

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By CHAIRMAN RICHARD SIMPKINS, on March 2, 1995,
at 8:30 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:	SB 279, SB 220, SB 202
Executive Action:	SB 284 DO CONCUR
	SB 105 DO CONCUR AS AMENDED
	SB 148 DO CONCUR
	SB 202 DO CONCUR
	SB 220 DO CONCUR AS AMENDED
	SB 279 TABLED

{Tape: 1; Side: A; Approx. Counter: 000; Comments: n/a.}

EXECUTIVE ACTION ON SB 284

Motion: REP. JOE TROPILA MOVED THAT SB 284 BE CONCURRED IN.

Discussion:

REP. SAM KITZENBERG stated there are good quality jobs in Montana and he would like to see the competition strengthened. He didn't see replacements happening and he didn't want to see any more reductions taking place.

REP. LILA TAYLOR stated this was a hard vote for her to make but she would vote for the bill.

REP. PAT GALVIN read a letter to the committee. He stated the letter had raised two questions for him. The first being if this should be before the legislature and the second being if it is good policy to do this.

REP. DICK GREEN stated he was in support of the bill. The \$7 million won't evaporate. He wanted to keep it in the state of Montana because if they had to sell it would be going out of state and Montana and the people would lose.

REP. JAY STOVALL spoke in support of the bill. Montana Power had tried to work with the PSC on the bill. The criteria now is not workable and this is the best way for them to market the company.

REP. GAY ANN MASOLO stated the legislature had started the PSC for change. Montana needs the jobs and they need to include the business into that.

REP. MATT DENNY stated it is not a matter of jobs or state competition. The PSC gets its power from the legislature. He believed this was an appropriate way to evaluate.

Vote: Motion carried unanimously with REP. BILL REHBEIN voting by proxy.

EXECUTIVE ACTION ON SB 105

Motion: REP. HARRIET HAYNE MOVED THAT SB 105 BE CONCURRED IN.

Discussion:

Sheri Heffelfinger briefed the committee on what the bill would do.

REP. STOVALL asked how often these people would meet.

Ms. Heffelfinger stated they now meet twice during the interim. They are to meet at the call of the chairman.

REP. STOVALL stated that wasn't much time.

REP. CAROLYN SQUIRES stated each rule is looked at by Mr. John McMasters of the Legislative Council. The committee members each receive a package about the rules. All rules are observed by the staff. There is not only a problem with finances, but not many comply.

Motion/Vote: REP. HAYNE MOVED HER AMENDMENT. Motion carried unanimously with REP. TONI HAGENER and REP. BILL REHBEIN voting by proxy.

Discussion:

Ms. Heffelfinger stated the constitutionality of this bill is challengeable.

REP. MATT BRAINARD stated the majority of the bill is a good idea.

REP. DENNY stated they needed to address the constitutionality of the bill. This bill would not have the same effect if some of it was summarized.

Motion/Vote: REP. TROPILA MOVED TO DELAY ACTION ON THIS BILL. The committee agreed to delay action until later that morning.

HEARING ON SB 279

Opening Statement by Sponsor:

SEN. LINDA NELSON stated this would provide the staff help with calls during the interim. This would include calls to the state government. This would cost no more than \$300. These people need the opportunity to educate themselves and this is the cost of being legislators.

Proponents' Testimony:

none

Opponents' Testimony:

none

Informational Testimony:

none

Questions From Committee Members and Responses:

REP. GALVIN asked what the prior figure for the cost of the phone was.

SEN. NELSON stated she had no idea.

CHAIRMAN SIMPKINS stated he could not remember either.

REP. MASOLO asked if the interim committee expenses would be reimbursed.

SEN. NELSON stated they would not be reimbursed.

REP. DENNY asked if they would receive credit cards or phone cards.

SEN. NELSON stated they would receive a phone card.

REP. DENNY asked if this was different than SEN. KLAMPE's bill.

SEN. NELSON stated with that bill they were to receive \$100 for any thing they wanted to spend it on. It was like an additional pay for them.

CHAIRMAN SIMPKINS asked what had happened to that bill.

SEN. NELSON stated the bill had been tabled.

Closing by Sponsor:

SEN. NELSON stated the Governor's office had said this was out of his budget. She believed this bill was long overdue. She asked the committee to give the bill their favorable consideration.

HEARING ON SB 220

Opening Statement by Sponsor:

SEN. SUE BARTLETT stated this was at the request of the Montana Supreme Court. They need to conform statutes. This would make it possible to have records recorded electronically from the Municipal Court to the Supreme Court. They would not be required to do this but it would give them the legal authority to do so if they wished.

Proponents' Testimony:

Pat Chenovick, Supreme Court Administration, stated this addresses a shortfall in the statutes. It wouldn't mandate that the courts do this but allows them the option. It would standardize filing and would allow for an increase in availability for storage. This would cut down on the damage that has occurred in the past to the permanent records and would increase efficiency. There would be no fiscal impact for implementing this idea because it would be optional.

Gary Spaeth, State Bar, stated this would make the court system more efficient. The people are moving into a new age and the courts need to make that move as well.

Opponents' Testimony:

none

Informational Testimony:

none

Questions From Committee Members and Responses:

REP. MASOLO asked how this bill was different from REP. HAGENER's bill.

SEN. BARTLETT stated this would allow those people who want to do this to do it, and those who don't want to or don't have the capabilities to do this wouldn't have to do this. In REP. HAGENER's bill, which was more revised, she allowed for a \$5 surcharge to update the systems.

REP. DENNY asked if there was a master plan of how the judicial system would do this.

Mr. Chenovick stated the Supreme Court would have to establish the boundaries for standardizing. The courts recognize that the money is already being spent. The Supreme Court already recognizes that they will have to update the system to be standardized. They are doing this in order to be in accordance with one another.

REP. DENNY asked if this will allow for better service.

Mr. Spaeth stated they would generally get paid by the hour. This would save time and in the process it would save money as well.

REP. STOVALL asked if there would be any type of movement.

Mr. Chenovick stated although laws and some procedures are unique they haven't looked to other states to do this.

Closing by Sponsor:

SEN. BARTLETT closed thanking the committee for their time.

HEARING ON SB 202

Opening Statement by Sponsor:

SEN. RAY JERGSON, SD 46, stated this is a repealing and termination of waste and fraud hotlines.

Proponents' Testimony:

none

Opponents' Testimony:

none

Informational Testimony:

none

Questions From Committee Members and Responses:

REP. SCHWINDEN asked what they were doing to the new number market.

SEN. JERGESON stated the commercials they produced are free.

REP. SCHWINDEN asked if it is in the yellow pages or posted some where.

SEN. JERGESON stated it wasn't yet.

REP. MASOLO asked what the number was.

Jim Gillett stated for out of the area the number was 1-800-222-4446 and around the Helena area they could be reached at 444-4446.

CHAIRMAN SIMPKINS asked what kind of follow up there would be for this.

Mr. Gillett stated they would have the option of another and they would be given a unique number that would give information of that call.

REP. DENNY asked if there had been a problem with state employees.

Mr. Gillett stated he didn't think that was the case.

Closing by Sponsor:

SEN. JERGESON closed.

EXECUTIVE ACTION ON SB 105

Action on this bill had been picked up from earlier this morning.

Motion: REP. SQUIRES MOVED THE AMENDMENT.

Discussion:

REP. GALVIN asked how this would be intangible.

Ms. Heffelfinger stated it would have additional revenue.

Vote: Motion carried unanimously with REP. HAGENER and REP. REHBEIN voting by proxy.

Motion/Vote: REP. SIMPKINS MOVED THE AMENDMENT. Motion carried unanimously with REP. REHBEIN and REP. HAGENER voting by proxy.

Motion/Vote : REP. HAYNE MOVED THAT SB 105 DO CONCUR AS AMENDED. Motion carried 10-8 with REPS. SCHWINDEN, GALVIN, HAGENER, HEAVY RUNNER, KITZENBERG, MASOLO, SQUIRES AND TROPILA voting no and REPS. REHBEIN AND HAGENER voting by proxy.

EXECUTIVE ACTION ON SB 148

Motion/Vote: REP. DENNY MOVED THAT SB 148 BE CONCURRED IN. Motion carried unanimously with REPS. HAGENER and REHBEIN voting by proxy.

EXECUTIVE ACTION ON SB 202

Motion/Vote: REP. SQUIRES MOVED THAT SB 202 BE CONCURRED IN. Motion carried 17-1 with REP. REHBEIN voting no and REP. REHBEIN and REP. HAGENER voting by proxy.

EXECUTIVE ACTION ON SB 220

Motion/Vote: REP. SQUIRES MOVED THAT SB 220 BE CONCURRED IN. REP. SQUIRES MOVED THE AMENDMENT. Motion carried unanimously with REPS. HAGENER and REHBEIN voting by proxy.

Motion/Vote: REP. SQUIRES MOVED THAT SB 220 DO CONCUR AS AMENDED. Motion carried 17-1 with REP. REHBEIN voting no and with REPS. REHBEIN and HAGENER voting by proxy.

EXECUTIVE ACTION ON SB 279

Motion: REP. DENNY MOVED THAT SB 279 BE CONCURRED IN.

Substitute Motion: REP. BRAINARD MADE A SUBSTITUTE MOTION TO TABLE THE BILL. Motion carried 12-6 with REPS. DENNY, GALVIN, HAGENER, HEAVY RUNNER, KITZENBERG, and SQUIRES voting no.

ADJOURNMENT

Adjournment: 11:30 A.M.



RICHARD SIMPKINS, Chairman



CHRISTEN VINCENT, Secretary

RS/cdv

COMMITTEE FILE COPY

TABLED BILL

The HOUSE STATE ADMINISTRATION COMMITTEE TABLED SB 279, by motion, on
THURSDAY, March 2, 1995.

C. Vincent
(For the Committee)

mm
(For the Chief Clerk)

1:00
(Time)

3/2
(Date)

March 2, 1995 -- 12:51pm

Christen Vincent, Secretary

Phone: 4879

Dick
You heard my
proty for 3-2-95
Yes on 284
Vote with you on all
other
William Redden Jr.



HOUSE STANDING COMMITTEE REPORT

March 2, 1995

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that Senate Bill 148 (third reading copy -- blue) be concurred in.

Signed: *Dick Simpkins*
Dick Simpkins, Chair

Carried by: Rep. Simpkins

Committee Vote:
Yes 16, No 0.

491129SC.Hdh



HOUSE STANDING COMMITTEE REPORT

March 2, 1995

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that Senate Bill 202 (third reading copy -- blue) be concurred in.

Signed: *Dick Simpkins*
Dick Simpkins, Chair

Carried by: Rep. Cobb

Committee Vote:
Yes 7, No 1.

491137SC.Hdh



HOUSE STANDING COMMITTEE REPORT

March 2, 1995

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that Senate Bill 105 (third reading copy -- blue) be concurred in as amended.

Signed: *Dick Simpkins*
Dick Simpkins, Chair

And, that such amendments read:

Carried by: Rep. Brainard

1. Title, line 5.
Strike: "ONE-HALF"
Insert: "A MAJORITY"

2. Page 2, line 20.
Strike: "ONE-HALF"
Insert: "a majority"

3. Page 4.
Following: line 3
Insert:

"NEW SECTION. Section 3. Coordination instruction. If Senate Bill No. 398 is passed and approved and if it amends 2-4-306 in a manner that strikes references to the administrative code committee and inserts references to the legislative council, then references to the administrative code committee in [section 1(8) of this act], amending 2-4-305, and [section 2(3) and (4) of this act], amending 2-4-306, must be changed to references to the legislative council."

Renumber: subsequent section

-END-

Committee Vote:
Yes 10, No 8.

491130SC.Hdh



HOUSE STANDING COMMITTEE REPORT

March 2, 1995

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that Senate Bill 220 (third reading copy -- blue) be concurred in as amended.

Signed: *Dick Simpkins*
Dick Simpkins, Chair

And, that such amendments read:

Carried by: Rep. Hagener

1. Page 6.

Following: line 13

Insert:

"NEW SECTION. Section 12. Coordination instruction. If Senate Bill No. 249 is passed and approved and if it includes a section amending 3-2-402 in a manner that eliminates the reference to the clerk of the supreme court and replaces the reference with a reference to the supreme court administrator, then the reference to the clerk of the supreme court in [section 3(2) of this act], amending 3-2-402, must be changed to refer to the supreme court administrator."

-END-

Committee Vote:

Yes 18, No 0.

491134SC.Hdh



HOUSE STANDING COMMITTEE REPORT

March 2, 1995

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that Senate Bill 284 (third reading copy -- blue) be concurred in.

Signed: *Dick Simpkins*
Dick Simpkins, Chair

Carried by: Rep. M. Hanson

Committee Vote:
Yes 18, No 0.

491127SC.Hdh

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

State Administration

DATE March 2, 1995 BILL NO. SB NUMBER 148

MOTION: Rep. Denny moved Do Concur.

Simpkins

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 <u>By Proxy</u>	✓	
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner	✓	
Rep. Sam Kitzenberg	✓	
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein <u>By Proxy</u>	✓	
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	

HOUSE OF REPRESENTATIVES

Table

ROLL CALL VOTE

State Administration

DATE 3-2-95 BILL NO. SB NUMBER 279

MOTION: Rep. Brainard made a substitute motion to table the bill.

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority		✓
Rep. Dore Schwinden, Vice Chairman, Minority	✓	AYE
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 3-2-95 BILL NO. SB NUMBER 220

MOTION: Rep. Squires moved DO Concur as amended.

Hagener

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 <i>Proxy</i>	✓	
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner	✓	
Rep. Sam Kitzenberg	✓	
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein <i>Proxy</i>	✓	✓
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

State Administration

DATE 3-2-95 BILL NO. SB NUMBER 200

MOTION: amendment moved by Rep. SQUIRES

Spoedash

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 <i>By Proxy</i>	✓	
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner	✓	
Rep. Sam Kitzenberg	✓	
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein <i>By Proxy</i>	✓	
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

State Administration

DATE 3-2-95 BILL NO. SB NUMBER 202

MOTION: Rep. Squinone On Consent

COBB

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 <u>Proxy</u>	✓	
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner	✓	
Rep. Sam Kitzenberg	✓	
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein <u>Proxy</u>	✓	✓
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

State Administration

DATE March 2, 1995 BILL NO. SB NUMBER 105

MOTION: Rep. Hayne moved to Concur as amended.

Brainard

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 <i>By Proxy</i>	✓	✓
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner		✓
Rep. Sam Kitzenberg		✓
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo		✓
Rep. Bill Rehbein <i>By Proxy</i>	✓	✓
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires		✓
Rep. Lila Taylor	✓	
Rep. Joe Tropila		✓

Sb010569.a
Sb010601.aS

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

State Administration

DATE March 2, 1995 BILL NO. SB NUMBER 105

MOTION: Rep. Simpkins moved the amendment.

Sb010501.ash

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 By Proxy	✓	
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner	✓	
Rep. Sam Kitzenberg	✓	
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein By Proxy	✓	
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

State Administration

DATE March 2, 1995 BILL NO. SB NUMBER 105

MOTION: Rep. Squires moved the amendment

SB010502.95h

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 By Proxy	✓	
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner	✓	
Rep. Sam Kitzenberg	✓	
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein By Proxy	✓	
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

State Administration

DATE 3-2-95 BILL NO. SB NUMBER 284

MOTION: Rep. Tropila moved the bill Do concur

Rep. Hurdon

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority Proxy	✓	
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 <u>By Proxy</u>	✓	
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

State Admin. COMMITTEE DATE 3-2-85
BILL NO. SB 220 SPONSOR(S) Bartlett

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Gary Spacht	State Bar	X	

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