

MINUTES

**MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON FINANCE & CLAIMS

Call to Order: By **SENATOR GARY AKLESTAD, CHAIRMAN**, on Thursday,
February 16, 1995, at 7:00 a.m., Room 312-2.

ROLL CALL

Members Present:

Sen. Gary C. Aklestad, Chairman (R)
Sen. Thomas F. Keating, Vice Chairman (R)
Sen. Thomas A. "Tom" Beck (R)
Sen. James H. "Jim" Burnett (R)
Sen. Loren Jenkins (R)
Sen. Ethel M. Harding (R)
Sen. Arnie A. Mohl (R)
Sen. Charles "Chuck" Swysgood (R)
Sen. Daryl Toews (R)
Sen. Larry J. Tveit (R)
Sen. B.F. "Chris" Christiaens (D)
Sen. Eve Franklin (D)
Sen. Judy H. Jacobson (D)
Sen. Greg Jergeson (D)
Sen. John "J.D." Lynch (D)
Sen. Mignon Waterman (D)

Members Excused: None

Members Absent: None

Staff Present: Taryn Purdy, Legislative Fiscal Analyst
Lynn Staley, Committee Secretary

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

Committee Business Summary:

Hearing: SB 398
Executive Action: None

HEARING ON SENATE BILL 398

Opening Statement by Sponsor:

SENATOR DELWYN GAGE, Senate District 43, Cut Bank, sponsor, said that SB 398 is not a result of distrust or dissatisfaction with the legislative branch or their staff. The bill is a result of trying to do something that would give the legislative branch a

more concerted, cooperative effort in every field possible. There was a conscientious effort during the past interim to get a concentrated pay plan for the legislative branch, which he noted enters into this proposal. The bill does nothing to the FTE level. That call would be made by the respective subcommittees of the House appropriations and Senate finance and claims. This plan will rearrange the organization of the legislative branch to bring about the kind of cooperation and coordination needed. He distributed a handout from Bob Person of the Legislative Council describing the legislative branch and their attachments. **EXHIBIT 1** He said there is a perception that the legislative branch has grown faster than any other branch of state government. He explained that in 1981 there were 131.83 FTE in the legislative branch and in 1995 there are 140.19. He voiced concern with the amount of comp time put in by the legislative branch. Currently there are just over 14,000 hours of comp time with the legislative branch staff, which figures to 7 FTE's. He said in discussions regarding the level of employment and the level of FTE's, consideration is not given to the level of work load and duties, added responsibilities and expectations required of the legislative branch people.

SENATOR GAGE discussed the various sections of SB 398.

He said they have eliminated the budget amendment review of the legislature. Notification of the legislative fiscal analyst (LFA) by the budget office is the only thing left in the budget amendment process.

Proponents' Testimony:

SENATOR MIKE HALLIGAN, Senate District 34, Missoula, said he is not purporting to represent Democrats on this bill and he was unsure if he was a proponent or opponent. He stated that efficiencies expected from state government entities also apply to the legislature who should be willing to streamline and make the process more efficient. The coordinated pay plan and the coordinated personnel policy are very necessary and are being worked on. He noted that caution should be used in efforts to realign the professional staff. This is a citizen legislature, and the efficiency of the legislative staff has enabled Senators and Representatives to be apprised in a short period of time on an approximately \$4 million dollar budget. Constituents's concerns also can be handled by the legislative staff which he does not feel has exploded. Referring to the flow chart, **EXHIBIT 1** he stated his concerns on what needs to be maintained. The independence of the auditor is critical. Every program and policy passed by the legislature needs to be analyzed by someone who is trusted. The success or failure of a program depends on that. The legislative fiscal analyst is the "eyes and ears" of the legislative budget. Also, there is no better source than the environmental quality council (EQC) for a professional analysis and oversight of an environmental problem. Combining the EQC and the Water Quality Council may be a reasonable thing to look at.

He said theoretically speaking, combining the Revenue Oversight Committee and the Finance Committees may be a good idea but the tremendous workload may prevent that from happening. He concluded that he did not think the staffs are too large with the tremendous need to ensure that there is a constitutionally effective legislative branch.

Jerry Noble, member of Environmental Quality Council, said he did not know whether he was a proponent or opponent but wanted to note that the work done by the EQC is very necessary. They have a tremendous workload given them by the legislature and are understaffed rather than overstaffed. He concluded that everyone in the EQC works very hard and diligently and he would hope the legislators would help keep the EQC together.

Opponents' Testimony:

REPRESENTATIVE VICKI COCCHIARELLA, House District 64, Missoula, stated her position that the EQC should be retained as a separate entity with additional staff to prepare necessary legislation. The EQC teaches other governmental agencies how the Environmental Protection Act works, how it is applied and how to deal with the regulated community fairly and without a resulting conflict.

REPRESENTATIVE JOHN COBB contended that it would be hard to have a fiscal analyst that cannot hire their own staff. He also voiced concern with concentration of power by leadership and term limits. He concluded by presenting an amendment that would make a bad bill better. **EXHIBIT 2**

Ted Lange, Northern Plains Resource Council, testified in opposition to SB 398 on the basis of concern over the evisceration of the EQC. He noted that the EQC over the interim gets input from citizens on various issues.

SENATOR J. D. LYNCH, Senate District 19, Butte, testifying in opposition to the bill, said there has been no extravagance with the legislative branch of government. Anyone serving on Finance and Claims or the Appropriations committees know the value of the Legislative Fiscal Analyst's office. He concluded that someone may want to get rid of a certain department, but they should not wreck the whole legislative process.

REP. BOB RANEY, House District 26, Livingston, remarked that he would like government reduced and made more responsive to the citizens. The tools necessary for that are the legislative support staff that was developed to help control government and stand behind the legislators. He noted that anything that restricts the ability of a legislator is wrong. The executive branch cannot control government; their role is to make government operate. Regarding the EQC problem, he maintained that could be solved by changing its name to something like the Conservation Council which would eliminate all the animosity towards one particular agency. He concluded that anyone using

the EQC as much as he does for his constituents would want to see it made more efficient rather than being eliminated.

Kathy McGowan stated that many times lobbyists need access to information such as that she had received from the fiscal analyst's office, and she relied on them for pertinent facts that she could give legislators.

Questions From Committee Members and Responses:

SENATOR JACOBSON asked **SENATOR GAGE** to identify which problems he is trying to solve with SB 398.

SENATOR GAGE said one is the pay plan; one department gives their director a raise while another department is freezing pay raises. Another concern deals with the Legislative Auditor's Office where a section of the code says they will provide services to the legislature while it is in session. That section is one of the repealer sections and they will no longer do that. They are not there as an analytical division for the legislature, although they do have some of those capabilities. The bill would give staff the chance to do a better job doing their duties and seeing that the duties are done by the people that are supposed to be doing them.

SENATOR JACOBSON questioned the purpose behind the super-committee hiring the LFA and the head of the Council and not hiring the Auditor, and she wondered if they would hire the fiscal analyst's staff.

SENATOR GAGE said as he understands the bill, the fiscal analyst will hire the staff for their office, and they will receive support from the legislative services office. He did not know why the fiscal analyst is being hired by the council but understood it was because the council would have more direction over the fiscal analyst and the budget committee. He thought it would make more sense to have the fiscal analyst hired by the budget committee.

SENATOR JACOBSON made the comment that since she has been in the legislature and has served as chairman for the Budget committee and the Finance Committee, the staff of the fiscal analyst's office during the legislative session with all of the stress and turmoil are very vulnerable to the legislature and particularly to leadership, who is under the most strain of all. At times, as chairman of one of the committees, or a member of the management committee on the Finance Committee, they had to intercede on behalf of staff when they were being told to do something they appropriately should not do. She voiced concern with the legislature concentrating that kind of power and having those people hired by and vulnerable to leadership who may not understand the intricacies of the job the people are doing for

the legislature that those people are left vulnerable to whims that may not be good policy.

When questioned by **SENATOR WATERMAN** what happens to the EQC staff, **SENATOR GAGE** said the bill does not deal with the level of staff; the EQC staff would be part of legislative services.

SENATOR WATERMAN asked **SENATOR GAGE** if he would envision a section in the legislative services staff that would have expertise in environmental issues, a section for legal staff and a section for research.

SENATOR GAGE said there is a section in the bill that gives the executive director the authority to organize the legislative services office.

SENATOR WATERMAN questioned why the JTPA committee was kept when others were eliminated.

SENATOR GAGE said JTPA is statutory, and he added there is a bill to be considered that would direct the committee not to function unless they get funding from the labor office.

SENATOR WATERMAN voiced concern that the statute was not repealed and added that there are problems with the job training program and the way it functions.

SENATOR FRANKLIN said the JTPA has some functions but may not have policy making authority. She questioned putting it on an organizational chart on the same level as a environment and water policy committee.

SENATOR GAGE said there is no priority in regard to that issue, adding they could just as well be at the top of the list as the bottom of the list.

SENATOR CHRISTIAENS questioned the rationale for reducing or eliminating legislators from the advisory council.

SENATOR GAGE answered that many legislators do not return to the legislature. It is a way for the legislature to say they will reduce what they are doing in the same way they are asking the rest of state government to make reductions.

When asked by **SENATOR CHRISTIAENS** if the 14,000 hours of comp time had accumulated this session, **SENATOR GAGE** said he could not tell where it came from. He added that many of those people never get to use all their comp time.

Closing by Sponsor:

SENATOR GAGE said the EQC is not eliminated in SB 398. The Water Quality Committee will be blended in with the EQC. The staffing level will be the call of the Appropriations Committee as it

always has been. The LFA office is not proposed to be eliminated in this bill, and it also will be a call of the Appropriations Committee as to the level of staffing. He noted that he is currently making a list of duties of the various departments, agencies and committees in the legislative branch. He concluded that eliminating personnel means eliminating responsibilities.

DISCUSSION OF EXECUTIVE ACTION ON SB 398

Discussion: CHAIRMAN AKLESTAD said he would like to take executive action on SB 398.

SENATOR JACOBSON voiced concern with the size of the bill and indicated that additional committee time was needed to review it.

CHAIRMAN AKLESTAD reported to the committee that executive action would be taken on SB 398 by Saturday, February 18.


SENATOR JERGESON stated his opinion that with such a major piece of legislation, the House would probably suspend the rules if transmittal was missed. He maintained that the Senate should take the time needed to review the bill so if passed, it would be acceptable and understandable.

CHAIRMAN AKLESTAD said the committee would meet at 7:30 a.m., Saturday, February 18th, and reminded the members to have their amendments and proposals ready at that time.

When stated by SENATOR FRANKLIN that she had another meeting Saturday morning, CHAIRMAN AKLESTAD said the vote would be left open. He reported there would not be a suspension of the rules with this bill.

ADJOURNMENT

Adjournment: 8:00 a.m.


SENATOR GARY AKLESTAD, Chairman


LYNN STALEY, Secretary

MONTANA SENATE
1995 LEGISLATURE
FINANCE AND CLAIMS COMMITTEE

ROLL CALL

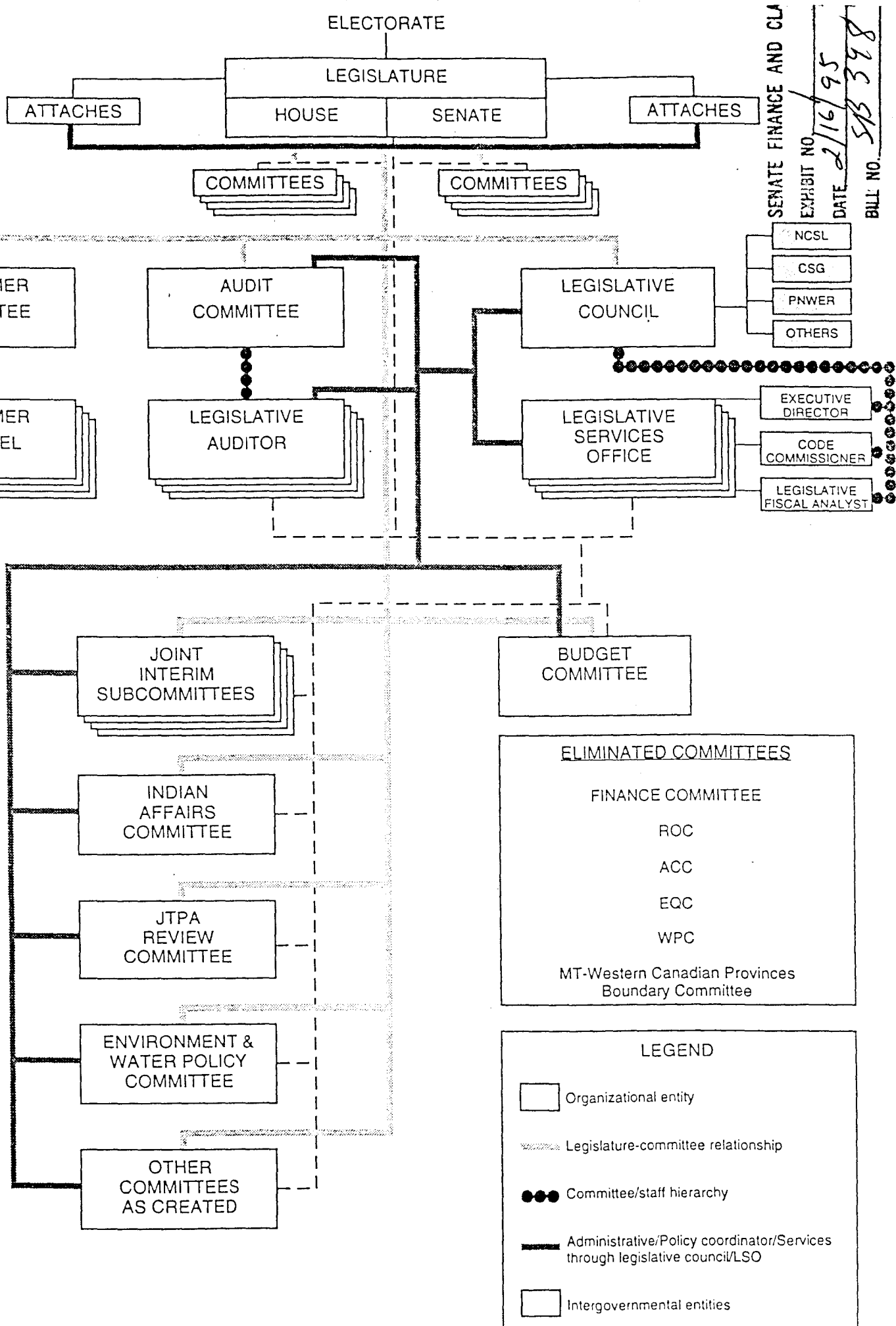
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SENATE FINANCE AND CL
EXHIBIT NO.
DATE 2/16/95
BILL NO. SB 398

a person may not serve more than two consecutive terms in leadership positions.

This is made retroactive to the 1993 session.

SENATE FINANCE AND CLAIMS
EXHIBIT NO. 2
DATE 2/16/95
BILL NO. SB 398

DATE February 16, 1995

SENATE COMMITTEE ON Finance and Claims

BILLS BEING HEARD TODAY: SB 398 Senator Page

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PLEASE PRINT

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Check One

Name	Representing	Bill No.	Support	Oppose
<u>Jerry Noble</u>	<u>EQC</u>			
<u>KATHY McGOWAN</u>	<u>Self</u>			

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY