

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - SPECIAL SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By REP. DICK SIMPKINS, CHAIRMAN, on December 8, 1993, at 8:30 a.m.

ROLL CALL

Members Present:

Rep. Dick Simpkins, Chairman (R)
Rep. Wilbur Spring, Vice Chairman (R)
Rep. Ervin Davis, Vice Chairman (D)
Rep. Beverly Barnhart (D)
Rep. Pat Galvin (D)
Rep. Bob Gervais (D)
Rep. Harriet Hayne (R)
Rep. Gary Mason (R)
Rep. Brad Molnar (R)
Rep. Bill Rehbein (R)
Rep. Sheila Rice (D)
Rep. Sam Rose (R)
Rep. Dore Schwinden (D)
Rep. Carolyn Squires (D)
Rep. Jay Stovall (R)
Rep. Norm Wallin (R)

Members Excused: None.

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Council
Pat Bennett, Committee Secretary

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

Committee Business Summary:

Hearing: House Joint Resolution 4
House Bill 46

Executive Action: House Joint Resolution 4
House Bill 40
House Bill 38
House Bill 49
House Bill 46

HEARING ON HOUSE JOINT RESOLUTION 4

Opening Statement by Sponsor: REP. LARRY GRINDE, HD 30, Lewistown, introduced HJR 4 which relates to the legislative branch of government. He read a statement from the State Legislature Magazine: "Legislatures have progressed more in the past 30 years than any other government institution, yet public attitudes, voter distrust and initiatives are challenging them as never before." REP. GRINDE informed the Committee that he was part of a study committee researching how they could reorganize the legislative agencies. The resolution would bring all the different legislative agencies together along with the Finance and Claims, to see what can be done to better perform a cost savings and efficiency. The legislative agencies have already done a great deal of in-house reorganizing. He referred the Committee to page 2, line 22, and said it was important for the legislators to be involved.

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses: None.

Closing by Sponsor: REP. GRINDE closed the hearing on HJR 4.

EXECUTIVE ACTION ON HOUSE JOINT RESOLUTION 4

Motion/Vote: REP. DAVIS moved HJR 4 do pass. Motion carried unanimously.

EXECUTIVE ACTION ON HOUSE BILL 40

Motion/Vote: REP. RICE moved HB 40 do pass. Motion carried unanimously.

EXECUTIVE ACTION ON HOUSE BILL 38

Motion: REP. SQUIRES moved HB 38 do pass.

Motion/Vote: REP. SQUIRES moved to amend HB 38. EXHIBIT 1 Motion carried unanimously.

Motion/Vote: CHAIRMAN SIMPKINS moved to amend HB 38. EXHIBIT 2 Motion carried unanimously.

Motion/Vote: REP. SQUIRES moved HB 38 as amended. EXHIBIT 3 Motion carried unanimously.

EXECUTIVE ACTION ON HOUSE BILL 49

Motion: REP. RICE moved HB 49 do pass.

Discussion: REP. MOLNAR said he called a few of his constituents and they thought the Department of Livestock (DOL) and Department of Agriculture should be combined, however, those who know the inner workings of the two departments do not think they should be combined. DOL is one of the most efficient department in the state and for this reason, if the bill passes, Agriculture should be structured under Livestock. He stated that he would rather the two be left as is.

REP. STOVALL said there was a study which proved the two should not be combined.

REP. SQUIRES said the urban areas have a perceptual problem that these two agencies are sacred cows with the subsidies they receive. The petition was enacted to streamline government and there needs to be some cooperation with the urban versus rural areas. She said she would vote against the measure, but would encourage her colleagues who participate in these two industries to try to provide help with those in the urban areas to understand and to accept.

REP. ROSE referred to the 1972 Constitutional Convention where it states that the Department of Livestock was purposely left alone not to be set up as a constitutional office, but rather as an office under the Reorganization Act to make sure there is one unified voice to speak out for a minority group in the State of Montana.

REP. SPRING noted that Livestock and Agriculture are two departments who are tax providers, whereas the other departments basically distribute what these two provide. He expressed a strong opposition to the bill.

REP. RICE said she wanted to clarify two points. She in no way intended the bill as a way to "pick" on either of the industries, but had in fact looked at every department. She also stressed that Senator Doherty was in no way involved with the planning of the bill. REP. RICE said things have changed since 20 years ago, but believes that over time the picture of state government will change and this type of structuring will happen.

REP. BARNHART said that last session there was a lot of discussion on how government can become more efficient and it is apparent that unless they get together without vested personal interest, change won't happen.

REP. GALVIN said they need to look at the questions and answers by every segment that the bill governs. The sessions are for discussing what is good and bad. He stated that Les Graham's

reference to fiscal notes being slanted really opened his eyes. The Committee needs to base its decisions on true information.

Motion/Vote: REP. ROSE moved to table HB 49. Motion carried 14-2 on a roll call vote.

HEARING ON HOUSE BILL 46

Opening Statement by Sponsor: REP. CHASE HIBBARD, HD 46, Helena, introduced HB 46, a bill which would allow game wardens to partake in the early retirement option provided by the last legislature. The last legislature enacted a bill which provided an early retirement incentive to public employees by the Public Employees Retirement System (PERS) whereby the state would purchase up to three years of retirement for those retiring early. HB 46 would give the game wardens a retirement system which provides the ability to purchase one year of retirement for every five years of service after ten years of service to the Department.

Proponents' Testimony: Tom Schneider, Montana Public Employees Association, (MPEA) said they represent the game wardens in and for collective bargaining purposes. He said current Fish & Game law allows employees to purchase military service up to five years. If a person purchases up to five years of military service, they are not allowed to purchase any other time of service. This bill would allow those who do not have military service to have the right to purchase additional service. If this provision would have been included in the 1993 legislation the early retirement incentives would have been extended to the game wardens. PERS can purchase service for 14% and teacher can purchase service for 15.5%, whereas game wardens will have to pay over 40% of their salary for each year of service they buy because they are paying the actuarial cost of the service. The bill offers no gifts, only the accessibility to a person who wants to retire to have the same option as others in the system.

Pat Graham, Director, Fish, Wildlife & Parks, (FWP), testified in support of HB 46 saying they believe this is an equity issue and this provision needs to be extended to the game wardens. The cost for game wardens to purchase service is actually less than the 40% figure given earlier.

Matt Long, Game Warden and President of the Game Warden Association, Kalispell, testified in support of HB 46, said they would have preferred to be part of the three year buy out extended by the state, however, it was physically impossible. This bill is an alternative which gives an opportunity to those people who have 25 years of service to increase their retirement benefits at no cost to the state and for those who get RIFed (Reduction In Force) to purchase additional time. He informed the Committee that the game warden's retirement pays 2% per year. Those with 25 years receive 50% of his gross salary. The

opportunity to purchase an additional five years would add 10% to his retirement savings. There are approximately eight people who will take advantage of this. As those are the upper part of the pay scale retire, it will allow the younger people to fill those positions. The salary difference will bring a savings to the state.

Mr. Schneider clarified that the purchase of service will be approximately 15% to 20% and not the 40% her referred to earlier.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses: **REP. WALLIN** asked if there are other systems similar to the game warden's.

Mr. Schneider said there is a permanent study committee who is looking at the entire retirement system. They are studying whether the systems can be consolidated, etc. This bill would not complicate that study. There is not another system similar to the game wardens because each system was created for separate purposes.

REP. DAVIS asked why couldn't this bill be addressed during the regular session.

Mr. Schneider answered that it should have appeared during the last session. As HB 517 progressed through the session, the game wardens discovered they would like to be included. However, there was not anything in their law to allow them to buy service and by that point the bill was beyond its introduction. Simply amending in a by pass purchase for game wardens could not be done.

REP. ROSE asked what the savings will be for the Department.

Mr. Graham said he could not project any savings from the bill. It would depend on whether those planning on retiring would actually retire a year or two sooner. But for those who are going to retire anyway, this bill gives them an opportunity at their own expense.

REP. ROSE said there was testimony from a department last session that it could cost them \$280,000 to meet the early retirement obligations. He asked if FWP had the money to meet any obligations.

Mr. Graham answered that under the bill, the system is self funded and the employees are paying the benefits. It is not like the state's three year buy out.

CHAIRMAN SIMPKINS asked what the relationship would be between HB 58 and HB 46. He said he understands it to be that HB 58 would

only provide money if the employee is RIFed or terminated and does not provide for volunteer retirement.

Mr. Schneider said that was true, HB 58 only provides money for those who are RIFed. The only way HB 58 could affect HB 46 would be if FWP had to RIF a game warden and it was put out on a voluntary basis and a game warden who qualified to retire volunteered.

CHAIRMAN SIMPKINS asked Mr. Graham if the Department had any plans to RIF a game warden at the present time.

Mr. Graham said they had no plans to RIF a game warden.

Closing by Sponsor: REP. HIBBARD closed the hearing on HB 46.

EXECUTIVE ACTION ON HOUSE BILL 46


Motion/Vote: REP. GERVAIS moved HB 46 do pass. Motion carried unanimously.

ADJOURNMENT

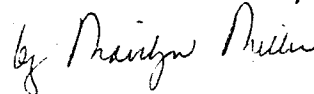
Adjournment: 9:30 a.m.



REP. DICK SIMPKINS, Chairman



PAT BENNETT, Secretary



DS/PB

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION COMMITTEE

ROLL CALL

DATE 12/8/93

NAME	PRESENT	ABSENT	EXCUSED
REP. DICK SIMPKINS, CHAIRMAN	✓		
REP. WILBUR SPRING, VICE CHAIRMAN	✓		
REP. BEVERLY BARNHART	✓		
REP. ERVIN DAVIS	✓		
REP. PAT GALVIN	✓		
REP. BOB GERVAIS	✓		
REP. HARRIET HAYNE	✓		
REP. GARY MASON	✓		
REP. BRAD MOLNAR	✓		
REP. BILL REHBEIN	✓		
REP. SHEILA RICE	✓		
REP. SAM ROSE	✓		
REP. DORE SCHWINDEN	✓		
REP. CAROLYN SQUIRES	✓		
REP. JAY STOVALL	✓		
REP. NORM WALLIN	✓		

HR:1993
wp.rollcall.man
CS-09

Carlene Squares has my
proxy this day.

12/8/93

Shula Pece

#B46 yes

my proxy to

ERV —

B. Bamber



HOUSE STANDING COMMITTEE REPORT

December 8, 1993

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 38 (first reading copy -- white) do pass as amended.

Signed: *Dick Simpkins*
Dick Simpkins, Chair

And, that such amendments read:

1. Title, line 8.

Following: "COUNCIL;"

Insert: "PROVIDING FOR TRANSITION TO THE REVISED LEGISLATIVE
COUNCIL COMPOSITION;"

2. Page 3, line 1.

Following: "~~majority~~"

Insert: "or, if designated by the speaker, the house majority
leader"

3. Page 3, line 6.

Following: "senate"

Insert: "or, if designated by the president, the senate majority
leader"

4. Page 4.

Following: line 21

Insert: "NEW SECTION. Section 7. Transition. Members of the
legislative council shall continue to serve until the
appointments have been made under [section 4]."

Renumber: subsequent sections

-END-

Committee Vote:
Yes 16, No 0.

091042SC.Hcr



HOUSE STANDING COMMITTEE REPORT

December 8, 1993

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 40 (first reading copy -- white) do pass.

Signed: *Dick Simpkins*
Dick Simpkins, Chair

Committee Vote:
Yes 16, No 0

091040SC.Hcr



HOUSE STANDING COMMITTEE REPORT

December 8, 1993

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 46 (first reading copy -- white) do pass.

Signed: *Dick Simpkins*
Dick Simpkins, Chair

Committee Vote:
Yes 16, No 0.

091044SC.Hcr



HOUSE STANDING COMMITTEE REPORT

December 8, 1993

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Joint Resolution 4 (first reading copy -- white) do pass.

Signed: *Dick Simpkins*
Dick Simpkins, Chair

Committee Vote:
Yes 16, No 0.

091038SC.HCR

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 12/8/93 BILL NO. HB 49 NUMBER 14-2

MOTION: Rep Rose moved to table HB 49.
Motion carried.

NAME	AYE	NO
REP. DICK SIMPKINS, CHAIRMAN	✓	
REP. WILBUR SPRING, VICE CHAIRMAN	✓	
REP. BEVERLY BARNHART		✓
REP. ERVIN DAVIS	✓	
REP. PAT GALVIN	✓	
REP. BOB GERVAIS	✓	
REP. HARRIET HAYNE	✓	
REP. GARY MASON	✓	
REP. BRAD MOLNAR	✓	
REP. BILL REHBEIN	✓	
REP. SHEILA RICE		✓
REP. SAM ROSE	✓	
REP. DORE SCHWINDEN	✓	
REP. CAROLYN SQUIRES	✓	
REP. JAY STOVALL	✓	
REP. NORM WALLIN	✓	

HR:1993

wp:rlclvote.man

CS-11

COMMITTEE FILE COPY

TABLED BILL

The HOUSE STATE ADMINISTRATION COMMITTEE TABLED HB 49, by motion, on
Wednesday, December 8, 1993.

Pat Bennett (For the Committee) 2:40 (For the Chief Clerk)
11:00 (Time) Dec 8, 1993 (Date)

December 8, 1993

Pat Bennett, Secretary

Phone: 4847

Amendments to House Bill No. 38
First Reading Copy

Prepared by Dave Bohyer
December 2, 1993

EXHIBIT 1
DATE 12/8/93
HB HB 38

1. Title, line 8.

Following: "COUNCIL;"

Insert: "PROVIDING FOR TRANSITION TO THE REVISED LEGISLATIVE
COUNCIL COMPOSITION;"

2. Page 4, line 22.

Following: line 21

Insert: "NEW SECTION. Section 7. Transition. Members of the
legislative council shall continue to serve until the
appointments have been made under [section 4]."

Renumber: subsequent sections

Amendments to House Bill No. 38
First Reading Copy

Requested by Rep. Dick Simpkins
For the Committee on House State Administration

Prepared by Sheri S. Heffelfinger
December 7, 1993

1. Page 3, line 1.

Following: "~~majority~~"

Insert: "or, if designated by the speaker, the house majority
leader"

2. Page 3, line 6.

Following: "senate"

Insert: "or, if designated by the president, the senate majority
leader"

Amendments to House Bill No. 38
First Reading Copy

For the Committee on House State Administration

Prepared by Sheri S. Heffelfinger
December 8, 1993

1. Title, line 8.

Following: "COUNCIL;"

Insert: "PROVIDING FOR TRANSITION TO THE REVISED LEGISLATIVE
COUNCIL COMPOSITION;"

2. Page 3, line 1.

Following: "~~majority~~"

Insert: "or, if designated by the speaker, the house majority
leader"

3. Page 3, line 6.

Following: "senate"

Insert: "or, if designated by the president, the senate majority
leader"

4. Page 4.

Following: line 21

Insert: "NEW SECTION. **Section 7. Transition.** Members of the
legislative council shall continue to serve until the
appointments have been made under [section 4]."

Renumber: subsequent sections

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

State Administration COMMITTEE BILL NO. *NB 46*
 DATE *12-8-93* SPONSOR(S) *Chase Hibbard*

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Pat Graham	MT FWP	46		✓
Mack Long	MT. FWP	46		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

VISITOR'S REGISTER

BILL NO. 7054

PLEASE PRINT

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.