

MINUTES

**MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairperson Eleanor Vaughn, on February 21, 1991, at 10: A.M. in room 331.

ROLL CALL

Members Present:

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

Members Excused: Senator Bernie Swift

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 431

Presentation and Opening Statement by Sponsor:

Senator Tom Towe, Senate District 46, said Senate Bill 431 requires vacancies in state agencies to remain open until 400 positions are reduced unless a position is declared essential. It requires the Governor to develop a plan to reduce the central office administrative personnel of all state agencies by 15%. The growth of bureaucracy in Helena is what he's targeting in this legislation. There are approximately 14,000 employees in the state of Montana. 4400 of those employees live and work in Helena. The number of employees in larger departments is fairly significant. In SRS there are 887 employees. He recalls the Board of Regents has grown from 5 or 6 people to a large department that has to pay \$1 million a year for rental space for that office. He said the providers of services at the local

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level are amazed at how many staff there are in the central office. He said that when you create a department, some of the creative thought goes into how to keep that program going and increase the program. The Governor said he was going to cut staff by 400 people. Unfortunately, that happened by closing Galen and the liquor stores. He wants them reduced by attrition and vacancy savings. He wants the Governor to sign a statement that a vacant position be filled only when it is essential. Then the Governor must tell the Legislative Finance Committee his decision. He proposes that the Governor should develop a plan to reduce the central office staff by 15%, based on the level of staff that existed on July 1, 1990, and present it to the legislature. The University System now has 65 employees working in Helena.

Proponents' Testimony:

None

Opponents' Testimony:

Tom Schneider, Executive Director of the Montana Public Employees Association, opposes Senate Bill 431 because the way this is written, clerical employees will be reduced first, since it is difficult to say if they are providing direct services. Also, clerical employees don't stay as long as administrative personnel. That is a bad idea and it won't lead to better government. The legislature expands government. We have 2000 bills and everyone of them is requiring government to do something or in some cases not to do something. You are really asking for an expansion of government and you have to expect it. The proper way to reduce government is to do it in the appropriations process and in the program process. You reduce programs and appropriations, and make cuts where you should. This method doesn't have any thought process behind it and you won't get better government from it.

Tom Schnieder said that in the area of the University System, the biggest expansion in the central office is the Student Loan and Student Assistance Programs. Those programs weren't available back in the 60s and 70s. That is where you find the additional office space and employees. These are good programs, and very necessary. He opposes the idea of quotas of this nature.

Questions From Committee Members:

Senator Burnett said this is a good bill that Senator Towe has written. We legislators are at fault. The Governor is

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asked to work on a plan to reduce central office staff without affecting the programs.

Senator Hockett agrees that the clerical staff will probably be the ones to suffer the most. Tom Towe said it forces the Governor to make a decision whether the position is essential.

Senator Pipinich asked Tom Schneider to comment on the Board of Regents, which has grown to 65 clerical people in that office? Tom Schneider explained there are more programs happening in the Commissioner's office. The majority of those are in Student Loans and Student Assistance programs.

Senator Rea asked what is the average wage for clerical people? Tom Schneider responded that clerical staff get between \$6 and \$8 per hour.

Senator Blaylock said the state legislature staff has grown and that isn't all bad. Remember when you had to go to a company lawyer to get a bill drawn? If we wanted safe budget information we set up the Legislative Fiscal Analyst and that's presently a fairly big office. We have the Legislative Auditor set up by the Constitutional Convention. Then the Environmental Quality Council was extremely important. Do you want the legislature's bureaucracy to be reduced also? Senator Towe responded it wouldn't hurt to have this apply to the legislative branch as to the administrative branch. This legislature allows these things to go on. We don't have much control over the Board of Regents. He believes the legislative staff that drafts bills is essential, but we should review that.

Senator Blaylock said that the Governor himself can't know every state employee and he would have to go to his own bureaucracy to ask which were the most valuable. Senator Towe said there is too much central office staff and it has to be reduced some way. He noticed that the Outdoor Advertising Staff has grown because we put on a 4% lodging tax to advertise our state. He said the people who are asking for the grants for advertising and people who are handling the visitor information centers, see the number of central staff and think that is out of balance. He thinks the central office for the Institutions has too many employees.

Senator Fritz said that at one point the legislature has determined that each of these positions is essential. Now you are turning over to the Governor the power to overturn a legislative decision. That's unconstitutional.

Senator Towe does not view it that way. When you appropriate a

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fund, you do so at a request. The requests come from the agencies. Requiring the Governor to come up with a plan isn't abdicating authority.

Senator Fritz suggested a better track would be zero based budgeting. He likes that idea also.

Closing by Sponsor:

Senator Towe urged the committee to consider Senate Bill 431.

EXECUTIVE ACTION ON SENATE BILL 431

Motion:

Senator Burnett moved to DO PASS SENATE BILL 431.

Discussion:

None

Recommendation and Vote:

The ROLL CALL VOTE was 6 yes and 4 no. Those voting "no" were Senators Vaughn, Pipinich, Blaylock and Fritz. The Motion carried to pass Senate Bill 431.

EXECUTIVE ACTION ON SENATE BILL 282

Motion:

Attorney David Niss gave out copies of the suggested amendment and explained what they would do in Senate Bill 282. (Exhibit 1)

Senator Blaylock moved we DO NOT PASS SENATE BILL 282.

Discussion:

Senator Burnett asked why he didn't like this bill? Senator Blaylock said he didn't want additional requirements put upon the candidate to question the person who supports him in amounts over \$35. He feels we have a good campaign law on the books and it

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doesn't need changing.

Senator Rea said this bill will open up an opportunity to a disgruntled opponent to be able to find fault.

Senator Fritz thinks the publication requirements brings about the fiscal note expenses.

Senator Pipinich said if you want to know you can find out about campaign funds of anyone.

Amendments, Discussion, and Votes:

None

Recommendation and Vote:

The VOTE was UNANIMOUS to DO NOT PASS SENATE BILL 282. Senate Bill 282 will come out with an adverse committee report.

EXECUTIVE ACTION ON SENATE BILL 423

Motion:

Senator Rea moved to ACCEPT the AMENDMENTS to SENATE BILL 423. Attorney Niss gave everyone a copy of the amendments and explained the language used. (Exhibit 2)

Discussion:

None

Amendments, Discussion, and Votes:

The VOTE to ACCEPT the AMENDMENTS outlined in exhibit 2 was UNANIMOUS. Senate Bill 423 is amended.

Recommendation and Vote:

Senator Rea moved that SENATE BILL 423 DO PASS AS AMENDED. The VOTE was UNANIMOUS in favor of passing Senate Bill 423 as amended.

EXECUTIVE ACTION ON SENATE BILL 325

Motion:

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Motion:

Yesterday Attorney Niss gave the committee a 3 page set of amendments to review. (Exhibit 7) Senator Fritz moved to ACCEPT the AMENDMENTS as outlined in exhibit 7.

Discussion:

Senator Fritz explained that the amendments addresses the objections raised at the hearing of Senate Bill 325. They reflect the suggestions of the County Clerk and Recorder in Missoula County, Wendy Cromwell. The amendments retain the 30 day deadline for voter registration. Then, the registration following the 30 day deadline becomes a much more individualized decision. That person must show up at the central office, must show proof of identity including proof of residence, the conditions are set out. For election day registration the election administrator has the discretion by these amendments to either issue the registrant a certificate that allows him to vote in his precinct, or there at the central office. These amendments limit the registration to that election only.

Senator Anderson asked about the election administrators? In bigger cities they have an election administrator who works under the Clerk and Recorder.

Senator Rea asked if he has to go to the central office? Senator Fritz said after the 30 day deadline he could vote at the Courthouse or go back to his precinct.

Senator Farrell asked how would they know about the fire districts, transportation districts, water district, etc. Fritz responded they would have to have an address.

Senator Hockett said we shouldn't focus on fraud. We should encourage concerned responsible citizens to vote. The Clerk and Recorders seem to resist change.

Senator Vaughn said the election administrator would need more help and that would be a fiscal impact. There are long drives and how many people is this bill actually helping. Let's educate the people and get them registered.

Senator Farrell said that all the states that have same day voter registration are highly populated states. Same day voter registration might encourage strange groups to try and put their will on a community. 30 day registration is fine. With all the attempts we make to register voters, we have only 1/2 the

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population registered, and less than 1/2 of those vote when they are registered.

Senator Rea said the driver's license ID is the proper one to use for voter registration.

Amendments, Discussion, and Votes:

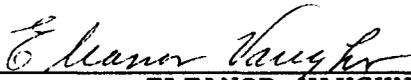
The VOTE to accept the AMENDMENTS was 8 yes and 1 no. Senate Bill 325 is amended.

Recommendation and Vote:

Senator Fritz moved to DO PASS AS AMENDED SENATE BILL 325. The VOTE was 4 yes and 6 no. The motion failed and Senate Bill 325 will go to the Senate floor with an adverse committee report.

ADJOURNMENT

Adjournment At: 11:10 A.M.


ELEANOR VAUGHN, Chairman


DOLORES HARRIS, Secretary

EV/dh

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ROLL CALL

STATE ADMINISTRATION COMMITTEE

DATE Feb 21, 1991

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			<i>excused</i>

Each day attach to minutes.

Amendments to Senate Bill No. 282
First Reading Copy

For the Committee on State Administration

Prepared by David S. Niss
February 21, 1991

1. Page 5, line 2.

Following: "if"

Insert: "the defendant in a"

2. Page 5, lines 3 and 4.

Strike: "is dismissed" on line 3 through "cause" on line 4

Insert: "prevails"

3. Page 5, line 4.

Strike: "may"

Insert: "shall"

Amendments to Senate Bill No. 423
First Reading Copy

For the Committee on State Administration

Prepared by David S. Niss
February 21, 1991

1. Page 2, lines 2 through 5.

Strike: "containing" on line 2 through "state" on line 5

2. Page 2, line 5.

Following: the period

Insert: "The information on the corporate information list must be limited to the information available on the corporate information computer system maintained by the secretary of state."

Amendments to Senate Bill No. 421
First Reading Copy

For the Committee on State Administration

Prepared by David S. Niss
February 21, 1991

1. Title, line 4.

Following: "PROVIDING"

Insert: "RETIRING"

2. Title, line 5.

Strike: "TERMINATING EMPLOYMENT"

Insert: "OR EMPLOYEES SURVIVING DEPENDANTS"

3. Title, lines 6 AND 7.

Strike: "CREDIT AGAINST THE"

4. Page 2, line 7.

Following: "agency"

Insert: "other than by retirement"

Strike: "either"

5. Page 2, line 7 and 8.

Strike: "under subsection (5)(b)"

6. Page 2, lines 9 through 12.

Strike: "or" on line 9 through "(5)(c)" on line 12

7. Page 2, line 12.

Following: "In"

Strike: "either case"

Insert: "the case of either the lump-sum payment under subsection
(b) or payment of health insurance premiums under subsection
(c),"

8. Page 3, line 7.

Strike: "The"

Insert: "An employee who retires from an agency may choose the lump-sum payment under subsection (b) or is entitled to use the accumulated pay attributed to the accumulated sickleave for the payment of health insurance premiums under this subsection. If the employee chooses the option under this subsection, the "

9. Page 3, line 8.

Strike: "may be converted to credits"

Insert: "shall be paid monthly by the employer"

10. Page 2, line 10.

Following: "employee"

Insert: "and any dependants"

11. Page 2, line 12.

Strike: ", or both"

12. Page 2, line 13.

Following: "from the"

Strike: "credits"

Insert: "insurance trust fund"

Following: "until the"

Strike: "credits"

Insert: "amount credited to the employee"

Amendments to Senate Bill No. 325
First Reading Copy

SENATE STATE ADMIN.
EXHIBIT NO. 7
DATE 2-20-91
BILL NO. SB 325

Requested by Sen. Fritz
For the Committee on State Administration

Prepared by David S. Niss
February 19, 1991

1. Title, lines 4 and 5.
Strike: "ELECTION DAY"

2. Title, line 5.
Following: "REGISTRATION"
Insert: "IMMEDIATELY BEFORE AN ELECTION AND ON ELECTION DAY"

3. Page 1, lines 14 through 20.
Following: line 13
Strike: section 1 in its entirety
Renumber: subsequent sections

4. Page 5, line 14.
Following: "signed"
Insert: "and must be returned to the administrator no later than
30 days after the date it is signed by the witness or
officer before whom signed"

5. Page 5, line 16 through line 8 on page 6.
Following: "13-2-301."
Strike: the remainder of Section 4
Insert: "Close of registration -- exceptions. (1) The election
administrator shall:
(a) except as provided in 13-2-302, close registrations for
30 days before any election; and
(b) publish a notice specifying the day registrations will
close on radio or television as provided in 2-3-105 through 2-3-
107 or in a newspaper of general circulation in the county at
least once a week for 3 weeks before the close of registration.
(2) Information to be included in the notice shall be
prescribed by the secretary of state.
(3) An individual who submits a completed registration form
to the election administrator before the deadline provided in
subsection (1)(a) is allowed to correct a mistake on the
completed registration form until 5 p.m. on the 10th day

following the close of registration, and thereafter the qualified elector is eligible to vote in the next election."

6. Page 6, lines 11 through 21.

Following: line 10

Strike: the remainder of Section 5

Insert: "and on election day. (1) An individual who is not registered but who is otherwise qualified to vote in an election may register during the time when registration is otherwise closed preceding that election by providing the election administrator the forms of proof of identification and residence required by subsection (3). Upon proof of identification and residence in accordance with subsection (3), the election administrator shall issue to the applicant a certificate entitling the applicant to be placed on the voting list for that election in the appropriately assigned polling place. If the applicant is not registering in person, the election administrator shall mail the certificate to the reside address appearing on the application.

(2) An individual who is not registered but who is otherwise qualified to vote in an election may register on election day by appearing in person at the county election office on election day. Upon proof of identification and residence in accordance with subsection (3), the election administrator shall issue to the applicant a certificate entitling the applicant to be placed on the voting list for that election in the appropriately assigned polling place, or entitling the applicant to vote in that election at the county election office if the election administrator, in his or her discretion, has made facilities for such vote available.

(3) An individual applying for registration pursuant to subsection (1) or (2) shall exhibit to the election administrator both an identification card bearing a photograph of the applicant and at least one letter or other piece of mail sent through the United States postal system to the applicant at the residential address claimed by the applicant, and bearing a United States postal cancellation stamp showing a postmark within the 30 days immediately prior to registration. The election administrator may refuse to register any applicant who in the judgment of the administrator, has not furnished the roof of identification and residence required by this subsection.

(4) An individual who will not be qualified to vote in an election by election day may register under either subsection (1) or (2) but must not be issued a certificate. The election administrator shall keep the registration form of any such person in a separate file until the person becomes qualified to vote and the form can then be properly entered after the election"

2/18/91

Chairperson Vaughn
Bernie Swift
SB 325-

Please consider my vote
on this bill as "Do not
pass"

Senator Bernie Swift
signed 2/18/91

Senator Swift
Proxy Vote

7. Page 7, lines 3 and 4.

Strike: "that day under [section 1]"

Insert: "pursuant to 13-2-302 and presents the certificate issued to him by the election administrator pursuant to that section"

8. Page 7, line 20.

Strike: "on election day under [section 1]"

Insert: "pursuant to 13-2-302"

9. Page 8, lines 6 and 7.

Strike: "on election day under [section 1]"

Insert: "pursuant to 13-2-302"

10. Page 8, line 10.

Strike: "under [section 1]"

Insert: "pursuant to 13-2-302"

Strike: "take"

Insert: "place"

11. Page 8, line 11.

Strike: "to the election administrator with"

Insert: "in"

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

52st LEGISLATIVE SESSION

Date 2-21-91 Bill No. ^{SB} 325 Time 11:00

NAME	YES	NO
Chairman Eleanor Vaughn		X
Vice Chairman 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

Dolores Harris
Secretary Dolores Harris Chairman Eleanor Vaughn

Motion: SB 325 as amended do pass.
motion failed.

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

52st LEGISLATIVE SESSION

Date 2-21-91

Bill No. SB431 Time 11:00

NAME	YES	NO
Chairman Eleanor Vaughn		X
Vice Chairman 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	

Dolores Harris
Secretary Dolores Harris

Chairman Eleanor Vaughn

Motion: do pass Senate Bill 431

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 21, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 423 (first reading copy -- white), respectfully report that Senate Bill No. 423 be amended and as so amended do pass:

1. Page 2, lines 2 through 5

Strike: "containing" on line 2 through "state" on line 5

2. Page 2, line 5.

Following: the period

Insert: "The information on the corporate information list must be limited to the information available on the corporate information computer system maintained by the secretary of state."

Signed: *Eleanor Vaughn*

Eleanor Vaughn, Chairman

AM 2-23-91
Am/ Coord.

SK 2-21 19:35
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 21, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 282 (first reading copy -- white), respectfully report that Senate Bill No. 282 do not pass.

Signed: *Eleanor Vaughn*
Eleanor Vaughn, Chairman

Jan 2-21-91
Md. Coord.

SB 2-21 12:25
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 21, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 431 (first reading copy -- white), respectfully report that Senate Bill No. 431 do pass.

Signed: *Eleanor Vaughn*
Eleanor Vaughn, Chairman

1/12/91
Amd. Coord.

SB 431 91
Sec. of Senate

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