#### MINUTES

# MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON STATE ADMINISTRATION

Call to Order: By CHAIRMAN RICHARD SIMPKINS, on March 21, 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: NONE

Executive Action: SB 249, SB 301, SB 345, SB 234

#### EXECUTIVE ACTION ON SB 234

Motion: REP. MATT DENNY MOVED THAT SB 234 DO CONCUR.

Motion: REP. DENNY MOVED THE AMENDMENT.

#### Discussion:

**REP. DENNY** pointed out the analysis of the amendment found on the other side of the proposed amendments.

Sheri Heffelfinger stated the amendments would change the bill as it was originally drafted and it moves occupational health and Employee and Community Hazardous Chemical Information Act to the new Department of Environmental Quality. They would be responsible for permitted inspection of work place and limitation of harmful admission in the work place as well as enforcement of the occupational health standards. The second part of the amendments place occupational safety into the Department of Environmental Quality. The third part of the amendments would strip the Senate amendments that were placed on the bill to provide air quality and nuclear regulation and aquatic ecosystems would be moved to the Department of Public Health. With these amendments they would go to the Department of Environmental Quality.

REP. SQUIRES asked if everything except for licensing would be in the new Department of Environmental Quality.

Ms. Heffelfinger stated that was correct. She believed everything else would stay in Commerce.

REP. GALVIN asked if the FTE's were set in stone or with these amendments the FTE's would move as well.

Ms. Heffelfinger stated as the function moves, the FTE's go with it.

REP. TROPILA asked if the public drinking water program would be moved into the new Department of Environmental Quality.

Ms. Heffelfinger stated they would be moved to the Department of Environmental Quality.

REP. TROPILA stated he was very much against having that moved.

**REP. SCHWINDEN** asked if the county officials would not have to contact two agencies if this amendment were to go through.

Mr. Simonich stated it would depend on what they were working on. He stated this is to coordinate all of the divisions into one department.

REP. DENNY asked if there would be a set of labs that would be duplicated.

Mr. Simonich stated this amendment doesn't speak to these labs. He didn't see any reason for them to split the labs, create new labs, or move labs.

CHAIRMAN SIMPKINS asked if he was correct in stating the counties, in most cases, would have to deal with two or more departments no matter how they moved things around in the reorganization.

Mr. Simonich stated that was correct.

CHAIRMAN SIMPKINS stated it would be best for them to be as well coordinated as possible for the counties. He asked if there had been any thought put into a local government group in the state organizations.

Mr. Simonich didn't think there was any discussion about that. What they were trying to look at was how they could combine the agencies with the most efficiency.

Glenn Marks stated one of the things they could do is make sure these agencies are user friendly and they respond to public needs.

REP. TROPILA stated water quality is one of the biggest problems they have in this state. He asked if the 6 FTE's would be in the Department of Environmental Quality.

Mr. Simonich stated public water supply has to do with maintaining good clean water supply. If they were to keep those FTE's they would build on the best function in the Department so they would be able to ensure water quality for the public. This is to maintain as much of the expertise together as possible so there is enough support for the system.

REP. TROPILA asked if they would still be concerned with water safety.

Mr. Simonich stated that would be correct. Their concerns would be with the water quality.

REP. SCHWINDEN stated REP. DENNY had brought attention to a problem with a big bill. Are they trying to create an agency that is functional that all the intention is to make it a streamlined bureaucracy, or are they trying to make it so the users of that agency have clear lines for getting the things they need out of government. In this small area he believed they have a direct line to get their issues solved. If they were to adopt this amendment, he didn't think it would be nearly as simple for them to do this.

REP. TROPILA stated the way he saw it was there are 363 pages in the bill. What they are dealing with is 4 pages. He stated they should forget the amendment and pass the bill.

CHAIRMAN SIMPKINS stated the way he listened to the arguments he would rather have one secretary than two. The way he saw it was that the six people were still going to be concerned with the

public safety and water supply within a division. He didn't see anything in the amendment where they would lose any integrity to the water. The testing is still going on at the county level.

REP. STOVALL believed there were a lot of people who had worked on this and given it a lot of thought. He thought they should put the amendments on the bill.

REP. DENNY stated the bill was brought to the Senate with the water in one place. He believed that if that turned out to be a problem, the department heads and the Governor would be able to address that. He didn't think this is something that couldn't be addressed at a later date if it turned out to be a problem.

<u>Vote</u>: Motion passed 10-7 with REPS. SCHWINDEN, GALVIN, HAGENER, HEAVY RUNNER, KITZENBERG, SQUIRES, AND TROPILA voting no and REP. REHBEIN abstaining.

Motion: REP. SCHWINDEN MOVED THE AMENDMENT.

#### Discussion:

Ms. Heffelfinger stated this amendment would restore the Board of Natural Resource and Conservation as the Board of Natural Resource Management but only for limited functions.

REP. SCHWINDEN stated when they heard the testimony on the bill and talked about the Board of Natural Resources and Conservation there were comments made that a large function of the board was to "rubber stamp" the bond issues. He wasn't sure the Governor was willing to let this decision-making process be turned over to the department heads. This is something they need to keep in the bill. It doesn't cost anything and it is good function.

CHAIRMAN SIMPKINS stated there would be no one in charge of this function to replace the board. They are replacing the board and the duties of the board would have to be picked up by someone else if they were to do away with the board.

REP. SCHWINDEN stated in the bill as it is drafted the department director assumes the total responsibility for the board in all areas. Under his amendment the director would assume all those functions except for the decisions for water reservations.

CHAIRMAN SIMPKINS asked if the water judge would be involved in the process.

Mr. Simonich stated the Water Board is the ultimate decision maker in that case. The Department of Natural Resources which works hand in hand with the Water Board doing field work, verifying claims, collecting claims, and maintaining central records. The board itself is not involved in the adjudication system.

- REP. SCHWINDEN stated he intended to support the bill whether the amendment went on the bill or not. He disagreed that the reservation process is over. He thought it would be better for the Governor and the people involved to address their concerns with a board instead of a director of the department.
- REP. DENNY asked if they could ask the Governor's representative about the advantages to this amendment for the Governor.
- Mr. Marks stated when they started this bill there were some questions on whether or not the board of Natural Resources should be left in the bill. They discussed that at length. They decided they would take the board out and see what would happen. Nothing about this came up in the Senate hearings on the bill. They think the public has opened their minds to giving this authority to the director. Most people have come to the conclusion that it is not good public policy for them to have to wait two or three months for things to come up in the meetings with the board.

<u>Vote</u>: Motion failed on a tie vote with REPS. DENNY, BRAINARD, GREEN, HAYNE, MASOLO, REHBEIN, SMITH (by proxy), STOVALL, and SIMPKINS voting no.

Motion/Vote: REP. STOVALL MOVED THAT SB 234 DO CONCUR AS AMENDED. Motion carried 17-1 with REP. SCHWINDEN voting no.

#### EXECUTIVE ACTION ON SB 345

Motion: REP. REHBEIN MOVED THAT SB 345 DO CONCUR. REP. HEAVY RUNNER MOVED THE AMENDMENT.

#### Discussion:

- **REP. REHBEIN** asked the committee to reject the amendment. He stated the amendment keeps a status quo on the system.
- Ms. Heffelfinger stated these amendments would move the juvenile corrections back into the Department of Public Health and Human Services. Currently under the drafting of the bill it is under the Department of Corrections.
- REP. REHBEIN thought it was important that they see a unity in the correctional institutions in Montana and that youth be involved in the same program as the adults. This would allow better tracking of problem people and areas. It would help to gather better statistics on how they need to come up with solutions for the youth in our society. He believed by not including them in the Department of Corrections, they are only doing half the job. He understood what they were trying to do with the amendment, but he thought they would be better served if they were included in the adults' correction system as well.

REP. GREEN saw the amendment as being a device that would require a lot of effort on the part of the departments. He thought they needed to focus more on deterrence than on punishment.

REP. STOVALL asked if the juvenile offenders would be treated any differently because of their age.

Mr. Boulke stated not in so far as the intent of providing the services. It difficult to balance these things.

REP. STOVALL asked what would happen if they were to reject the amendment.

Mr. Boulke stated they would be segregated from the adults.

REP. STOVALL asked if this bill would simply put the administrative part of it in with the administrative part of the adult corrections.

Mr. Boulke stated that was correct. He stated it was not their intent to place individuals into a facility which is inappropriate.

REP. REHBEIN stated if the amendment isn't adopted they will be able to address this in two years. He didn't think the juvenile system would be eroded without this amendment.

CHAIRMAN SIMPKINS stated they aren't dealing with juveniles in general with this bill and amendments they are dealing with juvenile corrections. For them to be in that system there must have been some kind of crime committed. His constituents say they want harder restrictions on juvenile crime. They need to look at moving juvenile correction programs and not the juvenile programs.

<u>Vote</u>: Motion failed 7-11 with REPS. SCHWINDEN, GALVIN, HEAVY RUNNER, KITZENBERG, HAGENER, SQUIRES (by proxy), AND TROPILA voting yes.

<u>Vote</u>: Motion carried 17-1 with REP. SCHWINDEN voting no.

#### EXECUTIVE ACTION ON SB 301

Motion: REP. TROPILA MOVED THAT SB 301 DO CONCUR.

#### Discussion:

Ms. Heffelfinger stated this bill submits to the qualified electors of Montana at the general election in November a constitutional amendment. This amendment says the state shall not assign any new, expanded or modified programs or

responsibilities to a political subdivision. The amendments handed out were changing some of the language in the bill.

REP. SCHWINDEN stated when the committee had heard the bill, there had been some uncertainties that could result in implementing the bill. He asked how they would insure that local governments carry out a uniform criminal procedure that is a mandate of the state so that people are treated equally.

Lori Eckenger stated they had talked to the state of New Hampshire. They hadn't had any problem with criminal codes being applied.

**REP. BRAINARD** stated one of the things they needed to keep in mind is the state in relationship to the local governments is not the same as the relationship to the federal government. They need to be careful with what they concern as mandates.

Motion/Vote: REP. BRAINARD MOVED THE AMENDMENT. Motion carried 17-1 with REP. HEAVY RUNNER voting no and REPS. KITZENBERG, SMITH, and SQUIRES voting by proxy.

Motion/Vote: REP. TROPILA MOVED THAT SB 301 DO CONCUR AS AMENDED. Motion failed 8-10 with REPS. SIMPKINS, GREEN, HAGENER, HAYNE, REHBEIN, SMITH, STOVALL, and TAYLOR voting yes and REPS. KITZENBERG, SMITH, AND SQUIRES voting by proxy.

Motion/Vote: REP. SCHWINDEN MOVED TO TABLE SB 301. Motion carried 10-8 with REPS. SIMPKINS, BRAINARD, HAYNE, MARTINEZ, REHBEIN, SMITH, STOVALL, and TAYLOR voting no and REPS. KITZENBERG, SMITH, and SQUIRES voting by proxy.

#### EXECUTIVE ACTION ON SB 249

Motion: REP. REHBEIN MOVED THAT SB 249 DO CONCUR.

#### Discussion:

Ms. Heffelfinger gave a synopsis of the bill.

Motion: REP. REHBEIN MOVED TO AMEND THE BILL AND PUT THE SENATE AMENDMENTS BACK IN THE BILL.

#### Discussion:

REP. DENNY stated he could not support the amendment.

REP. SCHWINDEN stated he would have to resist the amendment as well.

REP. REHBEIN stated without the amendment there would be no cost savings for the bill and no point.

Motion/Vote: REP. REHBEIN MADE A SUBSTITUTE MOTION TO TABLE THE BILL. Motion carried 11-7 with REPS. SIMPKINS, DENNY, GREEN, REHBEIN, SMITH, STOVALL, AND TAYLOR voting yes and REP. KITZENBERG voting by proxy.

# HOUSE STATE ADMINISTRATION COMMITTEE March 21, 1995 Page 9 of 9

### **ADJOURNMENT**

Adjournment: 10:45 A.M.

MAN SIMPLENS RICHARD SIMPLINS, Chairman

CHRISTEN VINCENT, Secretary

RS/cdv



### HOUSE STANDING COMMITTEE REPORT

March 21, 1995

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that Senate Bill 345 (third reading copy -- blue) be concurred in.

Signed

Dick Simpkins, Chair

Carried by: Rep. Grimes



### HOUSE STANDING COMMITTEE REPORT

March 21, 1995

Page 1 of 2

Mr. Speaker: We, the committee on State Administration report that Senate Bill 234 (third reading copy -- blue) be concurred in as amended.

Dick Sympkins, Chair

Carried by: Rep. Denny

#### And, that such amendments read:

1. Page 95, line 22.

Strike: "public health"

Insert: "environmental review"

2. Page 95, line 22.

Strike: "2-15-2104" Insert: "[section 23]"

3. Page 95, line 23. Page 96, lines 12, 14, 20, and 33.

Strike: "public health"

Insert: "environmental quality"

4. Page 95, lines 23 and 24.

Strike: "Title 2, chapter 15, part 21" Insert: "[section 22]"

5. Page 119, lines 20 and 34.

Page 121, lines 5 and 15. Page 130, line 15.

Strike: "PUBLIC HEALTH"

Insert: "environmental quality"

6. Page 119, line 21.

Page 130, line 16. Strike: "2-15-2101" Insert: "[section 22]"

7. Page 120, line 33. Page 130, line 9.

Strike: "PUBLIC HEALTH"

Insert: "environmental review"

8. Page 130, line 10. Strike: "2-15-2104" Insert: "[section 23]"

-END-

### Amendments to Senate Bill No. 234 Third Reading Copy

Requested by Rep. Matt Denny For the Committee on House State Administration

> Prepared by Sheri S. Heffelfinger March 17, 1995

1. Page 95, line 22.

Strike: "public health"

Insert: "environmental review"

2. Page 95, line 22. Strike: "2-15-2104"

Insert: "[section 23]"

3. Page 95, line 23.

Page 96, lines 12, 14, 20, and 33. Strike: "public health"

Insert: "environmental quality"

4. Page 95, lines 23 and 24.

Strike: "Title 2, chapter 15, part 21"

Insert: "[section 22]"

5. Page 119, lines 20 and 34.

Page 121, lines 5 and 15. Page 130, line 15.

Strike: "PUBLIC HEALTH"

Insert: "environmental quality"

6. Page 119, line 21.

Page 130, line 16.

Strike: "2-15-2101"

Insert: "[section 22]"

7. Page 120, line 33.

Page 130, line 9.

Strike: "PUBLIC HEALTH"

Insert: "environmental review"

8. Page 130, line 10.

Strike: "2-15-2104"

Insert: "[section 23]"

# **ROLL CALL VOTE**

DATE Much 01, 1985 BILL NO. 5B	NUMBER <u>0</u> 34
MOTION: Rep Denny Mouse the	tuembrane

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	·	
Rep. Matt Denny, Vice Chairman, Majority	<b>V</b>	
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	r	
Rep. Gay Ann Masolo	. /	
Rep. Bill Rehbein		
Rep. Susan Smith	<u> </u>	
Rep. Jay Stovall	V	
Rep. Carolyn Squires	,	
Rep. Lila Taylor	نسن ا	
Rep. Joe Tropila		

### **ROLL CALL VOTE**

### State Administration

DATE Malchol, 1995 BILL NO. SB NUMBER 384

MOTION:
Pep Schwinden moved the amendment

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

# **ROLL CALL VOTE**

DATE MOLCH 21	_ BILL NO. 5B	NUMBER <u>83</u>	<u> </u>
MOTION: Pop Stovall	moved Do	Concura	samendo

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	~	
Rep. Matt Denny, Vice Chairman, Majority	~	
Rep. Dore Schwinden, Vice Chairman, Minority		~
Rep. Matt Brainard	٠	
Rep. Pat Galvin	V	
Rep. Dick Green	~	
Rep. Toni Hagener	<i>i</i>	
Rep. Harriet Hayne	:/	
Rep. George Heavy Runner	-	
Rep. Sam Kitzenberg		
Rep. Bonnie Martinez	i	
Rep. Gay Ann Masolo	· v	
Rep. Bill Rehbein	i	
Rep. Susan Smith		
Rep. Jay Stovall	V	
Rep. Carolyn Squires	·	
Rep. Lila Taylor		
Rep. Joe Tropila		

# **ROLL CALL VOTE**

DATE MONON DI BILL NO. SB NUMBER 345	
ROP. Honey Runner moved the amendment	

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

# **ROLL CALL VOTE**

DATE MARADI	BILL NO. SB NUMBER 345
MOTION: Rehblir	moved Do Concus

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	~	
Rep. Matt Denny, Vice Chairman, Majority	V	
Rep. Dore Schwinden, Vice Chairman, Minority		V
Rep. Matt Brainard	L	
Rep. Pat Galvin	v	
Rep. Dick Green		
Rep. Toni Hagener	v	
Rep. Harriet Hayne	V	
Rep. George Heavy Runner	~	
Rep. Sam Kitzenberg PMX11	r	•
Rep. Bonnie Martinez	V_	
Rep. Gay Ann Masolo	· 200	
Rep. Bill Rehbein	iv_	
Rep. Susan Smith	. 2	
Rep. Jay Stovall	·	
Rep. Carolyn Squires	- L	
Rep. Lila Taylor		
Rep. Joe Tropila	V	

# ROLL CALL VOTE

DATE MONCH &	1,1995 BILL NO. 5B	NUMBER <u>301</u>
	_	the amendments.

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

### **ROLL CALL VOTE**

DATE March 21, 1995 B	ill no. <u>S</u> P	NUMBER_	801
MOTION: Lip. Trapila	moued	do concur	abamendor.

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	V	
Rep. George Heavy Runner		-
Rep. Sam Kitzenberg By Proxy		سر ا
Rep. Bonnie Martinez		<u> </u>
Rep. Gay Ann Masolo	·	ر ر
Rep. Bill Rehbein		
Rep. Susan Smith By Proxy		ì
Rep. Jay Stovall		
Rep. Carolyn Squires By Proxy		-
Rep. Lila Taylor		
Rep. Joe Tropila		·~

### **ROLL CALL VOTE**

DATE March 21, 1995 BILL NO. 58 NUMBER 301	
MOTION: lep. Schwinden moved to table.	

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

# **ROLL CALL VOTE**

DATE MONCH 81, 1	995 BILL NO. <u>58</u>	NUMBER <u>849</u>
MOTION: P.D. P	ehbin moved	d to table.

NAME	AYE	NO
Rep. Dick Simpkin, Chairman		V
Rep. Matt Denny, Vice Chairman, Majority		~
Rep. Dore Schwinden, Vice Chairman, Minority	V	
Rep. Matt Brainard	\ \rac{1}{2}	
Rep. Pat Galvin	~	
Rep. Dick Green		~
Rep. Toni Hagener	~	
Rep. Harriet Hayne		
Rep. George Heavy Runner	V	
Rep. Sam Kitzenberg Ry Proxy	V	•
Rep. Bonnie Martinez	\ \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	
Rep. Gay Ann Masolo	. ~	·
Rep. Bill Rehbein		- '
Rep. Susan Smith		~ ·
Rep. Jay Stovall	um	V
Rep. Carolyn Squires	V	
Rep. Lila Taylor		. س
Rep. Joe Tropila		·