

## MINUTES

### MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON STATE ADMINISTRATION

Call to Order: By VICE CHAIRMAN KEN MESAROS in the absence of  
CHAIRMAN DON HARGROVE, on January 29, 1997, at 10:03 a.m.,  
in Room 331.

#### ROLL CALL

**Members Present:**

Sen. Don Hargrove, Chairman (R)  
Sen. Kenneth "Ken" Mesaros, Vice Chairman (R)  
Sen. Delwyn Gage (R)  
Sen. Fred Thomas (R)  
Sen. Bill Wilson (D)

**Members Excused:** Sen. Vivian M. Brooke (D)

**Members Absent:** None.

**Staff Present:** David Niss, Legislative Services Division  
Mary Morris, Committee Secretary

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

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 19, HB 72; Posted 1/24/97  
Executive Action: HB 19 BCI, HB 72 BCI, SB 75  
DPAA

#### HEARING ON HB 19

**Sponsor:** REP. ROBERT J. "BOB" PAVLOVICH, HD 37, Butte

**Proponents:** Jim Jacobson, Montana Veterans Affairs Division  
Joe Brand, Veterans of Foreign Wars  
Hal Manson, American Legion  
REP. JOE QUILICI, HD 36, Butte

**Opponents:** None

**Opening Statement by Sponsor:**

REP. ROBERT J. "BOB" PAVLOVICH, HD 37, Butte, said HB 19 was  
requested by the Joint Interim Subcommittee on Veterans' Needs, a  
Committee which was started four sessions ago. He said the  
Committee traveled to Glendive to study veterans' needs and

proposed a new cemetery in eastern Montana. **REP. PAVLOVICH** said the cigarette tax would ensure taking care of the needs.

**Proponents' Testimony:**

**Roger Hagan, Officer and Enlisted Associations of the Montana National Guard**, submitted testimony via **REP. PAVLOVICH** because he could not attend in person. (**EXHIBIT 1**)

**Jim Jacobson, Montana Veteran Affairs Division**, said there were 95,400 veterans in Montana with about 160,000 dependents. He said he had eight offices across Montana who were responsible for providing services for the veterans as well as the state veterans' cemetery. **Mr. Jacobson** said he supported HB 19 to continue the Joint Committee to study the needs of veterans, explaining in 1993 the Committee looked at both nursing homes as well as the housing situation, with particular emphasis on the homeless veterans. It resulted in legislation for the provision of burial headstones. He said at that time the Health Care Authority was doing a study on health benefits, including those of veterans, and the Committee kept abreast of the benefits and health matters through the federal VA. He said the 1995 Joint Committee continued to look at the various changes pertaining to veterans' benefits and health care at the federal level. He said the Committee visited the Miles City VA Hospital enroute to their Glendive visit, which was a good exposure to their legislative body. **Mr. Jacobson** reported his interest was the proposed new eastern Montana cemetery, and several bills covered the site selection and construction, using matching funds from the federal VA as well as license plate sales. He asked for the Committee's support for the continuance of the Joint Interim Subcommittee on Veterans' Needs to study the needs and to be aware of any changes at the federal level.

**Joe Brand, Veterans of Foreign Wars (VFW)**, said there were 96 posts across Montana with about 11,300 members. He said they supported HB 19 because federal laws changed during the legislative interim and the Joint Committee could revise the federal programs regarding veterans' homes and other facilities in Montana during that time. Then when the state legislature met again, the Committee could present the changes and their effects. He mentioned VFW nationally had embarked on a new program, the homeless veterans in the United States; therefore, they were trying to get needs assessment data on homeless veterans in Montana. He said homeless veterans were in the veterans homes in Columbia Falls and Glendive as well as in private care centers; VFW wanted to keep tabs on the care of the 11% who were in the private care centers. He urged support for HB 19.

**Hal Manson, American Legion**, said they were interested in the continuation of the Joint Subcommittee because it was a good avenue for the veterans' organizations and their members to get problems before the legislature. He said previously the veterans had come in cold and had to find sponsors for bills, which

sometimes posed a problem in that it was hard to get people educated on what the problems were. **Mr. Manson** said the Joint Subcommittee had a good knowledge of what the veterans' problems were, which made it easier for both the legislature and the veterans. He recommended the continuation of the Subcommittee.

**REP. JOE QUILICI, HD 36, Butte**, said he was a strong proponent of HB 19.

Opponents' Testimony: None.

{Tape: 1; Side: A; Approx. Time Count: 10:11 p.m.}

Questions From Committee Members and Responses:

**SEN. DELWYN GAGE** asked if any thought had been given to making the Subcommittee permanent. **REP. PAVLOVICH** said they hadn't; the money was appropriated from the cigarette tax, not the General Fund. He said they came back every session to get the money for the next interim; however, they felt after the next one they might have their problems solved, which might mean the ending of the Subcommittee.

**SEN. GAGE** referred to the idea which had been circulated some time ago about promoting an Arlington Cemetery West in Montana and wondered what happened. **Jim Jacobson** said he was not aware of that idea; however, he knew the federal government constructed VA cemeteries around the nation. Their programs were strapped financially, and the priority list usually went to the larger metropolitan areas; however, VA had a state cemetery grant program which was 50% funded by the federal VA. He said they wanted to build more cemeteries across Montana.

Closing by Sponsor:

**REP. ROBERT J. "BOB" PAVLOVICH** said the cigarette tax provided \$10,000 for the Committee but this past interim they used only \$6,000 for three meetings; they would probably meet only three times this interim also. Whatever money was not used went back into the Fund.

He said **SEN. BILL WILSON** and **SEN. DON HARGROVE** were both on the Committee and either of them could carry the bill; if they chose not to, he would ask **SEN. JOHN "J. D." LYNCH**.

HEARING ON HB 72

Sponsor: **REP. JOE QUILICI, HD 36, Butte**

Proponents: **REP. ROBERT J. "BOB" PAVLOVICH, HD 37, Butte**  
**Jack Whelan, Korean Veteran**  
**SEN. DELWYN GAGE, SD 43, Cut Bank**

Opponents: None

Opening Statement by Sponsor:

REP. JOE QUILICI, HD 36, Butte, said HB 72 was an act designating the Korean Veterans' Memorial in Stodden Park, Butte, as the state Korean Veterans' Memorial. He referred to (EXHIBIT 2) and said in 1988 a group of Korean veterans got together to build a Korean war memorial in Butte, the first of its kind in Montana. He said the architect was a veteran who designed the memorial to be 24 feet long and 17 feet high; one of the unique things about the memorial was the word "Korea" in the center was made up of six-inch stones unique to each county in Montana. He stressed the monument was not a Butte but a state tribute to which all counties contributed to ensure a Montana memorial for the Korean veterans. REP. QUILICI said future plans were to get the names of those who died in Korea and put them on the memorial; however, they currently didn't have the funds to do that. He said the committee had raised \$23,000 to erect the memorial and many volunteers had given of their time.

Proponents' Testimony:

Jack Whelan, Korean Veteran, said he had worked with the Committee since its inception and with the counties to collect the stones to spell "Korea." He urged the passage of HB 72.

SEN. DELWYN GAGE said he was part of the Marine Reserve Unit from Shelby who got called to the Korean Conflict, and eight or ten of the Marines didn't return. He said he supported HB 72 because it was a fine tribute to those who didn't return as well as to their families.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

REP. BILL WILSON asked how much more money was needed. REP. QUILICI said he wasn't sure but he was sure the Committee would want the names to be put on there in a first-class way, and names from all over Montana would be included.

SEN. DON HARGROVE asked for explanation of the use of the cigarette tax and from where it came. REP. QUILICI said it was implemented and used for veterans' homes, etc. The reason veterans get some of the cigarette tax was because at the time many veterans were smoking. SEN. HARGROVE asked if it was safe to say the tax was earmarked for veterans' needs and REP. QUILICI affirmed.

Closing by Sponsor:

REP. JOE QUILICI said his brother, who was 17 at the time, was with the First Marine Corp in Guadalcanal during World War II and when he returned he wanted to stay in the Marine Corp who sent him to Shelby, Montana. He was part of the Marine Reserve and

his unit was activated during the Korean Conflict so he went; however, he was one who returned.

VICE CHAIRMAN KEN MESAROS relinquished the chair to SEN. DON HARGROVE who had returned.

{Tape: 1; Side: A; Approx. Time Count: 10:25 a.m.}

EXECUTIVE ACTION ON SB 75

Amendments: David Niss explained Amendments sb007502.adn (EXHIBIT 3).

Motion: SEN. FRED THOMAS MOVED DO PASS ON AMENDMENTS sb007502.adn.

Discussion: SEN. THOMAS said the counsel said "A bill introduced in one session may not be carried over to any other session of that legislature" wasn't necessary; however, he felt it stated the issue emphatically. The next thing he wanted to discuss was the bill introduced was an annual session bill, i.e. each year would be a general session of the legislature, though the budget would be on a biennial basis. The amendment changed that to be budget sessions in odd years and general sessions in the even years. It also made provision to adopt rules to bring something into the other session; for example, a matter dealing with bison during the budget session or an appropriation matter during the general session. He said the amendments were with SEN. MIKE SPRAGUE'S concurrence.

SEN. DELWYN GAGE asked about the specificity of a bill as it related to being introduced in one session but not carried over to the next session. He also wondered about special sessions. SEN. THOMAS said "a bill introduced in one session" meant a specific bill in that session and may not be carried over to any other session of the legislature, whether it be special or regular. In other words, if a bill died in one session, it could not be plucked and reenacted in the next session; however, the same idea could be introduced the next session. He explained it another way: "a bill" was literal.

SEN. HARGROVE asked if there was a reason for the odd years to deal with budget; he wondered if it could be reversed to even years. SEN. THOMAS said it could be; however, past discussions had indicated having general sessions the second year of the biennium gave further time for drafting the legislation.

SEN. HARGROVE commented revenue and taxation questions were at the forefront of peoples' minds but weren't emotional; however, buffalo, spanking, etc., were items which could be used as campaign issues. He suggested [garbled] could be anti-incumbent and with term limits lowering the level of expertise, the idea should be reconsidered.

SEN. BILL WILSON said he would rather have a lengthier time to investigate budget matters, elections and complicated tax issues. He thought it was easier to "hit the ground running" after an election.

SEN. GAGE said everyone would be serving on Finance & Claims and Appropriations; therefore, there would be more subcommittees which would mean it could be finished more quickly. He also agreed with SEN. HARGROVE the Governor would have been in office a year which would mean he could have the budget put together. SEN. GAGE suggested changing the language in SEN. THOMAS' amendments to "not passed or acted upon", or something of that nature.

SEN. THOMAS responded it did say "carried over."

SEN. GAGE commented he questioned it because he had conversations with Greg Petesch regarding language and he said one of the first principles in interpreting constitutional law was plain language, i.e. if that's what it says, that's what it means.

Vote: Motion DO PASS ON AMENDMENT sb007502.adn CARRIED 4-2, with SEN. KEN MESAROS AND SEN. VIVIAN BROOKE VOTING NO.

Discussion: SEN. FRED THOMAS said the ballot language (for and against) which was proposed prior more properly reflected what was voted on than the language at this point.

Motion/Vote: SEN. FRED THOMAS MOVED DO PASS ON #5 OF AMENDMENT sb007503.adn (EXHIBIT 4). Motion CARRIED UNANIMOUSLY.

*{Tape: 1; Side: B; Approx. Time Count: 10:43 a.m.}*

SEN. THOMAS said SB 75 was originally introduced as an annual sessions bill, which was different as it was now in its current form.

Motion: SEN. FRED THOMAS MOVED DO PASS ON #1 AND #2 OF AMENDMENTS sb007503.adn (EXHIBIT 4).

Discussion: SEN. KEN MESAROS said the title indicated a specific 45 days while the body of the bill said "not more than 45 days", and asked if it needed to be addressed. SEN. HARGROVE said he didn't think the language was inconsistent because it would provide for the possibility. SEN. THOMAS current law said the legislature must not meet more than 90 days; it didn't say it had to meet 90 days. Therefore, the language was consistent with current law.

Vote: Motion DO PASS ON #1 AND #2 OF AMENDMENTS sb007503.adn CARRIED UNANIMOUSLY.

Motion: SEN. FRED THOMAS MOVED DO PASS ON SB 75 AS AMENDED.

**Discussion:** SEN. DELWYN GAGE said he assumed it would not preclude the odd numbered year from addressing budget items which might come up. SEN. THOMAS said it would not, except it would be outside the call (session); therefore, the procedure would be to revert to the rules the legislature had adopted which would allow the introduction of a budget or tax measure

SEN. MESAROS said #2 of Amendments sb007502.adn wasn't in the body of the bill and he heard some question of the language, "carried over"; that was why he voted NO. He wondered if the Committee felt that question needed to be answered.

SEN. THOMAS said the key word was "introduced" and wondered if it should be changed to "heard" or "introduced and heard"; however, he thought it was the same language as was used before. SEN. THOMAS gave an example by saying if a bill was drafted for the general session right now, it would probably indicate it was to be introduced during the next year's session; however, if the bill was introduced this session, it could not carry over to the next session.

SEN. GAGE referred to #2 of Amendments sb007502.adn and said he interpreted it as "according to the Constitution, this is the way it's going to be; however, if you don't like it, adopt rules that disregard it." SEN. THOMAS said the other way would be to add a rule which gave the threshold of a super majority. He said they discussed it and he favored the more rigid rule since he didn't want annual sessions because he didn't think 45 days was enough; however, if the budget was one year and the general the next, there would be a better plan of attack. He said the rules could currently be changed, but it took the leadership of both Houses, both parties and the Governor; therefore, it was almost impossible to accomplish. He felt the rule was strong enough because of the parameters stated.

SEN. GAGE said he didn't particularly oppose #2 because it would take joint rules; however, it did leave an opening for something unforeseen.

SEN. DON HARGROVE said he would oppose the bill for a variety of reasons, one of which was the people seemed to feel it was a step toward annual sessions, something they didn't want; therefore, he felt the bill would not go anywhere. He said Montana had a citizens' legislature and biennial sessions got more public interest and participation, both of which might decline in annual sessions. SEN. HARGROVE said when he gave talks in public, he defended bureaucracy because bureaucrats were ordinary people who tried to do the job given them, and often that attempt made bureaucracy grow. He felt the legislative branch was succumbing to that a bit also, and SB 75 was a step in that direction. He said term limits would make the average time served by the people in this body would be 1.5 sessions, which meant the whole process would change. He suggested SB 75 would be anti-incumbent because legislators would be considering a certain bill while at home his

or her opponent would be campaigning against it; in other words, legislators would barely get home in time to raise money, etc., for the Primary election and consequently next session. Therefore, there would be less of a chance for incumbents to be reelected.

**SEN. BILL WILSON** said he was going to support SB 75 because term limits had created a situation where there would be less experienced people but the focus would be narrowed; therefore, the legislators would not be overloaded.

**SEN. GAGE** said he heard legislators ask why more of them couldn't have a part in the appropriations, and suggested SB 75 would allow that for the budget year while the other year would allow those people to be on other committees.

**SEN. MESAROS** said he had never sat on the Finance & Claims Committee, yet was constantly asked about the status of their bills; therefore, he agreed with **SEN. WILSON'S** comments. He said another concern was being gone for 90 days; therefore, he was going to support SB 75, though he had reservations.

**SEN. WILSON** said those who were involved in Finance & Claims would have the opportunity to get involved in other areas of legislation. He said he felt shut out of the business of Finance & Claims because of his Committee involvement.

**SEN. GAGE** said when he would ask people to run for the legislature, the comment often was, "If I didn't have to be gone for 90 days, I would consider it." Therefore, SB 75 would offer the opportunity to more people to run.

**SEN. HARGROVE** said he supported the concept everyone could be involved in Finance & Claims.

**SEN. THOMAS** said he would support the bill, and wanted to remove the impression SB 75 wouldn't go anywhere and suggested the majority of the people didn't oppose annual sessions; however, they wouldn't want 90-day annual sessions. He referred to the ballot from 1988 and said 49% approved while 51% disapproved of annual sessions, though the polls up to that time gave a 70% passage. That measure had 100 days split between the two years, adding a fiscal note of about \$350,000; therefore, it was felt it didn't pass for that reason. He reiterated his opinion if SB 75 got on the ballot, it would pass.

**Vote:** Motion DO PASS ON SB 75 AS AMENDED CARRIED 4-2 WITH **SEN. DON HARGROVE** AND **SEN. VIVIAN BROOKE** VOTING NO.

#### EXECUTIVE ACTION ON HB 19

**Motion/Vote:** **SEN. KEN MESAROS** MOVED HB 19 BE CONCURRED IN. Motion CARRIED UNANIMOUSLY. **SEN. BILL WILSON** will carry HB 19.



EXECUTIVE ACTION ON HB 72

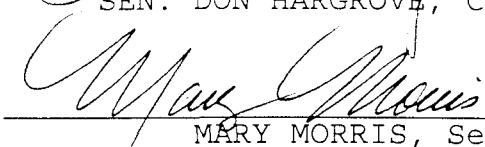
Motion/Vote: SEN. KEN MESAROS MOVED HB 72 BE CONCURRED IN.

Motion CARRIED UNANIMOUSLY. SEN. DELWYN GAGE will carry HB 72.

ADJOURNMENT

Adjournment: The meeting adjourned at 11:10 a.m.

  
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SEN. DON HARGROVE, Chairman

  
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MARY MORRIS, Secretary  
Transcribed by  
JANICE SOFT

DH/MM