

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - SPECIAL SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **REP. DICK SIMPKINS, CHAIRMAN**, on Wednesday,
December 15, 1993, at 9 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. 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. Jay Stovall (R)
Rep. Norm Wallin (R)

Members Excused: Rep. Bob Gervais (D)
Rep. Carolyn Squires (D)

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: Senate Bill 28
Senate Bill 31
Senate Bill 32

Executive Action: House Bill 70
House Bill 85
Senate Bill 5
Senate Bill 28
Senate Bill 31
Senate Bill 32

EXECUTIVE ACTION ON HOUSE BILL 70

Discussion: CHAIRMAN SIMPKINS explained the amendment for HB 70. EXHIBIT 1 There was a great concern regarding HB 70 being incompatible with federal laws.

Motion/Vote: REP. REHBEIN moved HB 70 do not pass. Motion carried 13-3 on a roll call vote.

Motion/Vote: REP. WALLIN moved to table HB 70. Motion carried 14-2 on a roll call vote.

EXECUTIVE ACTION ON HOUSE BILL 85

Motion: REP. MOLNAR moved HB 85 do pass.

Discussion: REP. ROSE expressed his concern with taking action which only affect a select group. In this instance the bill would target four or five legislators who are also teachers.

REP. MOLNAR said HB 85 does not target any select group and does not refer to four or five people in specific. HB 85 does not affect only teachers, it affects up to 20% of the legislature.

REP. DAVIS said HB 85 would take away any local negotiations. Each district is different and very well may determine that their employee may not recieve their base pay or they may determine that their employee should receive differential pay or they may determine to only provide their health benefits.

REP. SPRING said he disagreed, he believes it would put everyone on the same level and would standardize the law. REP. SPRING said he would support HB 85 for the same reason he supported HB 70, it would prohibit double dipping.

REP. MOLNAR asked REP. DAVIS if he believes in the concept of equal pay for equal work and if so, why does he oppose HB 85.

REP. DAVIS answered affirmatively and said he opposes HB 85 because it removes the local negotiations.

Motion/Vote: REP. DAVIS made a substitute motion to table HB 85. Motion carried 9-7 on a roll call vote.

EXECUTIVE ACTION ON SENATE BILL 5

Discussion: REP. GALVIN asked if a lobbyist who lobbies for more than one group would be required to pay a fee for each group.

Ed Argenbright, Commissioner of Political Practices said that lobbyist would only be required to pay one registration fee.

REP. WALLIN asked if it would be possible to have a difference in the class of lobbying permits. He said there could be instances where a person will not testify on a bill because it will cost the \$50 and yet that person is entitled to their day in court. The \$50 fee is not a lot for those who are attending everyday and are testifying on more than one bill, but it is high for that person who may only have a concern about one particular bill.

REP. MASON said an individual will be allowed to testify on a particular bill without acquiring a lobbyist license.

REP. DAVIS asked **Mr. Argenbright** to address the previous concern and how he would determine who should and shouldn't pay.

Mr. Argenbright said the current law requires a fee for anyone who is a paid lobbyist, which means if a person is employed by a company to lobby, their portion of salary must be used in the lobbying effort. The only other person who would be required to register as a lobbyist would be a person who was sent by an organization and his or her expenses exceeded \$1,000 during that effort.

Motion/Vote: **REP. RICE** moved SB 5 be concurred in. Motion carried 14-2 on a roll call vote. **REP. SPRING** will carry SB 5.

HEARING ON SENATE BILL 28

Opening Statement by Sponsor: **SENATOR GREG JERGESON, SD 8**, introduced SB 28, a bill proving a toll free phone number for reporting fraud, waste and abuse cases in state government. The number would be located in the Legislative Auditor's Office so that in the instances where there is an allegation of fraud the Legislative Auditor's Office is uniquely positioned to deal with those allegations. He informed the Committee that currently when Finance and Claims audits are performed, if a situation appears to have had that influence of fraud, it is the Legislative Auditor who makes the final determination of whether or not to make a referral to the Attorney General or County Attorney. While there are other agencies who might be able to handle the hotline, there are only a few agencies who are as qualified as the Legislative Auditor's Office to deal with allegations of fraud. Incoming calls will be received on an answering machine and will be screened everyday. The caller will be asked to identify themselves and to leave a phone number so the call may be returned. In the event the situation being reported is dealing with wasteful practice by an agency, that issue would be referred to the Legislative Finance Committee and there staff can address it.

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony: CHAIRMAN SIMPKINS announced that Scott Seacat, Legislative Auditor, had no objections to SB 28 and that his office could handle the functions being assigned.

Questions From Committee Members and Responses: REP. BARNHART asked if the effective date could be sooner than July 1.

SENATOR JERGESON said the reason for the effective date of July 1 is because it will take some time to make the arrangements and to have the phone installed. There also needs to be time to have public service announcements to advertise this option as being available to the public. There was a termination date amended into the bill on the Senate floor because there were some members of the Senate who want to see if it is actually needed based by the number of calls made.

REP. REHBEIN asked how they came up with the figures for the fiscal note.

Jim Pelligrini, Legislative Auditor's Office, said they reviewed other states who have similar hotlines.

REP. MOLNAR asked how many calls the other Montana hotlines receive, i.e. citizens advocate, work comp.

Mr. Pelligrini said they did not review the other hotlines, but wanted to review other hotlines comparable to this proposed hotline which specifically speaks to fraud, waste and abuse in state government.

REP. MOLNAR said he would challenge those numbers based on other states such as Delaware where they only received 33 calls per year and yet Pennsylvania got maybe one call every three days.

Mr. Pelligrini said it is correct that some states only get a small response on their hotlines. The difference in use of the hotline was dependant upon the public service announcements. The use of advertisements through public service announcements does increase the numbers of calls into a hotline.

CHAIRMAN SIMPKINS said he could not find assurances within the bill that the caller would remain anonymous. The information remains confidential only until it has been checked into. On line 12, paragraph 2, the information may be released after a determination has taken place. He asked if this would be an issue that could arise on the floor of the House.

SENATOR JERGESON said yes, and that they continue to deal with the right of the public to know. Those names would only become public if the information given were to be invalid. He said if there were a way to amend it in time to get it through the session, he would not have a problem with that. He offered that

with the termination date in the bill it would give some time to review the operation.

Closing by Sponsor: SENATOR JERGESON closed the hearing on SB 28 informing the Committee that Delaware had the fewest calls but is also a very small state. He said he believes that the public would be interested in using this hotline as part of their citizenship responsibility.

HEARING ON SENATE BILL 31

Opening Statement by Sponsor: SENATOR DEL GAGE, SD 5, introduced SB 31, a bill revising the Legislative Journal requirements. With Lee Heiman's expertise, the Legislative Council has come up with cost efficient methods for retaining information. The fiscal note reflects the costs savings. The bill draft was requested by the Montana Association of Counties (MACo). Under state statute the county clerk receives three copies of the legislative journal. Gordon Morris said the county does not need three copies, that one copy would be sufficient.

Proponents' Testimony: Bob Person, Director, Legislative Council, testified in support of SB 31. SB 31 deals with the number of legislative journals given to the counties, but it also deals with other publications for which the council is responsible. The Legislative Review contains the title of all articles that were enacted. It also includes summaries which list dates as to when codes were amended. The History and Final Status journal includes information on the action on every bill and resolution. The Legislative Journals are large volumes of legislative data and are constitutionally required to be published. The Journal is important legally because it is the last word in terms of what happened in the legislature. The courts have established opinions or decisions based on what the journal as true fact irregardless of any other evidence to the contrary. The law does not require that the Council publish the Journal in its present form. The Session Laws are still published and each legislator receives this set. The change is the Council would no longer be required to provide the county with three sets nor to provide copies to each federal agency. He said there may not be any savings since the Council has not had many requests to provide the federal agencies, but in fact will release the liability of the Council. The Session Laws are very important and must be published in an available format because they represent by law the actual law of the State of Montana. The principal issue of SB 31 is to allow the Council to remove some responsibility for certain publications; reducing the responsibility of the Legislative Council in distributing three copies; and authorizing the Legislative Council to public information, i.e. journal information, in a narrative format. The Montana Code Annotated has been published on a compact disc. There is new technology which allows those discs to be made right in the Council. The cost of one disc is approximately \$19,

whereas to publish, print and bind all this information costs much more. There is a cost savings with the use of discs, but there is also a convenience factor. It is much easier to format the disc for a powerful search technique than it is to do an index within the books. Those using the journals for research will find available method as something extremely valuable. He assured the Committee that the journals in its book format will not be eliminated, but rather, the legislators would be encouraged to keep the daily journals in a binder for their own use. The History and Final Status may be used in conjunction with the daily journals for cross referencing to obtain data. He said SB 31, if enacted now, will have an immediate affect and would reduce the feed bill next session.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses: CHAIRMAN SIMPKINS asked how many discs it takes to store the entire Montana Codes Annotated (MCA).

Mr. Person said it requires only 1/3 of a disc.

REP. GALVIN asked how the information is retrieved from the disc.

Mr. Person said the data will be brought up on a computer screen and the data may also be printed if necessary.

REP. GALVIN asked if there is an opportunity for errors.

Mr. Person said there is always an opportunity for errors with new technology, the same as there is now with the data be published in books.

REP. GALVIN asked if there will be a need for expensive computer equipment to produce the discs.

Mr. Person said there are a number of computer stores who often have sales on equipment such as _____ which would be able to handle this.

CHAIRMAN SIMPKINS clarified that the Council would still publish the Session Laws, the MCA, the indexing and what they will not be publishing are the journals and what will be available to the Legislators will be the daily journals.

Closing by Sponsor: SENATOR GAGE closed the hearing on SB 31 by offering Lee Heiman's assistance demonstrating how the computer discs are used. He said there is not a record kept on second reading. There are hundreds of amendments offered on second reading and yet there is no record of debate or attempt. SENATOR GAGE said he has emphasized the necessity for the house and senate to keep better minutes of the second reading action.

There have been instances where the Attorney General is seeking this information in the process of basing an opinion. There needs to be a way of recording this information. There needs to be some consideration in this regard in the future. **REP. WILLIAM "RED" MENAHAN** has offered to carry SB 31 on the house floor should it pass.

HEARING ON SENATE BILL 32

Opening Statement by Sponsor: SENATOR BOB BROWN, SD 42, Whitefish, introduced SB 32 which would provide financial incentives for state agencies and employees and non-employees in saving state costs. He informed the Committee that last session he and **SENATOR TOM TOWE** had introduced SB 71 at the request of the Board of Reinventing Government and SB 32 is the second step to that bill. The Department of Administration along with the Office of Budget and Program Planning (OBPP) had endorsed SB 32. The Committee of the organization Montanans For Better Government have also had some input into SB 32. The existing law provides that a state employee may be awarded up to \$3,000 for recommendations which would save state government money. SB 32 would increase the \$3,000 up to the maximum of \$17,000 and place it on a scale so that the idea would be awarded according to a percentage of the savings. For example if an idea saved the government \$200,000, the person who came up with the idea would keep 10% of the first \$100,000 saved and 5% of the second \$100,000 saved. This will inject some private energy and free market concepts into state government. This would allow public and private employees to share in how to save money in state government. The bill would provide for up to a \$500 award for ideas that are presented that will not necessarily save money, but would improve service. The department manager would be allowed to use half of the savings to increase the salaries of employees within his or her agency. This is also an incentive for the department manager to try to reduce the number of employees in state government. SB 32 also provides for a carry over of approximately 30% of unexpended funds into the biennial period and may be used in any agency to pay for the warrants or for goals of the agency. There has been that criticism of government that agencies spend their money left over at the end of the biennium so they can prove they used their entire budget and justify their means for needing that amount for the next biennium. This provision would provide an incentive to the department manager that he can keep 30% of that savings in his budget for goals consistent with the purpose of his or her agency. The bill is permissive in that an idea may be brought to the department head and he or she may consider the idea.

SENATOR TOM TOWE, SD 46, Billings, adding to the introduction, said if there is a good idea which would help government to be more efficient at less expense, we need all we can get. SB 32 addresses the problem of money left over at the end of the biennium and provides an incentive so that a department head may

keep a portion of what is left at the end of the biennium. When SB 71 was being considered, they understood there was a problem with carrying over at the end of the second half of the biennium which is the reason SB 71 made this only applicable to the first year. To the credit of OBPP and others who have worked on this, they came up with an improvement. SB 32 will allow a department who has made a savings in any area of operations and improvement, then they will get to keep 30% and use it at their discretion. OBPP realized that as a result of employees being cut back, it could place the burden on others and recommended that they be given the flexibility to pay those who have to share the burden a little extra. In the event a department is unable to measure the amount of money being saved, they would be allowed to give a reward up to \$500 at the discretion of the department head. However, if the savings can be measured, the bill allows for a percentage of 10% up to the first \$100,000 and 5% for the next \$100,000 and 2% of anything above and beyond the \$200,000, for an overall limit of \$17,000.

Proponents' Testimony: Mark Cress, Department of Administration, testified in support of SB 32. The State Personnel Division currently administers the existing Employee Incentive Awards Program. SB 32 consists of two proposals offered, one by the Department of Administration and the other by Montanans for Better Government. The focus of the Department's proposal was getting more employees involved in incentive awards in their current job. The Department's proposal considered a cap of \$500, whereas the Montanans for Better Government's proposal looked more at suggestions and inventions and increasing that cap. The current program operates on the borders of government and primarily focuses on suggestions and inventions. Under the current law, employees have not been eligible for an award for a suggestion regarding their own job. Participation has been somewhat limited since the program was adopted. SB 32 makes structural changes allowing the program to be very beneficial and to encourage more employees to get involved. It encourages employees to focus on cost savings and improvements in their own job and not just in other positions. If they can save money in the work they do, they will be eligible for bonuses. SB 32 allows percentages to be paid on actual savings, whereas the existing program estimates futures savings resulting from suggestions or ideas. It moves the decision making out of the Department of Administration and out to individual agencies and its directors. These changes will make it a much more dynamic program. He expressed a concern with having a \$17,000 cap in conjunction with a non-employee eligibility. There is a provision that when FTE are eliminated, that money saved may be used to increase other salaries up to the market salary which is set in statute. There is a clear statutory which limits the set market salary.

Jane Hammond, OBPP, testified in support of SB 32. She said Dave Lewis extended his regrets in not being able to appear in person. SB 32 was recommended in the Governor's state budget and it has

the support of the Administration. Last summer a preliminary state budget was published and put in all state libraries along with press releases all across the state asking for input on how to save money and how to make state government work better. There were a number of suggestions on improvements which should be made to the Employee Incentive Program of 1982. There were recommendations to correct the "burn it or lose it" budget mentality. Although it may not be there to the extent that the public perceives it, it still needs to be addressed. She emphasized the importance of first-time employee incentives applying to the employee's own work rather than an employee making judgements on how to improve someone else's work. There have been team efforts to make improvements by many departments and this will be the first time those efforts will be recognized. The average agency reverts approximately 2% of its budget in personal services, operating and equipment. Last session the Legislature authorized the University system to carry over 100% of its funds. SB 32 simply allows state agencies to carry over 30%.

Walt Dupea, Tax Equity Action Movement, Inc., TEAM/MONTANA, Big Fork, testified in support of SB 32 and said the bill will take care of problems in the area of purchasing.

Tom Torgerson, CPA, Kalispell, testified in support of SB 32 explaining his background in taxation and business management consulting. He said after complaining about state government for a long time, he had finally decided to get involved. He said he worked with Dave Lewis, Dan Gengler and Mark Cress and had formed a group of prominent business people in Kalispell. The group analyzed the present law and looked at the strengths and weaknesses. He said the weaknesses related to the amount of incentive being too low and that the employee could not get an incentive in their own area of expertise. He said the group surveyed state employees and received 30 to 40 responses. Some of the interesting responses were that the employees would have just like to have little rewards such as dinner with the Governor, etc. There were employees who wanted incentive rewards of up to 35% of the savings. SB 32 is a good compromise, with no adverse consequences.

Tom Schneider, Montana Public Employees Association, (MPEA), testified in support of SB 32. He said the MPEA has been involved with the legislation since 1982. One of the major complaints MPEA has received is that employees can give ideas that result in very high savings and under the existing program, they really don't get much in return for it. California was one of the leaders in this area back in the '70s. California originally allowed an unlimited percentage, paying employees as much as \$200,000 to \$300,000 and it was very effective, but had backlashed and they were forced to put limits on the incentives.

Betty Natelson, Missoula, testified in support of SB 32. She said **Rob Natelson** could not attend because of the law school's

final exams. She said she did not appear as his wife, but as a social worker. As a social worker, this concept is hardly a new one. It has been known for a very long time that if you reinforce good behavior, you reap good rewards. It is called positive reinforcement. If a person generates ideas which saves money and you reward that person, you will get more of the same behavior. However, if you ignore good behavior, you will get less of it. When public employees are not rewarded for their ideas, we are extinguishing the light of their creativity. We need to reinforce people for doing what they can do better than anyone else. They are the ones who know their work area and how money can be saved. Under the current system employees do not get much reinforcement. There are three reinforcements included in the bill. The special part of the bill is that the incentive is based on cumulative savings.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. ROSE asked who an employee would report a cost savings idea to.

Mr. Schneider said currently there is an advisory committee who has handled the recommendations.

REP. ROSE said there is not an employee who would be able to go to his or her department head and tell them they are screwing up. He said there needs to be a committee where the employee can go.

Mr. Schneider said the employee could always come to the MPEA, but the Committee may also want to consider pinpointing where an employee may go other than to the director.

REP. BARNHART asked if Legislators would be allowed to participate in the incentive program.

Mr. Cress said yes, essentially the incentive would be open to anyone.

REP. SPRING asked if SB 71 would be ongoing.

Mr. Cress said SB 71 would remain in the law. However, if SB 32 was in place, the agency could propose to use the savings to increase salaries or they can refer back to SB 71 which would allow half of the savings to be spent.

REP. RICE called on Mr. Schneider, referred to comments made by Rob Natelson earlier in the paper that it was inappropriate for the legislature to make any human service cuts at all and that there is \$72 million in savings which could be found outside of

human services and asked if SB 32 is a cornerstone and if there are other savings that Montanans for Better Government will bring to help make up the \$72 million.

Mr. Schneider said he did not know and that it would be up to Mr. Natelson to answer the question.

REP. RICE asked if she could defer the question to Mrs. Natelson.

CHAIRMAN SIMPKINS ruled that the question was out of order.

REP. MOLNAR asked if, for instance Rep. Rice had gotten her bill through to combine departments, would she have received a percentage of the savings.

Mr. Cress said there is nothing in the bill which would prevent a legislator from the incentive.

REP. MOLNAR asked if a person had a far reaching idea on how to save money, would that person be allowed to break that far reaching idea into many little suggestions and possibly make five time the amount capped.

Mr. Cress said it would be conceivable under SB 32 that a person could break up a number of ideas. The only way to limit that would be to make that cap for a period of time so that the incentive could only be received during that fiscal year.

CHAIRMAN SIMPKINS clarified that there was a time limit of one year from the finding of savings.

Mr. Schneider said he was concerned about this fragmentation and that one recommendation would be to have another 1% available above the \$300,000 as a prevention. Another consideration would be to use a flat fee rather than a sliding percentage.

REP. MOLNAR said the state currently spends \$9 million out of state with the largest percentage going for neonatal. However, the Department of Health has instituted a new policy that when a most of the emergency are for a low birth weight child has been completed, that the child will not automatically be returned to Salt Lake or Denver for follow ups because Montana can handle the follow up. In the meanwhile Great Falls added a neonatal unit which dropped the cost to the state by \$700,000. Nancy Ellery was the one with this suggestion. He asked if she would have received a percentage of the money saved had she waited until now to introduce this idea. Also **REP. MOLNAR** wondered how the incentive would work given the fact that the number of neonatal services in Montana is growing and that the state may not know the exact savings realized or whether costs have just been shifted. He asked if the state would be looking at a law suit to determine how much the savings would be and if this would be an example common in government which the legislature should know about before SB 32 is passed.

Mr. Cress said the key response is that the bill shifts authority to the directors to evaluate the savings in determining what is an appropriate award within these statutes. The same would apply to the concern of fragmentation. We would be relying on those people who run the program to determine what the actual saving will be, how much that employee has contributed and what is the value of that contribution in relation to an appropriate award. That places considerable pressure on those individuals who make the decision under this bill.

REP. SCHWINDEN said he did not see anything in SB 32 which would set up a procedure to determine who's idea it actually is. For instance, someone could come up with an idea from a task force report. If there is a dispute over whose property or copy right it is, what provision within SB 32 would address this type of issue.

Mr. Cress said that discretion lies with the directors. This was the focus which was pretty important to those who worked on the proposal. He said the problems DOA has encountered has been the feeling that there should be a reward for an idea that was thought of years ago. He said his experience has been that not every idea produces a savings and requires research to determine what savings there will be. SB 32 emphasizes the actual outcome with the director being the one to determine the actual savings.

REP. GALVIN informed the Committee that in his previous experience there have been those who have submitted various suggestions. Quite often a suggestion made years before and later used by someone else could be predated preventing the person who originally came up with the idea from benefitting from it. Regarding the figures, although they sound good most of them are just pie in the sky.

REP. REHBEIN asked if the directors are willing to participate with the incentives.

Mr. Cress said they are in the way that it won't exclude anyone. The Department of Administration has rule authority under this bill which would be useful so that the person making the decision would not be restricted.

CHAIRMAN SIMPKINS said there was a concern which needed to be addressed by the Ethics Committee as to whether legislators, who represent the people, should be rewarded for cost saving measurers.

Closing by Sponsor: **SENATOR BOB BROWN** closed the hearing on SB 32.

EXECUTIVE ACTION ON SENATE BILL 32

Motion: **REP. RICE** moved SB 32 be concurred in.

Discussion: REP. SCHWINDEN said he was not comfortable with voting on SB 32 with so many Committee members absent.

REP. RICE agreed, but said she was also concerned with the time constraints.

REP. REHBEIN said he would prefer that the Committee of the Whole take a look at SB 32.

REP. SCHWINDEN clarified that his intent is not to hold up the bill preventing it from getting its fullest hearing and requested the bill be acted on during tomorrow morning's meeting.

CHAIRMAN SIMPKINS said he would continue with executive action and that it is the responsibility of members of this Committee to realize the pressure they are under and as a result be in attendance.

REP. SCHWINDEN pointed out that those absent were not aware of executive action being taken on SB 32, only that there would be the hearing.

Vote: REP. RICE withdrew her motion.

EXECUTIVE ACTION ON SENATE BILL 28

Discussion: REP. JOHN COBB will carry SB 28.

Motion/Vote: REP. GALVIN moved SB 28 be concurred in. Motion carried 13-3 on a roll call vote.

EXECUTIVE ACTION ON SENATE BILL 31

Discussion: REP. WILLIAM "RED" MENAHAN will carry SB 31.

Motion/Vote: REP. SPRING moved SB 31 be concurred in. Motion carried unanimously on a roll call vote.

EXECUTIVE ACTION ON HOUSE BILL 85

Discussion: REP. MOLNAR asked for reconsideration of HB 85 for the sake of an amendment.

Motion/Vote: REP. MOLNAR moved to take HB 85 off the table. Motion failed 10-6 on a roll call vote.

Motion/Vote: REP. DAVIS moved to table HB 85. Motion carried 9-7 on a roll call vote.

The Committee recessed until 12:15 p.m. for action on SB 32.

EXECUTIVE ACTION ON SENATE BILL 32

Discussion: CHAIRMAN SIMPKINS recommended excluding legislators and directors appointed by the Governor from the provisions within SB 32. **EXHIBIT 2**

REP. SCHWINDEN offered an amendment for SB 32 to sunset July 1, 1995. **EXHIBIT 2** He said while the incentive program is good and offers many positive things, there could be a potential for problems.

REP. RICE expressed a concern about the sunset to be set within only one year because it would not be long enough to give it a fair test. She suggested the sunset be set farther ahead.

CHAIRMAN SIMPKINS said that was an important point since the reason for a sunset is a mandatory review. The only other sunset date appropriate would be 1997.

REP. SCHWINDEN agreed with an extended sunset emphasizing the need for Committee review.

Motion: REP. RICE moved SB 32 be concurred in.

Motion/Vote: CHAIRMAN SIMPKINS moved to amend SB 32 to exclude legislators and directors appointed by the Governor from any provisions of the bill. Motion **carried** 13-3 with Rep. Gervais, Rep. Rose and Rep. Squires excused.

Motion/Vote: REP. SCHWINDEN moved to amend SB 32 to include a sunset date of July 1, 1997. Motion **carried** 14-0 with Rep. Squires and Rep. Gervais excused.

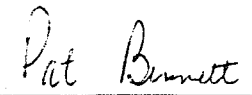
Motion/Vote: REP. RICE moved SB 32 be concurred in as amended. **EXHIBIT 2** Motion **carried** 14-0 on a roll call vote.

ADJOURNMENT

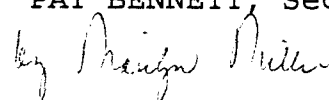
Adjournment: 1:00 p.m.



REP. DICK SIMPKINS, Chairman



PAT BENNETT, Secretary



HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION COMMITTEE

ROLL CALL

DATE 15 Dec. 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



HOUSE STANDING COMMITTEE REPORT

December 15, 1993

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that Senate Bill 5 (third reading copy -- blue) be concurred in.

Signed: *Dick Simpkins*
Dick Simpkins, Chair

Carried by: Rep. Spring

Committee Vote:
Yes 14, No 2

151021SC.Hcr

SD
12-15-93
10:47



HOUSE STANDING COMMITTEE REPORT

December 15, 1993

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that Senate Bill 28 (third reading copy -- blue) be concurred in.

Signed: *Dick Simpkins*
Dick Simpkins, Chair

Carried by: Rep. Cobb

Committee Vote:
Yes 13 No 3

151039SC.Hcr



HOUSE STANDING COMMITTEE REPORT

December 15, 1993

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that Senate Bill 31 (third reading copy -- blue) be concurred in.

Signed: *Dick Simpkins*
Dick Simpkins, Chair

Carried by: Rep. Menahan

Committee Vote:
Yes 16, No 0.

151041SC.Hcr



HOUSE STANDING COMMITTEE REPORT

December 15, 1993

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that Senate Bill 32 (third reading copy -- blue) be concurred in as amended.

Signed: *Dick Simpkins*
Dick Simpkins, Chair

And, that such amendments read:

Carried by: Rep. Simpkins

1. Title, line 7.
Following: "EMPLOYEES"
Insert: ", EXCEPT DIRECTORS AND LEGISLATORS,"
2. Title, line 12.
Strike: "AND"
Insert: ", "
Following: "DATE"
Insert: ", AND A TERMINATION DATE"
3. Page 4, line 4.
Following: "~~a~~"
Insert: "(a)"
4. Page 2.
Following: line 19
Insert: "(b) A director, as defined in 2-15-102, or a legislator
is not eligible for the incentive award provided for under
this part."
5. Page 14.
Following: line 9
Insert: "NEW SECTION. Section 13. Termination. [This act]
terminates July 1, 1997."

-END-

Committee Vote:
Yes __, No __.

151400SC.Hcr

JD.
12-15-93
2:05

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 15 Dec. 93 BILL NO. HB70 NUMBER ^① 13-3

MOTION: Rep. Rehbein moved do not pass
on HB 70. Motion passed.

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	✓	

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 15 Dec. 93 BILL NO. HB 70 NUMBER ② 14-2
MOTION: Rep Wallin moved to table
HB 70 - Motion passed.

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	✓	

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 15 Dec 93 BILL NO. HB 85 NUMBER ③ 9-7

MOTION: Rep Davis moved to table.
Motion passed.

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

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 15 Dec 93 BILL NO. SB 5 NUMBER (+) 14-2

MOTION: Rep. Rice moved do pass.
Motion passed.

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		✓

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 15 Dec BILL NO. SB28 NUMBER (5) 13-3
MOTION: Rep. Galvin moved be
concurrent in. passed

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	✓	

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 15 Dec 93 BILL NO. SB31 NUMBER ^(b) 16-0

MOTION: Rep Spring moved he concurred
in. Motion passed.

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	✓	

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 15 Dec 93 BILL NO. HB 85 NUMBER ⑦ 10-6

MOTION: Rep Molnar moved to
reconsider. Motion failed.

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

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 15 Dec 93 BILL NO. SB 32 NUMBER ③ 14-0

MOTION: Rep Rice moved SB 32
be concurred in as amended.
Motion passed.

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

Amendments to House Bill No. 70
First Reading Copy

1
DATE 12/15/93
HB 4320

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

Prepared by Sheri S. Heffelfinger
December 14, 1993

1. Page 1, lines 13 and 14.

Strike: "A" on line 13 through "employee" on line 14

Insert: "An employee of the state or any political subdivision of
the state, including but not limited to a city, town,
county, consolidated government, or school district,"

Amendments to Senate Bill No. 32
Third Reading Copy

2
EXHIBIT 2
DATE 12/15/93
HB 4832
SB32

For the Committee on House State Administration

Prepared by Sheri S. Heffelfinger
December 15, 1993

1. Title, line 7.
Following: "EMPLOYEES"
Insert: ", EXCEPT DIRECTORS AND LEGISLATORS,"
2. Title, line 12.
Strike: "AND"
Insert: ", "
Following: "DATE"
Insert: ", AND A TERMINATION DATE"
3. Page 4, line 4.
Following: "{a}"
Insert: "(a)"
4. Page 2.
Following: line 19
Insert: "(b) A director, as defined in 2-15-102, or a legislator
is not eligible for the incentive award provided for under
this part."
5. Page 14.
Following: line 9
Insert: "NEW SECTION. Section 13. {standard} Termination. [This
act] terminates July 1, 1997."

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

State Administration COMMITTEE
 DATE *12-15-93* SPONSOR(S) *Brown*

BILL NO. *SB 32*

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Thomas S. Longenecker CPA 460 Holland Avenue, Edinburg, MT	Self	SB 32		✓
MARK CRESS	DEPT. OF ADMIN	SB 32		✓
Walt Dyer Bigfork MT	Self TEAM			✓
Betty Natchez, Missoula	Montana for Betty Govt	SB 32		✓
Tom Schumacher	MPHA	SB 32		✓

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