

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LEGISLATIVE ADMINISTRATION

Call to Order: By VICE-CHAIRMAN KEN MESAROS, on January 3, 1995,
at 9:00 a.m.

ROLL CALL

Members Present:

Sen. Thomas A. "Tom" Beck, Chairman (R)
Sen. Kenneth "Ken" Mesaros, Vice Chairman (R)
Sen. Bruce D. Crippen (R)
Sen. Mike Foster (R)
Sen. Sue Bartlett (D)
Sen. John "J.D." Lynch (D)

Members Excused: none

Members Absent: none

Staff Present: Elaine Johnston, Committee Secretary

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

Committee Business Summary:

Hearing: SJ 4, SB 15, SB 20
Executive Action: SJ 4, SB 20

{Tape: Tape 1 Side: A; Approx. Counter: 00; Comments: .}

HEARING ON SJ 4

Opening Statement by Sponsor:

SEN. SUE BARTLETT, SD 27, Helena, presented SJ 4. SJ 4 requests that the Legislative Council study the committee minutes of the House and Senate during the next interim. The purpose being to look at what the minutes are used for by groups such as attorneys, lobbyists, agencies, courts, historical records, and other groups, and try to establish guidelines on what the content of the minutes should be.

SEN. BARTLETT said there has been considerable variations in the contents of the minutes due to no past guidelines. The study would also look at faster more efficient ways to produce the minutes.

Proponents' Testimony:

Claudia Clifford, former Secretary of The Senate, spoke in favor of SJ 4. Due to the time and money spent on producing minutes, there were questions on the efficiency, and the needs of the legal community, the state agencies, and the public for a record of legislative intent. She said it's time to look at the purpose and needs of the minutes and if they have changed. She said that the technology and efficiency in doing minutes needs to be looked into to save money and make better use of the minutes for the users. She has heard complaints in the past about the minutes and requests for the taped copy of the meeting.

Judy Meadows, Director of the State Law Library of MT, supported this resolution. She was representing a judiciary branch of government that uses these minutes significantly in interpreting the intent of the legislature in passing legislation. The minutes are also a main source of legislative history for state agencies, the state bar, and interested citizens of the state researching what happened in the previous session. She believes this resolution would bring a better understanding of the parties and more uniform minutes.

Richard Miller, MT State Librarian, supports SJ 4. He believes there are more technological and efficient ways to have public access to the public record. The Montana State Library does receive requests for the public record and he supports this resolution.

Opponents' Testimony: none

Informational Testimony: none

Questions From Committee Members and Responses:

SEN. BRUCE CRIPPEN asked **SEN. BARTLETT** about lines 18 and 19 on page 2 of SJ 4, is it the intention of the Legislative Council to let the Legislative Administration Committee do the ground work? **SEN. BARTLETT** responded that the intent was for the Legislative Council to have primary responsibility but would recommend they have representation from the Senate and House Legislative Administration Committees as a subcommittee.

SEN. CRIPPEN asked what type of budgeting would be involved in this study and to what extent the Legislative Administration Committee would be involved during off session periods, as they do meet occasionally. **SEN. BARTLETT** said that it would depend on whether the Legislative Council agreed to have the committees involved.

SEN. MIKE FOSTER asked about having the costs of any changes be studied. SEN. BARTLETT pointed out line 13 of page 2 included cost-effectiveness in the alternatives of the procedure.

SEN. KEN MESAROS asked if there have been any previous studies that have addressed this issue. SEN. BARTLETT replied that there were none to her knowledge.

SEN. FOSTER asked how big of a problem is this? SEN. BARTLETT said that it is a submerged problem because it does not come to attention during legislature. The Legislative Law Library, State Law Library, and State Historical Library who have a need for the minutes are where the questions and problem arise. Minutes have been done to the best of our ability but have not been looked at to see the use and how to improve them.

CHAIRMAN TOM BECK asked about the priority intent of this study. SEN. BARTLETT replied that she specifically asked that the Legislative Council conduct the study because it is not felt to be high priority.

Closing by Sponsor:

SEN. BARTLETT requested that the Legislative Council conduct this study as she believes in there process to determine if they would spend time and effort in interim.

HEARING ON SB 15

Opening Statement by Sponsor:

SEN. DELWYN GAGE, SD 43, Cut Bank, presented SB 15 which is a bill for an act that if a bill is passed and includes a request for an interim study by a legislative entity this request would be voided from the bill and approved containing language requesting the study by a legislative entity provides an immediate effective date and a retroactive applicability date.

SEN. GAGE said that there are many bills introduced that include a study making the study statutory. The Legislative Council wants to know if those bills can go in with the resolution bill to be voted on or are they mandated to do those because they are in a bill rather than a resolution. Due to limited staff during the interim and the questions as to the priorities of the studies the Council would like to see all studies go in as resolutions rather than bills.

Proponents' Testimony: none

Opponents' Testimony:

Mike Pichette, Montana Power Company, would like the committee to consider a situation where a study the legislature wants to

contain control of could be funded from non-tax revenues, non-governmental sources, foundation grants, and private contribution be precluded by this bill. If another solution is found by the resolution process that allows study committees to accept funds from other sources is recommended.

Informational Testimony: none

Questions From Committee Members and Responses:

In regard to a question from **SEN. J.D. LYNCH**, **Mr. Pichette** noted that from the funds raised by study groups extra staff could be hired to compensate for limited staff.

Mr. Pichette confirmed **SEN. LYNCH's** question whether this bill would not preclude the study because it did not involve the Legislative Council.

SEN. CRIPPEN asked if this bill would preclude a study involved in a bill and if another bill was necessary? **SEN. GAGE** replied that a bill on the subject would be needed and a resolution requesting the study.

SEN. CRIPPEN asked if this bill would waste time and money as many times bills are amended to include a study? **SEN. GAGE** replied that a priority process is needed.

CHAIRMAN BECK cited an example of other Departments being directed to do a study wanted to know if this bill involved only the Legislative Council. **SEN. GAGE** confirmed that SB 15 only involved a committee, subcommittee, or other entity of the Legislature.

SEN. GAGE responded to **SEN. BARTLETT'S** question that because a study is statutory the Legislative Council feels it has no discretion in whether to conduct the study.

SEN. BARTLETT asked if they were contemplating that any studies come through resolutions and be subject to the ranking procedure or be directed to a certain standing committee to determine the study significant enough to be looked at during the interim? **SEN. GAGE** replied that it has been discussed whether a study should be directed to a certain committee and there has not been a decision but the sponsor of the resolution should have more input to the Legislative Council as to the study being conducted and encourage them to be on the study committee.

SEN. BECK asked about the possibilities of amending the bill and **Dave Bohyer, Legislative Council**, replied that since a bill does not request a resolution, to get a study HB 2 would have to be amended. Since there is a problem with the priority of studies there is need for ways to prioritize.

Closing by Sponsor:

SEN. GAGE said that because there is a problem with people wanting their study done they put it in a bill without thinking of how it will affect the other studies or staffing. Discussion was presented on outside financing and contracting out the staffing function because of the public wanting less government and cost. SEN. GAGE asked that action not be taken on SB 15 as there may be some happenings in the Rules Committee that may affect this bill.

HEARING ON SB 20

Opening Statement by Sponsor:

SEN. J.D. LYNCH, SD 19, Butte, presented SB20. SB 20 provides that the Legislative Council is responsible for assisting in the preparation and presentation of orientation for Legislators.

Proponents' Testimony: none

Opponents' Testimony: none

Informational Testimony: none

Questions From Committee Members and Responses: none

Closing by Sponsor:

SEN. LYNCH, "I close"

EXECUTIVE ACTION ON SB 20

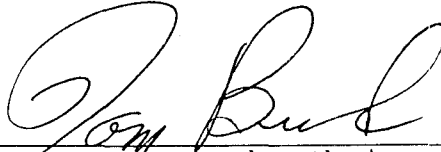
Motion/Vote: SEN. LYNCH MOVED SB 20 DO PASS. The MOTION PASSED unanimously.

EXECUTIVE ACTION ON SJ 4


Motion/Vote: SEN. BARTLETT MOVED SJ 4 DO PASS. The MOTION PASSED with SEN. FOSTER voting no.

ADJOURNMENT

Adjournment: 9:50 a.m.



Thomas A. "Tom" Beck, Chair



Elaine Johnston, Secretary

tab/ej

ROLL CALL

SENATE COMMITTEE LEGISLATIVE ADMINISTRATION DATE 1-6-95

NAME	PRESENT	ABSENT	EXCUSED
SEN. BARTLETT	✓		
SEN. CRIPPEN	✓		
SEN. FOSTER	✓		
SEN. LYNCH	✓		
VICE-CHAIRMAN MESAROS	✓		
CHAIRMAN BECK	✓		

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 3, 1995

MR. PRESIDENT:

We, your committee on Legislative Administration having had under consideration SB20 (first reading copy -- white), respectfully report that SB20 do pass.

Signed: 
Senator Tom Beck, Chair

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 3, 1995

MR. PRESIDENT:

We, your committee on Legislative Administration having had under consideration sjr4 (first reading copy -- white), respectfully report that sjr4 do pass.

Signed: _____


Senator Tom Beck, Chair

MONTANA SENATE

VISITORS' REGISTER

Legislative Administration COMMITTEE

BILL NO. SJR4

DATE 1-5-95 SPONSOR(S) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Richard Miller	MT State Library		
Claudia Clifford	self (former Secretary of the Senate)	✓	
Beth Furbush	MT Legislative Council		
Judy Meadows	State Law Library	✓	
Kathryn Otto	State Archivist	✓	
Dave Bohner	Legislative Council		

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

SEN:1995

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