

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - SPECIAL SESSION**

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Senator Vaughn, on December 9, 1993, at 8:15
a.m.

ROLL CALL

Members Present:

Sen. Eleanor Vaughn, Chair (D)
Sen. Jeff Weldon, Vice Chair (D)
Sen. Jim Burnett (R)
Sen. Harry Fritz (D)
Sen. John Hertel (R)
Sen. Bob Hockett (D)
Sen. Bob Pipinich (D)
Sen. Bernie Swift (R)
Sen. Henry McClernan (D)
Sen. Larry Tveit (R)

Members Excused: None

Members Absent: None

Staff Present: David Niss, Legislative Council
Sylvia Kinsey, Committee Secretary

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

Committee Business Summary:

Hearing: SB 31
Executive Action: SR 3, SR 4, SB 31

HEARING ON SENATE BILL 31

Opening Statement by Sponsor: Senator Gage, SD 5, said he had
sponsored this bill at the request of the Legislative Council.
Since we were trying to find ways to save money, the savings on
printing could be substantial. Session laws, etc. could be done
electronically. There should have been a fiscal note available
with the bill it should save about \$37,000 a year.

Proponents' Testimony: Bob Person, Legislative Council, showed
the committee the publications printed and said over the past few
years they have been looking over some options to printing and
believed the time was right with the special session and doing

things differently in government, to consider an issue of this nature. He said a large part of the budget for the Council as well as the time involved, is spent as a publishing house. They publish the codes and a lot of material that provides a public record of what the Legislature has done. They are important, and we must be sure to be careful about any changes made. This bill deals with the Journals of the Senate and the House, which is a significant part of the Legislative Review, History, Final Status and Session Laws. He said the Legislative Review was probably most useful to the lawyers, because between the end of the session and the time the new Montana Code Annotated comes out, this is a guide to what sections of the law have changed. Mr. Person explained the purpose of the other records which are printed in soft cover books and the cost to the state. He said the Council was not convinced it was important to publish some of this material, but it was important to make it available. They are proposing, in this bill, to authorize Legislative Council to publish the material in disk form. He showed a compact disk, similar to your CD player at home and asked if anyone used compact disk technology with their computer now. He said this particular disk is the newest out, is a 63 minute disk, holds 600 megabytes and is recordable, it is made in-house. They were able to publish their Montana Code Annotated that way with this recordable CD this year. They did run into a problem and it seemed there were some kinds of more inexpensive readers that could not read it. They had enough of a market for their Montana Code Annotated on CD that they were able to go to 3 M and have them manufacture some of those and still have them affordable.

Senator Pipinich asked if they would put this on a floppy too and Mr. Person said the 3 1/2 floppy is 1.44 megabytes, and it would take about 300 disks, if this is full. It would probably be around 100 disks for a set of books like that and is the reason this format is so valuable, because you can handle so much data in such a convenient form.

Mr. Person said along with the computer technology, hard drives are growing, too. He suggested the committee could go down to the Council and talk to Lee Heiman and he will show you. This is what is called a flat file data base, which means it is a straight computer file, but it is notated and run through a program that makes it searchable. He said these are available for MCA but they do not have the Journals on it yet.

Senator Pipinich asked if these disks are available now and Mr. Person said they are available for the MCA. He said they have not made a production of the Journals ready yet, but it would be something he could probably have ready in a few days but it would have to be in this kind of format. He said the drawback to these CD Rom disks is \$19.50 because it is gold and that is because it is the recordable kind. He said the cost should be coming down, and there would have to be some cost recovery on these.

Senator Weldon asked what the life expectancy is on the

recordable diskettes compared to the acid free paper and Mr. Person said he did not believe anyone really knows for sure. When these compact disks first came out there was a stir that went through the library room because there was concern they were not very durable and would start losing data within 10 to 15 years. Recently the word is out that those concerns were premature and had to do with poor manufacturing quality of the very earliest disks. They think the big problem with these now is that they can't get rid of them. With company manuals that are updated every three months or so, people will be throwing these away and they are virtually indestructible. He said as electronics advances, these may have to be updated to be read over the new equipment. He said they would be able to put a whole legislative session on a disk, committee minutes, journals, session laws etc. all on one disk.

Mr. Person said the other changes in this bill to save money for the general fund is to transfer some of the publications over into their code publication activities which would make these general fund activities in special revenue activities and the people who wanted those would pay for those at the approximate cost. Most of them are sold now, but it would switch over the fund in special revenue. The other thing that it does is that these publications that were distributed free to a lot of different places, and particularly with many of the federal agencies outside of the Library of Congress, the Council does not see any particular justification for authorizing them to receive free copies. They feel the entitlement for receiving these publications free should be removed because there is no justification for it from the state point of view.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses: Senator McClernan said at one time the State Library had a responsibility for distributing a lot of these and asked if the Library liked the idea of you distributing these instead and Mr. Person said he believed so. The distribution was through the State Library through the library network, it is important, and the Council does not propose to mess with that.

Senator Weldon said you talked a little about distributing these publications to the cabinet level departments of the Executive and asked if they still request them at cost. Mr. Person said very little of that goes on. Practically nobody does, and as a substantive matter this will probably not save very much money nor bother anybody but is one of those old liabilities the general fund has if they did ask.

Senator Vaughn said she believed the only concern some

Legislators would have is that they are available to some of us who do not have computers. She understood that was being taken care of, that they would be available for anybody who does not have the availability of using the disk. Mr. Person said he believed it was important that all the Legislators understand that a compilation of the Daily Journals would be the best way to make sure they have that information available. That could be done by just reprinting them in the same formats and put into a notebook which would be a lot less expensive. It is a change and some people will have a hard time with that. He did not want to mislead anybody, but for the cost trade-off it should be well worth it.

Senator McClernan asked if in five years they would be able to provide a copy of the CD Rom for 1993 and Mr. Person said he was very confident they could. One of the big advantages they have found for using this technology is, for example, with HB 671 being in a suspended state, the code has already been updated to reflect 671. If we were going to draft bills that do not reflect 671, we would get the data base off our CD. If we have a stable available data base it makes it easy to deal with that kind of a quick switch without a big expense.

Senator Weldon said he had the fear that in 10 years some other technology will come along and we will decide that everything stored on CD Rom needs to be printed out on a hard copy and stored.

Senator Hockett said that kind of concern has existed from the time a person started scratching on the walls. There is really not much sense in worrying about it.

Senator Vaughn said at the present time we are more aware of what we need to do to save funds in the administration as much as possible. Yesterday we dealt with an incentive bill where some of these departments might be in line for a good amount of money if they can come up with cost savings. We are encouraging them to do these kinds of things and with the new technology we have, we can't continue to operate state government in all the old methods. We have to be careful that they are available for people who do not have all these new methods, but need to look at updating what we can do. She said the department should be commended for what they are doing.

Closing by Sponsor: None

EXECUTIVE ACTION ON SENATE BILL 31

Motion/Vote: Senator Swift moved Senate Bill 31 DO PASS. The motion passed unanimously.

EXECUTIVE ACTION ON SENATE RESOLUTION 3 AND 4

Motion: Senator Weldon moved Senate Resolution 3 and Senate Resolution 4 be adopted.

Discussion: Senator Hockett commented that he was the one asked to look at the Board of Regents nominees and had no problem with them. He had been thinking since then that a Board as important as that and as autonomous as they are as well as the amount of controversy you hear around the state about whoever is on that board, it seems we should give more importance to our consideration than for a board such as the Board of Cosmetologists. He said the Board of Regents appointments can affect the lives of many people and believed the Senate should look at a better way of doing a better job of looking at the philosophies, etc. of these appointments. He said perhaps it was his own frustration, but felt we were perhaps not as responsible as we should be on this. The Worker's Comp Board was pointed out as being another which should be examined closely. He was encouraged by the response to the appointment of Mr. Hill and believed it to be a good precedent to set.

Senator Vaughn said she believed it was a good point to look at in the future, because some of these Boards are more important throughout the state than others which have a single purpose. Some of the boards such as Worker's Comp and the Board of Regents that really determine things for the entire state should probably have more time spent on them and we should be more careful to have them come in, have them appear before us and give everybody a chance to ask them questions.

Senator Hockett said he had found one appointment made by Governor Stevens had never been confirmed, and then when Governor Racicot learned of it, he reappointed him.

Senator Weldon said he agreed with both Senator Hockett and the Chair and would like to echo that for the Board of Education which is another board that has significant authority in our state and the members are appointed for a very long term. He believed they should be requested to come into Helena and have review. He said his comment is on the process. Virtually every nominee he had talked to said they did not know they had to go through this process. He suggested the possibility of this committee writing a letter to the Governor suggesting that as a part of the nomination process they explain the confirmation to them. He believed a carbon copy should go to the Secretary of State's office because they verify it and send some sort of certificate out before it has been confirmed by the Senate. He said he would work with the Chair on drafting a letter.

David Niss said there are other glitches that came to light. Senator Swift discovered that the nominee to the Board of Oil and Gas Commission had not been told by the Governor's office that the seat he was appointed for had statutory prerequisites that wound up requiring this County Attorney to deed all his mineral

interest, shortly after Senator Swift talked to him, to his wife, including the mineral interests his private law practice sits on. It may be the committee should look at a bill drafting request, or a combination of Senate Rules and/or statute, of formalizing this investigation and confirmation process and creating some entities a little different than others. They could make some requirements that show what goes where and at what stage people get informed etc. From a staff perspective, he can see the difference in the amount of work this committee has put into it this year and the glitch that came up, from the way this was done at the time of his first year in Legislative Council 10 years ago. He said at that time it was merely a rubber stamp procedure.

Senator Swift said we needed a better "front-end" part of this because he believes nine out of ten of these people did not know anything about what the statutory requirements were until we contacted them.

Vote: The motion to adopt Senate Resolution 3 and 4 passed unanimously.

Senator Vaughn said the Governor's office has no continuity because of the change over in that department. She said perhaps we should suggest to them that they have a file which is kept up to date.

Senator Weldon suggested a letter to the Governor and to the Secretary of State inviting them to look at this with us and suggest rules and statutory language. David Niss said he would draft a letter on this. It could be taken up with the State Administration before the end of the session so there is something ready when we are looking at it. If it could not be done then, perhaps it could be done at the first meeting of the State Administration Committee.

ADJOURNMENT

Adjournment: 9:30 a.m.



SENATOR VAUGHN, Chair



Sylvia Kinsey, Secretary

EV/sk

SENATE STANDING COMMITTEE REPORT

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December 9, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 31 (first reading copy -- white), respectfully report that Senate Bill No. 31 do pass.

Signed: *Senator Vaughn*
Senator Eleanor Vaughn, Chair

SENATE STANDING COMMITTEE REPORT

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December 9, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Resolution No. 3 (first reading copy -- white), respectfully report that Senate Resolution No. 3 be adopted.

Signed: Senator Vaughn
Senator Eleanor Vaughn, Chair

SENATE STANDING COMMITTEE REPORT

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December 9, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Resolution No. 4 (first reading copy -- white), respectfully report that Senate Resolution No. 4 be adopted.

Signed: Senator Vaughn
Senator Eleanor Vaughn, Chair

12-9-93

SR 3 + 4

I vote yes

S1331

I vote yes

Sen Truitt