

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By CHAIRMAN RICHARD SIMPKINS, on January 4, 1995,
at 10:05 a.m.

ROLL CALL

Members Present:

Rep. Richard D. Simpkins, Chairman (R)
Rep. Matt Denny, Vice Chairman (Majority) (R)
Rep. Dore Schwinden, Vice Chairman (Minority) (D)
Rep. Matt Brainard (R)
Rep. Patrick G. Galvin (D)
Rep. Dick Green (R)
Rep. Antoinette R. Hagener (D)
Rep. Harriet Hayne (R)
Rep. Sam Kitzenberg (R)
Rep. Bonnie Martinez (R)
Rep. Gay Ann Masolo (R)
Rep. William Rehbein, Jr. (R)
Rep. George Heavy Runner (D)
Rep. Susan L. Smith (R)
Rep. Carolyn M. Squires (D)
Rep. Jay Stovall (R)
Rep. Lila V. Taylor (R)
Rep. Joe Tropila (D)

Members Excused: none

Members Absent: none

Staff Present: Dave Bohyer, Legislative Council
Christen Vincent, Committee Secretary

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

Committee Business Summary:

Hearing: HJ 5
Executive Action: HJ 5

HEARING ON HJ 5

{Tape: 1; Side: A; .}

Opening Statement by Sponsor:

REP. JOHN COBB, HD 50, opened by stating that this bill won't
have the force of law. This bill requests each executive branch

agency to review their administrative rules and delete the unnecessary provisions. They are hoping by January 1, 1996 there will be a minimum of a five percent reduction with a goal of ten percent reduction in the number of provisions. He referred to the Revised Rules and Reduction books that interpret the statute and make rules and regulations on passed bills. According to Montana law, section 2-4-314, every two years an agency is supposed to go through their rules, review them, and throw out the ones that are no longer needed. It is his belief that these agencies don't do this as often as they should. **REP. COBB** believes agencies are just adding new rules without reinterpreting old rules. He believes that this resolution will bring to the agencies' attention the rule already in place. When rules are reviewed but not reduced there are problems with conflicting rules. Not all complaints are about the agencies, however. There are boards that also need to review their rules. He again stated this bill is to review and revise agency rules.

Proponents' Testimony:

Leo Gaicometto, representing the Governor's office, spoke in favor of the resolution. The governor does have a process in which he requests a complete overview of rules that are in effect and examines new ones that come in. He mentioned **REP. COBB'S** resolution will formalize the process.

David Owen, representing the Montana Chamber of Commerce, explained his involvement with the public and explained the days of doing a job for enjoyment were almost gone. There is a greater need to divide the work load. Some people are working hands on with products while others work with rules and regulations. He stated anything the committee could do to cause a review of this, with an eye on reducing the number of rules and to make sure the rules are more timely and sensible would be greatly appreciated.

Opponents' Testimony:

none

Informational Testimony:

none

Questions From Committee Members and Responses:

REP. CAROLYN SQUIRES asked **REP. COBB** if the requirement to review rules applies only to the agencies covered by the Montana Administration Procedures Act (MAPA). **REP. COBB** replied that although some agencies are not covered by MAPA they still need to review the rules.

REP. SQUIRES asked if the resolution would be dealing with the federal aspects of the agency. **Leo Gaicometto** replied by saying

this resolution would not deal with the federal aspects, but rather with the state rules.

REP. SQUIRES asked if it would be the same with in the Department of Agriculture. **Mr. Gaicometto** said they would still be pushing for review. The departments in question, although they don't fall under the procedures act and are federally funded, still need to be reviewed and unnecessary rules need to be taken out.

REP. JAY STOVALL asked **REP. COBB** why he didn't put this resolution in the form of a bill. **REP. COBB** responded by saying because it would have failed. He would like to see ten percent of all rules taken out of agencies. It wouldn't be possible in some agencies. He stated that he would like to see more combining of the rules. It would be hard to measure a ten percent reduction. This way they will know within a year whether or not the agencies have done anything.

Closing by Sponsor:

REP. COBB closed.

EXECUTIVE ACTION ON HJ 5

Motion:

REP. BILL REHBEIN MOVED THAT HJ 5 DO PASS.

Discussion:

REP. JOE TROPILA stated that he had worked in the Clerk and Recorder' office for twelve years and no one had come to look at their rules. The rules were updated every quarter. He said pages were added instead of being replaced. He supports the do pass motion.

REP. SQUIRES stated that she supported the do pass motion. She said as a member of the Administrative Codes Committee she has occasions where there are conflicting rules.

REP. RICHARD SIMPKINS brought to the attention of the committee that current laws and administrative rules state that if one is merely duplicating a law don't make a rule. He also stated that if this resolution had been introduced as a bill would violate the separation of powers clause of the Montana Constitution.

Vote: The motion that HJ 5 DO PASS carried unanimously.

HOUSE STATE ADMINISTRATION COMMITTEE

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ADJOURNMENT

Adjournment: 10:30 a.m.



REP. RICHARD SIMPKINS, Chair



CHRISTEN VINCENT, Secretary

RS/cdv

HOUSE OF REPRESENTATIVES

State Administration

ROLL CALL

DATE *January 4, 1995*

NAME	PRESENT	ABSENT	EXCUSED
Rep. Dick Simpkin, Chairman	✓		
Rep. Matt Denny, Vice Chairman, Majority	✓		
Rep. Dore Schwinden, Vice Chair, Minority	✓		
Rep. Matt Brainard	✓		
Rep. Pat Galvin	✓		
Rep. Dick Green	✓		
Rep. Toni Hagener	✓		
Rep. Harriet Hayne	✓		
Rep. George Heavy Runner	✓		
Rep. Sam Kitzenberg	✓		
Rep. Bonnie Martinez	✓		
Rep. Gay Ann Masolo	✓		
Rep. Bill Rehbein	✓		
Rep. Susan Smith	✓		
Rep. Jay Stovall	✓		
Rep. Carolyn Squires	✓		
Rep. Lila Taylor	✓		
Rep. Joe Tropila	✓		



Secretary
Christen Vincent
312-3A

HOUSE STANDING COMMITTEE REPORT

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Mr. Speaker: We, the committee on State Administration report that House Joint Resolution 5 (first reading copy -- white) do pass.

Signed: *Dick Simpkins*
Dick Simpkins, Chair

Committee Vote:
Yes ___, No ___.

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HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

State Administration

DATE January 4, 1994 BILL NO. HJ NUMBER 5

MOTION: REP. BILL REHBEIN MADE THE MOTION TOPASS

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority	✓	
Rep. Matt Brainard	✓	
Rep. Pat Galvin	✓	
Rep. Dick Green	✓	
Rep. Toni Hagener	✓	
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner	✓	
Rep. Sam Kitzenberg	✓	
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein	✓	
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

State Administration

COMMITTEE

DATE 1-4-95

BILL NO. HJ 5

SPONSOR(S) Cobb

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
David Owen	mt Chamber of Commerce	✓	
for [unclear]	Governor's Office	✓	
GEORGE OCHENSKY			

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

HR:1993

wp:visbcom.man

CS-14