

## **MINUTES**

### **MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN HARGROVE**, on March 27, 1997, at 10:00 a.m., in Room 331.

#### **ROLL CALL**

**Members Present:**

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

**Members Excused:** None

**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: None  
Executive Action: HB 394, BCIAA;  
HJR 4, A; HJR 25, A

#### **EXECUTIVE ACTION ON HB 394**

**Amendments:** HB39401.adn (EXHIBIT 1)

**Motion:** SEN. MESAROS moved to reconsider action on HB 394.

**Discussion:**

**CHAIRMAN HARGROVE** stated there was a conflict between HB 394 and the bill presented to the committee by **REP. KITZENBERG**. He said **REP. KITZENBERG'S** bill dealt with the federal and ethnic laws.

**SEN. KEN MESAROS** stated the reason for his motion was due to a tremendous amount of work on the amendments to HB 394. He said anyone who has served in the legislature would notice lobbying

efforts by the state agencies. He felt HB 394 warranted the attention of the committee to differentiate between informational purposes and lobbying efforts to influence legislation. He urged the committee to pass the bill to the Senate floor for their consideration.

Vote: The motion **CARRIED** with **SEN. BROOKE** and **SEN. WILSON** voting **OPPOSED**.

*{Tape: 1; Side: A; Approximate Time: 10:20 a.m.; Comments: None}*

Motion: **SEN. MESAROS** moved to **ADOPT HB039401.adn**

Discussion:

**David Niss** explained the amendments. **Marilyn Wessel, Montana State University**, referred to page 2 lines 13, 14, & 15, and pointed out that "federal" had not been omitted. **Mr. Niss** stated that he would make a correction to reflect the change.

Vote: The motion **CARRIED UNANIMOUSLY**.

Motion: **SEN. MESAROS** moved **HB 394 BE CONCURRED IN AS AMENDED**.

Discussion:

**SEN. VIVIAN BROOKE** did not know how they were going to track what was spent on lobbying by state employees and how they would define what would be informational and what would be considered lobbying. She added that she felt this bill was a result of an effort to defeat a particular bill.

**SEN. MESAROS** stated they could and should differentiate between informational and lobbying by state employees. He further commented that the citizens of Montana should know how many state employee lobbyist there are. **SEN. MESAROS** stated that, after serving in the legislature, legislators experience the lobbying efforts by state personnel.

**SEN. THOMAS** stated he would like to send the bill to the Senate floor and allow discussion in the full Senate. He cited an incident, under the Schwinden Administration, where he carried a tax bill. He said the Department of Revenue testified against a tax deduction bill and felt it was not the place of a state agency to do that. He said if the public came to testify against a tax deduction it would be proper and that was what the legislative process was for.

**SEN. BROOKE** stated the agenda was Agriculture against Fish, Wildlife, and Parks and she would not support that agenda.

**Vote:** The motion **CARRIED** with **SEN. BROOKE** and **SEN. WILSON** **OPPOSED**.

**EXECUTIVE ACTION ON HB 579**

**Motion/Vote:** **SEN. THOMAS** moved to **TABLE** HB 579. The motion **CARRIED UNANIMOUSLY**.

*{Tape: 1; Side: A; Tape Count: 10:32 a.m.; Comments: None}*

**EXECUTIVE ACTION ON HJR 4**

**Motion:** **SEN. THOMAS** moved **HJR 4** **BE CONCURRED IN**.

**Discussion:**

**SEN. BROOKE** was concerned if there was money attached to it from the Department of Administration. **CHAIRMAN HARGROVE** asked if anyone had information on the concerns of **SEN. BROOKE**. He further commented, if the study is approved, the department could contribute money.

**Mr. Niss** stated they could not require the department to contribute. He said if the department wanted to contribute funds something could be worked out.

**SEN. THOMAS** asked **Mr. Niss** if the committee could create language stating "whereas the department has offered to contribute money." **Mr. Niss** clarified the question and asked if the "whereas if the department provided financing to the study" the Senate would encourage the Legislative Council to accept the money. **SEN. THOMAS** replied yes. **Mr. Niss** stated they could do that.

**Motion/Vote:** **SEN. THOMAS** offered a substitute motion to amend **HJR 4 (EXHIBIT 2)** to encourage the Legislative Council to accept the funding, if offered. The motion **CARRIED UNANIMOUSLY**.

**Motion:** **SEN. BROOKE** moved to adopt a committee amendment to **HJR 4** to indicate that an appropriate broad-based joint executive legislative interim committee be assigned to study.

**Discussion:**

**Mr Niss** stated that, by passing **SEN. BROOKE's** amendment, the bill prioritizes and treats this the same as other statutes of the legislative councils' rules on assembling interim committees and it would get four senators and four representatives, and that is all. There was discussion among the Committee members regarding this proposed amendment.

**Vote:** The motion **CARRIED UNANIMOUSLY**.

**Motion/Vote:** SEN. BROOKE moved HJR 4 BE CONCURRED IN AS AMENDED. The motion CARRIED UNANIMOUSLY.

{Tape: 1; Side: A; Tape Count: 10:42 a.m.; Comments: None}

**EXECUTIVE ACTION ON HJR 25**

**Amendments:** None

**Motion:** SEN. BROOKE moved to TABLE HJR 25

**Discussion:**

SEN. BROOKE stated by passing HJR 25, they would be creating a lot of fear that has not been substantiated.

CHAIRMAN HARGROVE stated he would oppose the tabling of HJR 25 because he felt there were people who are concerned about the issues addressed in the bill.

**Vote:** The motion FAILED with SEN BROOKE voting IN FAVOR, and SEN. GAGE, SEN. THOMAS, SEN. MESAROS, and CHAIRMAN HARGROVE OPPOSED. A proxy vote was not given by SEN. WILSON.

**Motion:** CHAIRMAN HARGROVE moved to amend HJR 25 to delete lines 19 & 20. (EXHIBIT 3)

**Vote:** The motion CARRIED UNANIMOUSLY.

**Motion:** SEN. THOMAS moved HJR 25 BE CONCURRED IN AS AMENDED.

**Discussion:**

SEN. BROOKE asked what HJR 25 does. SEN. THOMAS said it would encourage congress to read their bills and do their homework.

CHAIRMAN HARGROVE believed HJR 25 represented what a lot of people in Montana think.

SEN. BROOKE commented that HJR 25 came from the philosophy that there is a new world order taking over and it did not belong in the Montana Senate.

**Vote:** The motion CARRIED with SEN. BROOKE OPPOSED.

**Committee Discussion - Board Appointments**

CHAIRMAN HARGROVE asked if they should do phone interviews for governors board appointments. He said Susan Ames, Governors Office, wanted to get rid of commissions and boards. She had talked to the Governor and he did not care. CHAIRMAN HARGROVE

said he would talk to the leadership about the issue and it probably would take legislation to accomplish it. **Mr. Niss** clarified that the question is whether they should eliminate the requirement for confirmation by the Senate for appointments other than directors. **CHAIRMAN HARGROVE** said that was correct.

There was general discussion among the Committee members regarding the process of confirmation of the board appointments, and whether that process has value.

*{Tape: 1; Side: A; Tape Count: 10:57 a.m.; Comments: Tape 1 ended.}*

RECESSED AT: 11:02 A.M.

The hearing reconvened at 3:00 p.m.

EXECUTIVE ACTION ON HB 334

Amendments: HB033401.agp (EXHIBIT 4) `

Discussion:

**Mr. Niss** explained the amendment.

Motion: **CHAIRMAN HARGROVE** moved that HB033401.agp be ADOPTED.

Discussion:

**SEN. BROOKE** said the rules committee determined when they are in a legislative session. She said it was a completely different process when they are in a legislative process than when they are not. She read, "each house shall provide in its rules for matters that may be considered by the ethics committee and that would only be during a legislative session."

**CHAIRMAN HARGROVE** indicated he did not see difference.

**SEN. BROOKE** said all the ethical requirements are when the legislators are in session. The ethical requirements were broader than what she preferred.

Vote: The motion CARRIED UNANIMOUSLY.

Motion **SEN. THOMAS** moved HB 334 BE CONCURRED IN AS AMENDED.

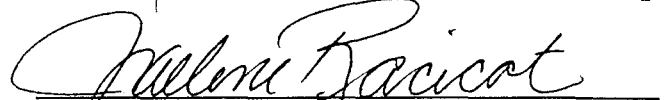
Motion/Vote: **SEN. MESAROS** offered a substitute motion to TABLE HB 334. The motion CARRIED with **SEN. BROOKE** and **SEN. WILSON** voting no.

ADJOURNMENT

Adjournment: 3:12 P.M.

  
SEN. DON HARGROVE, Chairman

  
MARY MORRIS, Secretary

  
Transcribed by Jaelene Racicot

DH/MM