AND PRINTING DIVISION
PUBLICATIONS AND GRAPHICS BUREAU

EXHIBIT 2
DATE 2-01-89
HB 278



TED SCHWINDEN, GOVERNOR

920 FRONT STREET
CAPITOL STATION

STATE OF MONTANA

(406) 444-3053

HELENA, MONTANA 59620-0132

TO: Representative Bob Ream
FROM: Marvin Eicholtz, Administrator
Procurement and Printing Division
DATE: January 31, 1989
RE: Fiscal Note For HB 278

The original fiscal note prepared for HB 278 is not applicable with our proposed amendments. HB 278, with suggested amendments, will not result in any increase in costs for goods and services.

If amended, as suggested, HB 278 should provide for a savings in the purchase of goods and services for the State of Montana. However, it is difficult to accurately project how much savings may be realized.

COUNTY PRINTING

WHEREAS, Section 7-5-2411(2), MCA, states that the county commissioners shall contract with one newspaper to do all the printing for the county, including advertising required by law and all printed forms required by the county, and that the newspaper shall be one that is published in the county and of general bona fide and paid circulation; and

WHEREAS, several counties within the State of Montana have only one newspaper that is published in the county and of general bona fide and paid circulation with the second-class mailing privilege; and

WHEREAS, it would benefit counties and county taxpayers if county commissioners could opt to separate their printing contracts, and call for competitive bidding for their commercial printing, from both newspapers and from other printing establishments, the same as now allowed first-class counties;

NOW THEREFORE, BE IT RESOLVED that the Montana Association of Counties propose legislation to eliminate the requirement that all printing for the county be contracted with one newspaper which is published in the county.

SPONSORED BY: Broadwater County

PRIORITY: HIGH

APPROVED: JUNE 15, 1988

ORAL TESTIMONY OF CHARLES W. WALK, EXECUTIVE DIRECTOR
OF THE MONTANA NEWSPAPER ASSOCIATION, ON HB 365 BEFORE
THE HOUSE STATE ADMINISTRATION COMMITTEE FEB. 1, 1989.

For the record, my name is Charles W. Walk. I am executive director of the Montana Newspaper Association, which includes in its membership all 11 daily newspapers and 65 weekly newspapers in Montana.

I am here today to provide the committee with some information I believe the committee should have during its deliberation on HB 365. After hearing this testimony we hope you will better understand why the association is opposed to the bill as drafted.

The reason for this opposition is basically that the changes in 7-5-2411 are excessive and unnecessary. The bill takes a law that has served the counties of the state well and leaves the principals involved in a state of uncertainty...uncertainty that is not necessary. The bill also brings out a very real possibility that a number of small Montana weekly newspapers could go out of business as a result. How many would only be a guess on my part or anyone else's. It could be as many as a dozen in the long run.

At present there are more than 30 counties in Montana that have only a single newspaper operating within their boundaries. There are two counties, Golden Valley and Petroleum, which don't have newspapers at all.

Many of these newspapers and some others in counties where more than single newspapers exist are in very real economic difficulties. Such financial difficulties are not unique in Montana's smaller communities today, certainly, but the plight of the small newspaper exemplifies the woes of these small towns.

The plight of these small newspapers started about 20 years ago with the systematic strip-mining of the public notice publication schedule once provided under state code. The most serious blow of this continuing effort was the decision a couple of legislative sessions ago to eliminate the requirement for counties to print in full their board proceedings. This was followed by the eliminating of county audits having to be published in full. And, now even the printing of audit comments is subject to annual legislative attack.

And the printing contracts available to these newspapers have not gone unaffected over the years. The dwindling of the printing business started in the early 1970s when the Constitutional Convention made the county assessors offices state offices and the printing orders from those offices started going to the growing state publishing department. Also lost has been the printing of ballots with the advent of electronic balloting. Even the printing of registration lists have been lost in most cases. And, every county with one of those high-priced copy machines is cutting into the dollars available to the newspapers in each of the counties.

I can appreciate--if not agree--with the arguments of the proponents of HB 365 that all they are seeking is the best dollar deal for these counties. I don't think any of the newspapers most affected by this legislation--all of whom are small and vulnerable--are looking for a free lunch or anything they don't deserve.

And the argument that these newspapers have taken advantage of the counties by holding them hostage with their pricing practices is ludicrous. First of all, there are maximum prices established by state law for both public notice advertising and commercial printing which are not in the favor of the newspapers. On top of that, many of the counties receive discounts in prices for both advertising and printing, ranging from 5% to 20%. In fact, because of the way the code has been changed in recent years, it is much more likely that the hostages in this partnership are the newspapers than the counties. Think for just a moment of the advantage that has been given the governmental entities by the constant inclusion of the phrase "...in full, by summary or by reference" in so many sections of the code.

That simple phrase gives the counties a tremendous club to use---if they desire---in obtaining concessions from a newspaper in any area of its dealings. Although we do not believe such a distasteful feature is behind the push from some officials to include this kind of "optional language" in Montana code, it is there and the potential for it being used improperly exists.

And, it should be remembered that these newspapers have provided significant public service to these counties and their residents over the years...public service available nowhere else. Is the constant undermining of their economic base how they are to be rewarded for this public service?

I also have serious questions about just how much money a county will save once it is all said and done under the changes mandated by HB 365. Will the savings make up for the prospective loss in service and quality that could be the result of changing the status quo? Will the savings offset the potential losses of a newspaper having to go out of business?

I don't know the answers to those questions and I doubt that anyone else does either. But I think they are questions that need to be thought about when changes as significant and potentially harmful to a valuable segment of Montana's economy are suggested to the code.

This discussion reminds me of a similar debate in the legislature in the early 1970s when changes in the county printing laws were being contemplated. At that time, Sen. George McCallum of Niarada took the floor of the Senate and said simply:

"Many communities will not have newspapers without retention of present law." The comment carried the day for the newspapers.

I think the same simple argument can be made about the situation today. I urge you to defeat HB 365.

Charles W. Walk

EXHIBIT 5
DATE 2-1-89
HB 396

TESTIMONY

MADAM CHAIR, MEMBERS OF THE COMMITTEE:

FOR THE RECORD, I AM ERVIN DAVIS, REPRESENTATIVE FROM DISTRICT 53, LAKE COUNTY.

HB 396 IS A BILL PROPOSED AT THE REQUEST OF THE BOARD OF SPEECH PATHOLOGISTS & AUDIOLOGISTS -- FOR AN ACT RENAMING THE BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY; CHANGING AND REDEFINING CERTAIN TERMS RELATING TO LICENSURE OF SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS; REVISING PROVISIONS CONCERNING LICENSE REVEAL AND AMENDING CERTAIN SECTIONS>

AND MADAM CHAIR, I HAVE SOME PROPOSED AMENDMENTS:

THE FIRST AMENDMENT IS CLEANING UP AN OVERSIGHT;

AND THE SECOND MAKES IT CLEAR THAT AUDIOLOGISTS ARE NOT EXEMPT FROM LICENSING REQUIREMENTS OF THE HEARING AID DISPENSING ACT>

I'LL DEFER QUESTIONS, IF ANY, TO THOSE IN THE DEPARTMENT WHO WILL BE TESTIFYING IN FAVOR OF THE BILL AND I'LL CLOSE LATER.

Amendments to House Bill No. 396
First Reading Copy

Requested by Representative Ervin Davis
For the House Committee on State Administration

Prepared by Lois Menzies
January 31, 1989

1. Title, line 7.

Strike: "PATHOLOGY"

Insert: "PATHOLOGIST"

Strike: "AUDIOLOGY"

Insert: "AUDIOLOGIST"

2. Title, line 11.

Following: "37-15-102,"

Insert: "37-15-103"

3. Page 7.

Following: line 14

Insert: "Section 3. Section 37-15-103, MCA, is amended to read:

"37-15-103. Exemptions. (1) Nothing in this chapter ~~shall prevent~~ prevents a person licensed in this state under any other law from engaging in the profession or business for which he is licensed.

(2) Nothing in this chapter ~~shall restrict~~ restricts or ~~prevent~~ prevents activities of a ~~speech~~ speech-language pathology or audiology nature or the use of the official title of the position for which they were employed on the part of a ~~speech~~ speech-language pathologist or audiologist employed by federal agencies.

(3) Those persons performing activities described in subsection (2) of this section who are not licensed under this chapter must do so solely within the confines of or under the jurisdiction of the organization in which they are employed and ~~shall may~~ may not offer ~~speech~~ speech-language pathology or audiology services to the public for compensation over and above the salary they receive for performance of their official duties with organizations by which they are employed. However, without obtaining a license under this chapter, ~~such~~ these persons may consult or disseminate their research findings and scientific information to other accredited academic institutions or governmental agencies. They also may offer lectures to the public for a fee without being licensed under this chapter.

(4) Nothing in this chapter ~~shall restrict~~ restricts activities and services of a student in ~~speech~~ speech-language pathology or audiology from pursuing a course of study in ~~speech~~ speech-language pathology or audiology at an accredited or approved college or university or an approved clinical training facility. However, these activities and services must constitute a part of his supervised course of study, and ~~no a fee shall may not~~ may not accrue directly or

indirectly to the student. These persons ~~shall~~ must be designated by the title "~~speech~~ speech-language pathology (or audiology) intern", "~~speech~~ speech-language pathology (or audiology) trainee", or a title clearly indicating the training status appropriate to his level of training.

(5) Nothing in this chapter ~~shall restrict~~ restricts a person from another state from offering ~~speech~~ speech-language pathology or audiology services in this state if ~~such~~ these services are performed for no more than 5 days in any calendar year and if the services are performed in cooperation with a ~~speech~~ speech-language pathologist or audiologist licensed under this chapter. However, by securing a temporary license from the board subject to ~~such~~ such limitations as the board may impose, a person not a resident of this state who is not licensed under this chapter but who is licensed under the law of another state ~~which~~ that has established licensure requirements at least equivalent to those established by this chapter or who is the holder of the ASHA certificate of clinical competency in ~~speech~~ speech-language pathology or audiology or its equivalent may offer ~~speech~~ speech-language pathology or audiology services in this state for no more than 30 days in any calendar year if ~~such~~ the services are performed in cooperation with a ~~speech~~ speech-language pathologist or audiologist licensed under this chapter.

(6) Nothing in this chapter ~~shall restrict~~ restricts any person holding a class A certificate issued by the conference of executives of American schools of the deaf from performing the functions for which he qualifies.

(7) Nothing in this chapter ~~shall restrict~~ restricts any person who holds a certificate of registration in this state as a hearing aid dealer from performing those functions for which he qualifies and ~~which~~ that are described in Title 37, chapter 16.

(8) Nothing in this chapter exempts an audiologist who sells, dispenses, or fits hearing aids from the licensing requirements or other provisions of Title 37, chapter 16."

Renumber: subsequent sections

February 1, 1989

EXHIBIT 7
DATE 2-1-89
HB 396

To: Madam Chairman and Members of the State Administration
Committee

From: Marilyn Pearson
Speech/Language Pathologist and Board Member of the Speech/Language
Pathology and Audiology Board

Re: HB 396

I'd like to speak in favor of and request your support of HB 396 and its attached amendment.

It should be noted that the attached amendment to this bill insures that audiologists are not exempted from the licensing and other provisions of the hearing aide dispensing act of Chapter 16, Title 37 MCA.

HB 396 is primarily a housekeeping bill which does the following:

Changes the name form speech pathology and audiology to speech-language pathology and audiology

From speech pathologist to speech-language pathologist

Removes provision for "provisionally" licensed speech pathologist. The reason for this is that provisionally licensed referred to those speech pathologists who at the initiation of licensure did not meet the requirements but were allowed until July 1, 1975 to meet the requirements. This provision no longer applies, therefore it has been removed.

Removes the date of renewal from the law. This will be incorporated into Administrative Rules.

Changes the name "speech aide" to speech-language aide

The changes incorporated in this bill do not change the original intent of the bill. They are simply changes made to reflect the current terminology utilized in the field and are consistent with what the consumer understands the services provided by these professionals to be.

STATE OF MONTANA FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB370, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An Act increasing the amount authorized for meal reimbursement for state employees and certain officials engaged in state business while away from their designated headquarters but within the state; and amending Section 2-18-501, MCA.

ASSUMPTIONS:

1. The amount of in-state meals (object 2407) and in-state meals overnight (object 2410) for elected officials, appointed members of boards, commissions, councils, department directors, and all other state employees will equal FY88 actual for each year of the biennium.
2. The University System in-state meal costs will not be included in the projections.
3. The bill provides for an increase in the daily allowance for in-state meal costs from \$14.50 to \$17; \$4 for morning meal, \$4 for the midday meal, and \$9 for evening meal.
4. No additional appropriation authority is being requested. Agency meal costs within current level budgets.

FISCAL IMPACT:

	Current	FY90	FY91
Expenditures:			
Operating Expenses	\$1,754,980	\$2,057,539	\$2,057,539
Difference		\$ 302,559	\$ 302,559
Funding:			
Based on FY88			
To al Deductions by Fund			
General Fund	\$ 75,912		\$ 75,912
State Special	98,120		98,120
Federal & Other	85,503		85,503
Proprietary	43,024		43,024
	\$ 302,559		\$ 302,559

NOT FOR REPRODUCTION

Ray Shackelford 2/1/89
RAY SHACKLEFORD, BUDGET DIRECTOR DATE
OFFICE OF BUDGET AND PROGRAM PLANNING

VICKI COCCHIARELLA, PRIMARY SPONSOR DATE
Fiscal Note for HB370, as introduced

COMMITTEE

HB 278

February 1, 1989

REP. REAM

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO. HB 365

DATE February 1, 1989

SPONSOR REP. HARRINGTON

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
<i>Chad Waller</i>	<i>MT. Newspaper Assoc</i>		✓
KEN DUNHAM	ASSOCIATED PRINTERS PUBLISHER	X	
<i>Genevieve Gibson</i>	<i>mt. Assoc. of Counties</i>	X	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STATE ADMINISTRATION COMMITTEE

DATE February 1, 1989

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER
STATE ADMINISTRATION COMMITTEE

BILL NO. HB 370

DATE February 1, 1989

SPONSOR REP. COCCHIARELLA

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Vern Sitter	MT. Innkeepers Assn	X	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.