

MINUTES

MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairman Eleanor Vaughn, on January 9, 1991,
at 10:00 A.M.

ROLL CALL

Members Present:

Eleanor Vaughn, Chairman (D)
Bob Pipinich, Vice Chairman (D)
John Jr. Anderson (R)
Chet Blaylock (D)
James Burnett (R)
Harry Fritz (D)
Bob Hockett (D)
Jack Rea (D)
Bernie Swift (R)

Members Absent: Bill Farrell

Staff Present: David Niss (Legislative Council).

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Announcements/Discussion: None

HEARING ON SENATE BILL 23

Presentation and Opening Statement by Sponsor:

Bob Williams, Senate District 15, central Montana, stated that this bill was instigated by the counties and concerns the 9-1-1 lines and how to handle the funding. Then, when visiting with Tony Herbert of the Department of Administration telecommunications, he found they also had a 9-1-1 bill. After comparing the bills, it appears the other bill is a little better so he's asking them to table SB 23. Senator Kennedy will be carrying the bill, which should take the place of this one.

Proponents Testimony:

Gordon Morris, executive director of the Montana Association of Counties, said this bill did come through the MACO resolution process. What they would like the Department to do is issue a single check to the administrative agency in regard to the interlocal government agreements, that provides for multiple jurisdictional administration over the 9-1-1 emergency systems.

You can see this in SB 23 on page 3, section 4. Since the Department of Administration has a like bill, we are asking that you table this and await the introduction of LC 1162.

Tony Herbert is assistant administrator for the information services division, Department of Administration, which administers the 9-1-1 program throughout the state. This bill will streamline the administrative process to send checks to 9-1-1 systems.

Opponents Testimony:

None

Questions From Committee Members:

Senator Blaylock asked Tony Herbert if the approach in this bill is the better of the two bills? Mr. Herbert answered that he thinks LC 1162 has better language. In addition, LC 1162 has some other housekeeping change that the department is proposing.

Closing by Sponsor:

Senator Williams invited Tony Herbert to come and speak regarding this bill, as he is the person who will administer it. He recommends the committee table SB 23.

EXECUTIVE ACTION ON SENATE BILL 23

Motion:

Senator Blaylock, at the request of the sponsor, moved that SB 23 be tabled at this time.

Discussion:

None

Recommendation and Vote:

The vote was UNANIMOUS in favor of tabling SB 23.

HEARING ON SENATE BILL 12

Presentation and Opening Statement by Sponsor:

Senator J. D. Lynch, Senate District 34, Silverbow, said this bill will abolish the Capital Building and Planning Committee because they haven't used this committee for a long time. It's on the books and there is even an appropriation for the committee. There is no problem in ending it, since we could

create the committee again, if necessary. The Department of Administration called with a problem. It's with the word complex in this bill. The other problem is whether we've been redundant in passing the responsibilities to another entity.

Proponents Testimony:

Debra Kehr, administrator of the General Services Division, of the Department of Administration, asked for 2 amendments on page 5, section 3, subsection 2 on line 7 to strike the word "complex"; then delete the entire section 3 on page 5 because there is a long range master plan for the capital area. This may present a redundant effort on the part of the Department of Administration and the Legislative Council. If that section cannot be deleted, then she asked that on line 16 the word "complex" be struck so that it would only address the capitol building.

Opponents Testimony:

None

Questions From Committee Members:

Senator Blaylock asked Senator Lynch how much money we lost because we were unable to move the Senate? \$850,000. Senator Blaylock agrees with abolishing as we haven't used it, but it's a tragedy and the architects plans were good. Then the oil income reversed and we took the \$5.5 million that was collected for the Capitol renovation and used it for ongoing expenses.

Senator Swift stated that change appears desirable in that there is a contradiction with long range building. Senator Lynch stated he agrees with striking the word "complex" but is not in favor of striking subsection 3. The Legislature needs to have some control of the capitol building and the council could look at remodeling for legislative purposes, if section 3 is left in the bill.

Senator Blaylock said there is potential turf wars for space and this makes the Legislative Council the arbiter of the building. Senator Lynch thinks the Legislature should have some control of the building. Senator Blaylock thinks the Legislative Council, the LFA, and the Environmental Quality Council will be vying for space. If The Department of Administration had the responsibility, the Legislative Council wouldn't be the bad guy. Senator Lynch responded that the legislature should retain some power over their space.

Senator Anderson asked why he chooses the Legislative Council? Senator Lynch said the Council meets regularly and would be a more readily available entity.

Senator Blaylock asked if in the codes the governor is given charge of this building?

Bob Person said that under this bill the Legislative Council would be an advisor but the Department of Administration would have the ultimate responsibility. That flows to the governor.

There was discussion defining campus, state complex and capitol building with regard to statue placement, art displays, etc. The question is, if you want to have statues, busts, artwork, etc. displayed, who do you want to have involved in those decisions.

Closing by Sponsor: Senator Lynch closed by saying that he agrees with the 2 amendments to strike the word complex on line 7 and 16, but no other places in the bill. Thank you for a good hearing and hope you find in favor of the bill.

EXECUTIVE ACTION ON SENATE BILL 12

Motion:

Senator Blaylock made a motion that the word "complex" on page 5, line 7 be stricken and then strike the word "complex" on line 16, page 5.

Recommendation and Vote:

The vote was UNANIMOUS in FAVOR of Senator Blaylock's motion. Motion passed.

Discussion:

Senator Fritz asked if the committee should strike the word "complex" on line 10. Senator Swift answered that the Department of Administration has the authority over all state offices by order of the legislature.

Senator Blaylock asked if the word "complex" included the Justice Building? Debra Kehr said there is some question about that. The definition in the statute expanding the authority is the "capital area", it doesn't actually say the capital complex is within a 10 mile radius of this building. The Department of Administration considers the campus the adjacent area to the capitol, and the Justice Building would be included in that definition. It isn't really defined in statute.

Senator Blaylock stated that the piece of artwork in the Justice Building is roundly hated by some of the justices. They refer to it as a piece of machinery in a tornado.

Motion:

Senator Pipinich made a motion to DO PASS AS AMENDED SENATE BILL 12. The vote was UNANIMOUS in favor the Senate Bill 12 as amended.

EXECUTIVE ACTION ON SENATE BILL 4Motion:

None

Discussion:

Senator Pipinich stated he is against this bill because of the deals that could be made. The governor makes the appointments as it's working now.

Senator Swift stated that the confirmation process has the ability to guard against deal making. Senator Anderson stated it happens now in the form of appointing an acting director, then when his elective term expires, he's appointed permanently.

Senator Vaughn expressed the fact that an elected official has a responsibility to his constituents to fulfill his elective post, and the appointment of another to fulfill the position may not be the wishes of the electorate. This bill does allow for approval through the elective process before it becomes law.

Senator Anderson said this happens on the national level, also. When an elected official accepts an appointment, it's usually the end of their political career. The electorate doesn't accept them back into political office very well.

Senator Rea asked if a legislator prefers to not run for reelection and seeks an appointment, does this legislation apply? This bill applies to legislators resigning their elected post before the expiration of their term.

Senator Pipinich said that we could table this bill. Senator Blaylock understands that a do pass motion should be presented, if the vote against that motion is negative, the bills goes to the floor with an adverse committee report of do not pass. Because this bill is a constitutional change it requires a 2/3 vote of the legislature. Even though the Senate may not approve this bill, it will go to the House anyway because they have 100 members and it might get enough votes to be put on the ballot of a state election for a constitutional change. That's section 40 - 50 under Senate rules.

Senator Blaylock suggested the committee leave the decision on this bill until tomorrow. That way, they can research the proper procedure for handling the legislation.

Amendments, Discussion, and Votes:

None

Recommendation and Vote:


None

ADJOURNMENT

Adjournment At: 11:00 A.M.



ELEANOR VAUGHN, Chairman



DOLORES HARRIS, Secretary

EV/dh

ROLL CALL

STATE ADMINISTRATION COMMITTEE

DATE 1-9-91

52 LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SENATOR ELEANOR VAUGHN	X		
SENATOR BOB PIPINICH	X		
SENATOR JOHN ANDERSON	X		
SENATOR CHET BLAYLOCK	X		
SENATOR JAMES BURNETT	X		
SENATOR "BILL" FARRELL		X	
SENATOR HARRY FRITZ	X		
SENATOR BOB HOCKETT	X		
SENATOR JACK "DOC" REA	X		
SENATOR BERNIE SWIFT	X		

Each day attach to minutes.

Amendments to Senate Bill No. 12
First Reading Copy

For the Committee on State Administration

Prepared by David S. Niss
January 9, 1991

1. Page 5, line 7.
Strike: "complex"

2. Page 5, line 16.
Strike: "complex"

STANDING COMMITTEE REPORT

Page 1 of 1
January 9, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill 12 (first reading copy -- white), respectfully report that Senate Bill 12 be amended and as so amended do pass:

1. Page 5, line 7.
Strike: "complex"

2. Page 5, line 16.
Strike: "complex"

Signed: *Eleanor Vaughn*
Eleanor Vaughn, Chairman