

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN RICHARD SIMPKINS**, on January 18, 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. Lila V. Taylor (R)
Rep. Joe Tropila (D)

Members Excused: none

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 210, SB 4
Executive Action:	SB 4 BE CONCURRED IN
	HB 210 DO PASS
	HB 140 DO PASS AS AMENDED
	SB 20 BE CONCURRED IN AS AMENDED

HEARING ON HB 210Opening Statement by Sponsor:

REP. BOB PAVLOVICH, HD 37, stated that this is an act providing for a procedure to appoint a corporate trustee of the permanent trust fund for the care, maintenance and improvement of the First Special Services Forces Memorial Monument. This is a special service force that combined the United States and Canada. He reserved the right to close.

Proponents' Testimony:

John Mahan, Veterans of Foreign Wars, stated that this bill will help figure out a way to preserve this memorial park in Helena. He stated that when the corporation is dissolved the Secretary of State will notify the court in Helena and call the trustee to set up a corporate trustee to maintain this memorial without using public funds. The memorial will use funds that they have received throughout the years.

Herb Goodwin, First Special Services Forces Association, stated that at the present time the fund for this memorial has approximately \$70,000. This money will be used for the trust. He stated that he hoped the committee would support the bill to see that this memorial is maintained.

John Marshall, First Special Services Forces Association, stated he and Mr. Goodwin have been fighting to keep this memorial for the past three years. He stated that he hoped that the committee would give the bill a do pass vote.

Jim Jacobson, Administrator, Montana Veterans Affairs Division, stated that he is in support of this bill. He stated that this would be a memorial for a group of distinguished Montanans who served in the First World War. He stated that with the passage of this bill and with the memorial, their history will be remembered for the service these individuals gave.

Opponents' Testimony: none

Informational Testimony: none

Questions From Committee Members and Responses:

REP. SUSAN SMITH asked REP. PAVLOVICH what would happen if the trust isn't managed properly. She asked if the state would have to take over the trust.

REP. PAVLOVICH stated that Mr. Mahan would be able to answer the question.

Mr. Mahan replied that the bill states that the trustees can only use the interest from the trust, not the principal. In order to

come up with the safest way to fund this trust, the people in charge of the trust would meet once a year with a judge to set guidelines so they wouldn't dissipate the funds. The way it is set up it will be a perpetual fund. He stated that this memorial shows the relationship between the United States and Canada and should be preserved. This bill is the safest way to make sure that the memorial is taken care of.

CHAIRMAN SIMPKINS asked where the money is now.

Mr. Mahan stated that it is invested with D.A. Davidson.

CHAIRMAN SIMPKINS asked if the corporate trust is established under law or if it is established as a group of people.

Mr. Mahan stated that it is a non-profit organization that is organized under the state of Montana. They operate under that corporation. When that corporation is dissolved the Secretary of State will then notify the court. The trust will then be taken over by the appointed corporate trustee.

CHAIRMAN SIMPKINS stated that he was confused why a law would be necessary instead of going under the city or county.

Mr. Mahan stated that since the memorial is on public land it should have the same protection that the state memorials do. He stated that this was the safest way to ensure that this memorial was being taken care of.

CHAIRMAN SIMPKINS asked if this bill were to be signed into law, when would the trust be transferred.

Mr. Mahan stated that the transfer would take place when the corporation is dissolved, or when all people of the corporation have died. The money would then go to the court and then on to the corporate trustee.

CHAIRMAN SIMPKINS asked if there is a system set up to receive additional donations, active fund drives, or anything for other contributions.

Mr. Mahan stated there is a system at work and the trust receives money all of the time.

Closing by Sponsor:

REP. PAVLOVICH closed.

HEARING ON SB 4Opening Statement by Sponsor:

SEN. JEFF WELDON, SD 35, stated that one year ago the governor called together a group of Montana citizens to form a task force to renew state government. They took a broad look at state government, programs in the executive branch, as well as local government and educational organizations. In the process of looking at state government, the task force came up with a number of small items that needed reform. SB 4 is one of the items that addressed the Coordinator of Indian Affairs. The office is for budgetary purposes. It is attached to the Department of Commerce.

He stated that he looked at the Office of Indian Affairs as an ambassador of the state government to the tribal governments within the state of Montana. This bill reallocates for administrative purposes the Office of Indian Affairs from the Department of Commerce to the governor's office.

Proponents' Testimony:

Leo Giacometto, Governor's Office, stated that he fully supported this bill. He stated that there would be no fiscal impact with the passage of this bill. This bill clarifies what the Office of Indian Affairs is and where it is located. This bill will establish truth in government.

Opponents' Testimony: noneInformational Testimony:

Kathleen Fleury, Coordinator of Indian Affairs, submitted written testimony. EXHIBIT 1

Questions From Committee Members and Responses:

REP. JAY STOVALL asked if this would affect her operation in any manner.

Ms. Fleury stated that this bill will not change the operation of the office in any manner.

REP. SAM KITZENBERG asked how the office has responded to unemployment.

Ms. Fleury stated that the Office of Indian Affairs has worked closely with the Department of Transportation which is the only agency that has requirements that must have a certain amount of minorities who receive benefits. She stated that they still work very closely with the Department of Transportation. With the highways that are being built on reservations, there has been a great deal of federal money that has been given allocation for

maintenance the roads. She said there are less than one percent of the American Indian population who work for the state government. American Indians are not very well represented and this has caused some problems. The American Indian population in Montana is about six percent of the state's population. The Office of Indian Affairs has worked closely with the offices that address this issue, but they haven't been able to find a solution to the problems. There have been suggestions that there needs to be more cultural awareness and more sensitivity to the culture.

Closing by Sponsor:

REP. WELDON stated that he would like to applaud Ms. Fleury and her office.

EXECUTIVE ACTION ON SB 4

Motion: REP. TONI HAGENER MOVED THAT SB 4 BE CONCURRED IN.

Vote: Motion carried unanimously with REP. MATT DENNY voting by proxy.

EXECUTIVE ACTION ON HB 210

Motion: REP. PAT GALVIN MOVED THAT HB 210 DO PASS.

Vote: Motion carried unanimously with REP. MATT DENNY voting by proxy.

EXECUTIVE ACTION ON HB 140

Motion: REP. DORE SCHWINDEN MOVED THAT HB 140 DO PASS.

Discussion:

CHAIRMAN SIMPKINS stated that Sheri Heffelfinger had checked into the cost of the CD ROM and its cost would be put into the computerization cost, and that was why the CD ROM originally cost \$105. He stated that he understood that \$10.00 would cover the cost of the CD ROM itself rather than computing the cost of the program to produce the CD ROM. Ten dollars for the CD ROM would not have a fiscal impact on the state. He stated that if the committee would change the bill so that a legislator could buy both the hard copy of the Codes Annotated and the CD ROM version or they could purchase both, it wouldn't cost the state anything more.

Ms. Heffelfinger stated that they could buy both or one for ten dollars each.

Vote: Motion to adopt the amendment carried unanimously with REP. MATT DENNY voting by proxy.

Motion: REP. DORE SCHWINDEN MOVED THAT HB 140 DO PASS AS AMENDED.

Vote: Motion carried unanimously.

EXECUTIVE ACTION ON SB 20

Motion: REP. SAM KITZENBERG MOVED THAT SB 20 BE CONCURRED IN.

Discussion:

CHAIRMAN SIMPKINS asked if "when needed" would be an appropriate amendment to this bill.

Ms. Heffelfinger read the proposed amendment that stated if an orientation for legislators is provided, the Legislative Council shall assist in the preparation and presentation of the orientation.

REP. CAROLYN SQUIRES stated that this bill is defining the powers and duties of the Legislative Council. She believed that by putting this statement in it clarifies the responsibility and the power to actually participate in the orientation.

CHAIRMAN SIMPKINS asked Ms. Heffelfinger if there was anything in the wording now that would indicate that the Legislative Council has the authority to call for a freshman orientation on their own.

Ms. Heffelfinger stated that there was nothing in the present wording that gave the Legislative Council the authority to call for a freshman orientation.

CHAIRMAN SIMPKINS stated that as it is worded now if the orientation is not mandated by law. The Council would not participate in the orientation.

REP. SCHWINDEN stated that he didn't think there was a need for the amendment unless it would make members of the committee more comfortable with the bill.

CHAIRMAN SIMPKINS asked if the committee would feel more comfortable if the amendment was in place.

REP. TROPILA stated that there is a great amount of expertise in the Legislative Council and it would be a shame if they didn't use it if it was needed. He said that he would feel more comfortable with the amendment in place.

Ms. Heffelfinger read the amendment again.

Motion: REP. TONI HAGENER MOVED THAT THE AMENDMENT BE ADOPTED.

HOUSE STATE ADMINISTRATION COMMITTEE

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Vote: Motion to adopt the amendment carried 16-2 with REP. REHBEIN and REP. SMITH voting no.

Vote: Motion carried 14-4 with REP. GREEN, REP. REHBEIN, REP. SMITH and REP. TAYLOR voting no.

ADJOURNMENT

Adjournment: 10:30 a.m.


RICHARD SIMPKINS, Chairman


CHRISTEN VINCENT, Secretary

RS/cdv

HOUSE OF REPRESENTATIVES

State Administration

ROLL CALL

DATE *January 18, 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	✓		



HOUSE STANDING COMMITTEE REPORT

January 18, 1995

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 210 (first reading copy -- white) do pass and be placed on consent calendar.

Signed: *Dick Simpkins*
Dick Simpkins, Chair

1-18 - mm

Committee Vote:
Yes 18, No 0.

151026SC.Hdh



HOUSE STANDING COMMITTEE REPORT

. January 18, 1995

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Mr. Speaker: We, the committee on State Administration report that House Bill 140 (first reading copy -- white) do pass as amended.

Signed: *Dick Simpkins*
Dick Simpkins, Chair

And, that such amendments read:

1. Title, line 5.
Strike: "INSTEAD OF"
Insert: "IN ADDITION TO"
2. Page 1, line 14.
Following: "purchase"
Insert: "for \$10 each"
Strike: "copy"
Insert: "set"
Following: "of the"
Insert: "printed and bound"
Strike: "from" through "legislator"
3. Page 1, line 15.
Strike: "may" through "bound"
4. Page 1, line 17.
Strike: "or the"
Insert: "and one"

-END-

1-18

mm

Committee Vote:

Yes 18, No 0.

151014SC.Hdh



HOUSE STANDING COMMITTEE REPORT

January 18, 1995

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that Senate Bill 20 (third reading copy -- blue) be concurred in as amended.

Signed: *Dick Simpkins*
Dick Simpkins, Chair

And, that such amendments read:

Carried by: Rep. Kitzenberg

1. Page 1, line 17.

Strike: "The"

Insert: "If an orientation for legislators is provided, the"

Following: "presentation of"

Strike: "an"

Insert: "the"

Following: "orientation"

Strike: "for"

2. Page 1, line 18.

Strike: "legislators"

- END -

1-18 mu

Committee Vote:
Yes 14, No 4.

151211SC.Hdh



HOUSE STANDING COMMITTEE REPORT

February 1, 1995

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that Senate Bill 4 (third reading copy -- blue) be concurred in.

Signed: *Dick Simpkins*
Dick Simpkins, Chair

Carried by: Rep. Taylor

S.
Committee Vote:
Yes 18, No 0.

271238SC.Hdh

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

State Administration

DATE 1-18-95 BILL NO. SB NUMBER 4

MOTION: Rep. Hagener moved Do Concur

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority <i>Proxy</i>	✓	
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

ROLL CALL VOTE

State Administration

DATE 1-18-95 BILL NO. HB NUMBER 810

MOTION: Rep. Galvin moved Do Pass

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority <i>Prox</i>	✓	
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

ROLL CALL VOTE

State Administration

DATE 1-18-95 BILL NO. HB NUMBER 1410

MOTION: Rep. Schwinden moved On Pass

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority <i>Proxy</i>	✓	
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

ROLL CALL VOTE

State Administration

DATE 1-18-95 BILL NO. SB NUMBER 20

MOTION: Rep. Hagener moved Do Pass as amended:

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority <i>Proxi</i>	✓	
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

ROLL CALL VOTE

State Administration

DATE 1-18-95 BILL NO. SB NUMBER 20

MOTION: Rep. Kitzenberg moved the amendment

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority <i>Proxi</i>	✓	
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	✓	

COMMITTEE PROXY

Date 1-18-95

I request to be excused from the State Ad.
Committee meeting this date because of other commitments. I
desire to leave my proxy vote with Rep. Simpkins.

Indicate Bill Number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT AYE NO

SB 20	✓	
" /amend	✓	
SB 4	✓	
HB 210	✓	
HB 140	✓	
" /amend	✓	

SENATE BILL/AMENDMENT AYE NO

Rep. Matt Janny
(Signature)

(1)

OFFICE OF INDIAN AFFAIRS

MAY 1993

OVERVIEW:

Current census figures (1990) indicate that the Native American population of Montana is 47,679, or 5.97% of the state's total population of 799,065. The number of Native Americans that actually reside within the boundaries of the seven reservations is 30,026 (63% of the Native American population). For varying reasons, one of which is the mostly isolated geographic location of the reservations, the economic and social conditions for the Native Americans residing on the reservations are in a critical state. The manifold efforts by individuals and governments (Tribal, State and Federal) that seek solutions to the problems faced by Native Americans in Montana are hampered by a severe lack of coordination or a unified approach.

As a way to battle the existing problems and serve the best interests of the Native Americans of Montana, the State Legislature established the office of Coordinator of Indian Affairs. The office and accompanying statutory policy were set up to foster a plan that provides the Native American citizens of Montana the opportunity to take their rightful place in this society and in this state.

The resulting mandate of the Coordinator of Indian Affairs is to serve as liaison between the several governments (Tribal, State and Federal) and the Native American peoples of Montana for purposes of enabling them to achieve, individually and collectively, economic and social well-being.

PRIMARY RESPONSIBILITIES:

The office of the Coordinator of Indian Affairs shall:

- (a) have a thorough and updated knowledge of the problems facing Native Americans and problems facing the state of Montana with regards to Native Americans;
- (b) advise and respond to the executive and legislative branches of state government on Native American issues;
- (c) advise and respond to tribal governments and individual Native Americans on state and federal issues;
- (d) advise and respond to Montana's Congressional delegation on Native American issues;

EXHIBIT ONE

DATE 1-18-95

KR 4

- (e) serve as advocate for all Native Americans and Native American groups, both public and private; and
- (f) promote cooperation and good relations between Native Americans and all non- Native American individuals, organizations and governments.

GOAL STATEMENT:

Provide all services possible that promote positive economic progress, cooperation and governmental agreements for the Native Americans of Montana.

Coordinator
Program Officer
Program Officer II
Secretary

Kathleen M. Fleury
Lori McGowan
Gary W. Addington
Evelyn Martin

Room 202, State Capitol Building
Helena, Montana 59620

Telephone: (406)444-3702

Fax: (406)444-1350

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

State Administration

COMMITTEE

DATE 1-18-95

BILL NO. HB210

SPONSOR(S) Paulovich

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
<u>Herb Goodwin</u>	<u>FSSF</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>John Marshall</u>	<u>"</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Jim Jacobsen</u>	<u>Nat Veterans Affairs Div</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>John Mahan</u>	<u>VFW</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

State Administration COMMITTEE

DATE 1-18-95

BILL NO. SB4 SPONSOR(S) Weldon

PLEASE PRINT

[illegible]

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

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CS-14