#### MINUTES

#### MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON STATE ADMINISTRATION

Call to Order: By REP. RICHARD SIMPKINS, Chair, on January 5, 1995, at 9:00 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. Joe Tropila (D)

Members Excused: Rep. Lila V. Taylor (R)

Members Absent: none

Staff Present: Sheri Heffelfinger, Legislative Council

Christen Vincent, Committee Secretary

Please Note: These are summary minutes. Testimony and

discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 24, HB 23, HB 22

Executive Action: HB 24, HB 23, HB 22

#### **HEARING ON HB 24**

#### Opening Statement by Sponsor:

David Boyher, Director of Research, Legislative Council, opened on behalf of REP. RED MENAHAN by no objection of the committee. This bill was the result of work by the Legislative Council to

identify ways of making the interim study process more efficient. Lines 22 through 24 of the bill state that all members of the study committees be appointed within thirty days of the notification of interim study creation. He stated that over the last several sessions the appointment of committee members has been delayed. Delaying the appointments to these committees puts a heavy burden on the committee hearing the bills. It may not allow enough time for the committee to review the bills, create the study, and develop a study plan. This bill, on the bottom of page 1 and on the top of page two, will allow for the authorities to appoint a needed amount of committee members instead of having the standard eight members. Some of the studies don't require eight members, some require more and some don't need as many. There should be no fiscal impact. It is merely an efficacy measure.

#### Proponents' Testimony:

None

#### Opponents' Testimony:

None

#### Informational Testimony:

Dave Boyher gave informational testimony for the bill. See Sponsor's Opening Statement.

#### Questions From Committee Members and Responses:

**REP. MATT BRAINARD** asked **Mr. Boyher** if this bill would be a transference of power from the legislative body to the legislative council.

Mr. Boyher explained that at the present time the interim study committee must be eight members, four members from the House and four members from the Senate, and no more than two members from each house may be from the same party. This bill allows for the Legislative Council to determine the complexity of the study and indicate to the speaker the size of the committee. This bill was introduced to obtain maximum efficiency for the resources available.

**REP. SIMPKINS** for clarification questioned when **Mr. Boyher** refers to the council if he was talking about the oversight committee of the Legislative Council.

Mr. Boyher stated that he was talking about the council itself.

**REP. SIMPKINS** asked **Mr. Boyher** who the head of that committee was at the present moment.

Mr. Boyher answered, SEN. DELL GAGE and the vice chair is REP. MENAHAN.

REP. PAT GALVIN asked if this bill only referred to the Legislative Council.

Mr. Boyher said that was true.

#### Closing by Sponsor:

Mr. Boyher closed.

#### HEARING ON HB 22

#### Opening Statement by Sponsor:

REP. CAROLYN SQUIRES, HD 68, opened by passing out copies of the Montana Administrative Register EXHIBIT 1 for reference during the discussion of HB 22. She stated that she was presenting the bill to the committee at the request of the Administrative Codes Committee for which she is chair. She has served on the Code Committee for three terms. They have found problems within the statutes and felt it necessary to make corrections. This bill will allow state agencies that are subject to the Montana Administrative Procedures Act (MAPA) to use an amendment proposal notice for the adoption of correction of deficiencies and statements of reasonable necessities and citations of the authority rules. Each time a rule is proposed it is inserted in the Montana Administrative Register, filed through the Secretary of State. Authority goes to the departments. The department must present any information of change in the rules to the Secretary of State. It is then reviewed by the staffer, John MacMasters. Then it is posted again with any changes, and circulated again. This Register is published every two weeks. Departments are asked to correct any changes. While some departments choose to correct the changes, others do not. who do not choose to revise are then requested to come before the Codes Committee and are given a recommendation. REP. SQUIRES made reference to corrections made by the editor. These changes are not changes in the law itself, but wording used to describe the bill. On page two, section eight, there is a new section to the bill which legitimizes the activities. It says that an agency may use an amended proposal notice or adoption notice to correct deficiencies of reasonable necessity and citation of authority for rules. It will simply codify what they have already been doing.

#### Proponents' Testimony:

REP. DUANE GRIMES requested to be recorded as supporting this bill.

#### Opponents' Testimony:

none

#### Informational Testimony:

Cathy Lubke, Bureau Chief Administrative Rules Bureau, Secretary of State's Office, testified this bill does nothing more than grant something that is already being done but is not codified in the Montana Administrative Procedure Act.

John MacMasters, Staff Attorney, Legislative Council, gave testimony that it was at his suggestion the Administrative Code Committee voted to sponsor this bill. There are three main things the committee and its staff looks for when reviewing proposed rules. First, there must be authority to adopt rules. Second, there must be some statute that is implemented by the proposed new provisions. Third there must be reasonable necessity for each rule. If there are any problems the committee staff will try and work things out with the agency involved. committee staff and agency staff can't work things out, committee staff will suggest to the committee that the committee take some course of action. MAPA is the process used in adopting rules. MAPA does not specifically provide that an amended proposal notice or final adoption notice, in which the agency adopts that which was previously proposed, can be used to cure defects in reasonable necessity statements and citations of authority for rules and statutes implemented by rules, but the committee interprets MAPA to allow that to be done. This bill will codify that interpretation of MAPA. The second benefit that he believed the bill will have is that the agencies adopting rules will have a place in MAPA a law stating the above-mentioned defects in rule proposal notices can be cured in amended proposal notices and in adoption notices, the agencies won't have to waste time asking committee staff if this can be done, and committee staff won't have to spend time telling agency staff over and over that this can be done. The third benefit the bill would have is to clarify the law.

#### Questions From Committee Members and Responses:

none

#### Closing by Sponsor:

REP. SQUIRES restated that this bill will review the laws and rules made by the agencies and then rate individuals. It will also codify the law. She asked that the committee look favorably on the bill and give it a DO PASS motion.

#### HEARING ON HB 23

#### Opening Statement by Sponsor:

REP. H. S. HANSON, HD 9, opened by saying that HB 23 was a clarification and rectification of statements within the bill. One of the problems the Code Council has been having, is they are changing the method in which they make information available to the public. Because it is not specifically addressed in statute they can not charge for reproduction costs. Line 20 on the first page adds all of the material to the codes. If a person wanted both materials offered, as it states now, the person requesting information could only be charged for one thing not both. Line 19 is a rewording EXHIBIT 2.

#### Proponents' Testimony:

George Ochenski, representing himself, testified that the idea was to obtain State information on computers instead of having it written. He mentioned the need to clarify how the state would chrge for online information. The state bulletin board system is now in use which provides a large variety of information in the comfort of one's own home. This system is fiscally responsible and convenient. A person could access information 24 hours a day from their home computers. Brochures were handed out. EXHIBIT 3. He supported this bill because he believes that people should pay for what the state provides. He believes this is a very fair clarification of the bill.

#### Opponents' Testimony:

none

#### Informational Testimony:

Greg Petesh, Co-Commissioner, Legislative Council, stated all the bill does is allow a state agency to recover their out-of-pocket costs for providing information.

#### Questions From Committee Members and Responses:

REP. JAY STOVALL asked what the cost would be to access the system at the current time. Mr. Petesh responded by saying that accessing the state bulletin board is provided as a service. The Legislative Council is putting all of its information out on the bulletin board at this time and are not charging for that service. It is covered under a different statute. This bill is designed to address times when an individual will contact the council during an interim and ask to be provided with specific information. This bill will allow state agencies to cover the cost.

REP. PAT GALVIN questioned what the aproximate figure would be for the cost sending a disk. Mr. Petesh responded stating that

they would cover the postage. Disks cost about seventy cents. The way this law was written they could cover the cost of the disks or they could cover the other side of the cost. Either way they would have some cost to compensate for. This bill is designed to prevent that.

**REP. RICHARD SIMPKINS** clarified that the cost is variable depending on the kind of information the individual wants. They need to cover their cost at cost and provide information requested.

REP. STOVALL asked what the bulletin board covers. Mr. Petesh stated that the bulletin board is a state computer mainframe for public access. It requires that agencies provide notices to various things. The Legislative Council uses this bulletin board extensively. The entire interim newsletter may be received by using the bulletin board. There are full text bills available as well. The cost of loading this is minimal.

**REP. SIMPKINS** followed by stating that this is a super service for the public because it is so simple and convenient.

REP. MATT DENNY stated that under 2-6-110 information is accessible for the public. He then asked if that would include the Montana Code on CD. Mr. Petesh responded stating that it is covered under the first part of the bill and that would be an exception.

#### Closing by Sponsor:

**REP. HANSON** this is an effort to keep the Code Council up to date with the electronic media. He then closed.

#### EXECUTIVE ACTION ON HB 23

#### Motion:

REP. MATT BRAINARD MOVED HB 23 DO PASS.

#### Discussion:

REP. DORE SCHWINDEN stated that this was a good bill. It is a great service and saves time and money. He is in full support of the bill.

#### Vote:

DO PASS. Carried unanimously with REP. LILA TAYLOR voting yes by proxy.

#### EXECUTIVE ACTION ON HB 22

#### Motion:

REP. JOE TROPILA MADE THE MOTION DO PASS.

#### Discussion:

REP. SCHWINDEN asked REP. SQUIRES to please explain who Greg Petesh is and his role as co-commissioner. REP. SQUIRES explained that Mr. Petesh has the final say as the staff issues the interpretation of the law. He is the head of the legal staff. What he says helps in making everything constitutionally correct.

Sheri Heffelfinger added by saying that in codifying the law he will determine which section number it will receive and where it will be placed.

[TAPE 1 SIDE B]

#### Vote:

Motion that HB 22 DO PASS carried unanimously with REP. TAYLOR voting yes by proxy.

#### EXECUTIVE ACTION ON HB 24

#### Discussion:

Sheri Heffelfinger restated that this bill allows the Legislative Council to tell the Speaker of the House or the committee on committees how many people should be appointed to a committee. Traditionally it is an eight member committee. These are studies that are requested by the legislature by resolution to study something. They are balanced in both houses and parties. This gives the Legislative Council the discretion of recommending to the appointing authorities the size of committees to have the greatest efficiency for time and resources.

**REP. SIMPKINS** asked if there were any questions about a interim committees to study a resolution.

REP. MATT BRAINARD asked for clarification.

REP. SIMPKINS stated that there would be resolutions that some would like to have a study on. This would be a study set by resolution and not by law. A study set by law has an appropriation in that law so therefore there are no decisions to be made. There are a set amount of resources. They are voted on by priority until resources run out.

Sheri Heffelfinger stated that during the interim the Legislative Council staff did talk to the Legislative Council about improving the interim study process. There are two ways of doing a study. One is by resolution the other is by bill. The problem that is occurring is there are resolutions and then the bills. The bills have the money available whereas the resolutions do not. Those are the ones that are ranked in priority. People don't get a chance to rank the ones that are mandated in the bill, The Legislative Council has begun to address this in some the rules. They may modify the way the poll is taken in which those are ranked. They are depending on special revenues to do these studies. The resolutions don't get the priority that they should probably have. That is currently being discussed and is an on going process to improve the interim study process.

**REP. SIMPKINS** stated there might not be anyone left to do the interim studies if there are an excess amount of bills being passed.

Sheri Heffelfinger also stated another change in the bill. That is to require appointments be made to committees thirty days after the presiding officer in the committees on committee and the Speaker have been notified that a joint subcommittee has been created. There has not been a deadline for this in the past.

#### Motion:

REP. GAY ANN MASOLO MOVED HB 24 DO PASS.

#### Vote:

Motion that HB 24 DO PASS was carried unanimously with REP. TAYLOR voting yes by proxy.

HOUSE STATE ADMINISTRATION COMMITTEE
January 5, 1995
Page 9 of 9

#### **ADJOURNMENT**

Adjournment: 10:20 a.m.

REP. RICHARD SIMPKINS, Chair

CHRISTEN VINCENT, Secretary

RS/cdv

## **State Administration**

**ROLL CALL** 

DATE *January 5,1975* 

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	/	9	
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	V		
Rep. Lila Taylor			/
Rep. Joe Tropila	/		



# HOUSE STANDING COMMITTEE REPORT

January 5, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **State Administration** report that **House Bill 22** (first reading copy -- white) **do pass**.

Signed

Dick Simpkins, Chair



# HOUSE STANDING COMMITTEE REPORT

January 5, 1995

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 23 (first reading copy -- white) do pass.

Signed

Dick Kimpkins, Chair



# HOUSE STANDING COMMITTEE REPORT

January 5, 1995

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 24 (first reading copy -- white) do pass.

Signe

Dick Simpkins, Chair

# ROLL CALL VOTE

# State Administration

DATE <u>January 5, 1995</u> BILL NO	<i>HB</i> number 23	
MOTION: REP. MATT BRAINARD	MADE THE MOTION D	O PASS.

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

# **ROLL CALL VOTE**

# State Administration

MOTION: REP JOE TROPILA MADE THE MOTION DO PASS	DATE January 5,195 BILL NO. HB NUMBER 22
71 71 300 71 200	MOTION: REP. JOE TROPILA MADE THE MOTION DO PASS

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

## **ROLL CALL VOTE**

# State Administration

DATE January 5, 1994 BILL NO. <u>HB</u> NUMBER <u>24</u>
MOTION: REP. GAY ANN MASOLO MADE THE MOTION DO PAST

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

Jan 4, 1995 I hereby autorize Matt Denny to vote my propy for State Administration for Thursday Jan 5, 1995. Rep Sta V. Taylor Neveral request a copy of the voting record for each bill for Shuraday Jan. 5. 1995. in State administration

Exhibit!

# MONTANA ADMINISTRATIVE REGISTER

EXHIBIT ONE DATE JONENY 5, 1995 HB 22

ISSUE NO. 21 NOVEMBER 10, 1994 PAGES 2878-2997



The original of this document is stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.

407

STATE EMPLOYEE CLASSIFICATION, COMPENSATION AND BENEFITS

2.18-312

monthly or annual salary rate payable to an officer or employee of the state has been set by law or otherwise, notwithstanding any other provision of law, 2-18-306. Determination of weekly or hourly pay rate. When the the weekly or hourly rate of pay shall be determined by dividing the annual salary by 52 weeks or 2,080 hours.

History: En. Sec. 9, Ch. 95, L. 1969; R.C.M. 1947, 25-507.9.

2-18-307. Repealed. Sec. 17, Ch. 678, L. 1979.

History: En. 59-921 by Sec. 7, Ch. 563, L. 1977; R.C.M. 1947, 59-921.

2-18-308 through 2-18-310 reserved.

2-18-311. Repealed. Sec. 11, Ch. 661, L. 1987. History: En. 69-91 by Sec. 3, Ch. 563, L. 1977; R.C.M. 1947, 59-917; amd. Sec. 7, Ch. 678, L. 1979; amd. Sec. 5, Ch. 421, L. 1981; amd. Sec. 1, Ch. 710, L. 1983; amd. Sec. 3, Ch. 785.

(1) The statewide classification pay schedule for fiscal year 1994 is as follows: 2-18-312. Statewide pay schedules for fiscal years 1994 and 1995.

Note: Does Not Include Insurance Matrix Type - Annual Annual Hours — 2080 Pay Matrix — State

Pay Range: Entry Salary to Market Salary

Carary	MARKET SALARY	10,210	11,025	11,903	12,858	13,927	15,086	16,334	17,747	19,262	20,942	22,775	24,812	27,027	29,485	32,196	35,226	38,613	42,355	46,557	51,254	56,487	62,343	68,963	76,410	84,673
ay mange. Lindy Salaty to mainer Salaty	ENTRY SALARY	8,679	9,349	10,070	10,852	11,727	12,672	13,688	14,836	16,064	17,424	18,904	20,545	22,325	24,295	26,465	28,885	31,585	34,562	37,897	41,618	45,754	50,373	55,584	61,434	67,907
f	GRADE	1	7	က	4		9	7	. 8	O	20	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25

GOVERNMENT STRUCTURE AND ADMINISTRATION 2-18-313

408

(2) The statewide classification pay schedule for fiscal year 1995 is as follows:

Note: Does Not Include Insurance Annual Hours - 2080 Pay Matrix - State

Matrix Type - Annual

Pay Range: Entry Salary to Market Salary

MARKET SALARY 38,613 42,355 46,557 51,254 76,410 84,673 16,334 17,747 19,262 20,942 24,812 68,963 5,086 35,226 62,343 56,48 ENTRY SALARY 9,349 10,070 10,852 11,727 12,672 28,885 31,585 34,562 37,897 41,618 45,754 14,836 20,545 55,584 61,434 67,907 3,688 17,424 18,904 24,295 26,465 ,325 GRADE 8582888888888

History: En. 59-918 by Sec. 4, Ch. 563, L. 1977; R.C.M. 1947, 59-918; amd. Sec. 8, Ch. 678, L. 1979; amd. Sec. 5, Ch. 421, L. 1981 (Executive Order No. 7-81); amd. Sec. 4, Ch. 740, L. 1985; terp. Sec. 12, Ch. 6, Sp. L. June 1986; re-en. Set. 11, Ch. 6, Sp. L. June 1986; re-en. Sec. 11, Ch. 6, Sp. L. June 1986; amd. Sec. 6, Ch. 661, L. 1987; amd. Sec. 6, Ch. 660, L. 1987, amd. Sec. 6, Ch. 720, L. 1991; amd. Sec. 4, Ch. 640, L. 1993.

Compiler's Comments

schedule. See 1993 Session Law for the 1991 schedule. Amendment effective July 1, 1993. 1993 Amendment: Chapter 640 replaced the 1992 and 1993 pay schedules with 1994 and 1995 pay schedules equal to the 1993

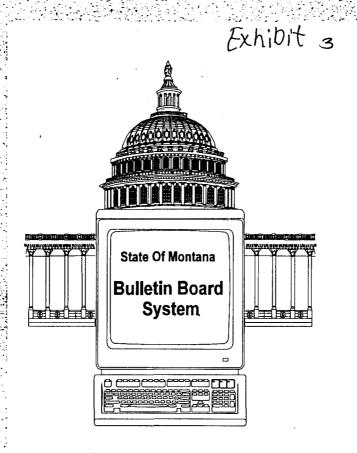
2-18-313. Teachors' pay schedules. (1) (a) The 12-month pay schedule for teachers for fiscal year 1994 and for the first 6 months of fiscal year 1995 is as follows:

Term — Twelve Months Annual Hours - 2080

Note: Does Not Include Insurance Matrix Type — Annual

DATE (Commung) EXHIBIT 142

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# State Government Information...

A COMPUTER

SCREEN AWAY!! three

DATE January 5, 1995.

State Of Montana
Department Of Administration
Information Services Division

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#### HOUSE OF REPRESENTATIVES VISITORS REGISTER

State Administration

BILL NO. HB 24 SPONSOR (S) MENAHAN

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
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HR:1993

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CS-14

#### HOUSE OF REPRESENTATIVES SITORS REGISTER

State	<b>Edminist</b>	n oite
. 1	_	VISITOR

COMMITTEE

1-5-95

BILL NO. HB 83 SPONSOR (S) HAVSON

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## PLEASE PRINT

## PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
GEORGE OCHENSILI	SELF-	V	
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PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

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State Admir	listration	COMMITTEE	DATE 1-5-95
BILL NO. HB22	sponsor(s) SQ	HILLD	

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
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PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

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