

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN ALLAN WALTERS**, on March 21, 2001 at 9:00 A.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Allan Walters, Chairman (R)
Rep. Debby Barrett, Vice Chairman (R)
Rep. Tom Dell, Vice Chairman (D)
Rep. Norma Bixby (D)
Rep. Dee Brown (R)
Rep. Donald L. Hedges (R)
Rep. Hal Jacobson (D)
Rep. Larry Jent (D)
Rep. Michelle Lee (D)
Rep. Larry Lehman (R)
Rep. Ralph Lenhart (D)
Rep. Gay Ann Masolo (R)
Rep. Douglas Mood (R)
Rep. Alan Olson (R)
Rep. Holly Raser (D)
Rep. Rick Ripley (R)
Rep. Clarice Schrupf (R)
Rep. Frank Smith (D)

Members Excused: None.

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Branch
Ruthie Padilla, Committee Secretary

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

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 381, 3/14/2001
Executive Action: SB 443; HB 607

HEARING ON SB 381

Sponsor: SENATOR JOHN COBB, SD 25, AUGUSTA

Proponents: Carol Bondie, Citizen

Opponents: Mike Foster, testifying on behalf of Governor Judy Martz

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 0}

SENATOR JOHN COBB, SD 25, AUGUSTA, said this bill is an act requiring agencies to develop strategic plans and that the plan must contain performance measures. He submitted information on the new section. **EXHIBIT(sth64a01)**

Proponents' Testimony:

{Tape : 1; Side : A; Approx. Time Counter : 10.6}

Carol Bondie, Citizen is a also a state employee who has been actively involved with developing strategic plans and measuring government performance for the last eight years. She feels the bill makes sense for three reasons. First it is good management and good budgeting for five years down the road. Second, they are probably going to be required to report performance to the public. The performance board has spent the last ten years studying and training state and local governments to learn how to measure performance. Third, is because of section 5 of the bill. There are agencies who are developing strategic plans, but not all agencies. This would be gaining the ability to do that

Opponents' Testimony:

{Tape : 1; Side : A; Approx. Time Counter : 15.2}

Mike Foster, testifying on behalf of Governor Judy Martz said that strategic planning is a very important aspect of administration. They do not feel the bill is necessary, because they want to have the chance to do it there selves without it being statute. He commented that in the future, if it is found they have not done a good job a looking at strategic planning for the agencies, then perhaps the bill would make a lot more sense.

Questions from Committee Members and Responses:

{Tape : 1; Side : A; Approx. Time Counter : 20.7}

REPRESENTATIVE LEHMAN asked **Carol Bondie** in working with strategic planning for the past 8 years, what was accomplished. **Carol Bondie** replied, she has helped 5 state agencies get started in strategic planning and performance measurements and taught classes to state agencies.

REPRESENTATIVE BROWN asked **SENATOR COBB** if he feels the bill is an attempt to micro manage each agency in state government. **SENATOR COBB** replied that the bill is knowing what their goals are, not micro managing. The only part they do not like about the bill is section 5, which states "the legislature gets to review". **REPRESENTATIVE BROWN** asked how many people are there in state government, who's job is to strictly work on goals? **SENATOR COBB** said he did not know. Each agency is different.

REPRESENTATIVE DELL discussed with the **Sponsor** the reasons the bill may not work. He feels the agencies can make performance measurements and strategic planning look anyway they want and the only way of really knowing how they agencies are doing is to speak to live bodies who can say they are or are not doing a good job.

REPRESENTATIVE RIPLEY asked why there was such a discrepancy between the **Sponsor's** fiscal note and that of the Governor's Office. **Mike Foster** replied, the discrepancy is probably the involvement of the legislature. The agencies probably looked at the requirement of supplying the information to the legislative committees and entailed some costs. He commented, he cannot speak to each agency and is just assuming.

REPRESENTATIVE MASOLO asked what agencies currently do not have the goals. **SENATOR COBB** replied he can never find the universities goals, but is sure they may have them. He does not know of any agency who does not have some type of goal.

REPRESENTATIVE MASOLO then asked what interim committee would be looking over and studying the plans and goals. **SENATOR COBB** replied, it depends on the specific subject and is up to the individual committees if they are going to look at it.

REPRESENTATIVE RASER asked **SENATOR COBB**, if the Governor is already planning on implementing this, why the need for the bill. **SENATOR COBB** replied in the past, the goals have been terrible and do not tell what the agencies are doing or where they are

going. It works better when the interim committees can look at these.

REPRESENTATIVE RASER asked **Mike Foster** what his objection was to the bill, since it seems to make sense to begin working hand in hand with the legislature to implement the ideas together, so they are all going in the same direction. **Mike Foster** replied, that there are two branches of government, one who is going to put into statute how another branch of government is going to go through the process of strategic planning. They feel they deserve a chance to see what they can do before putting it into statute.

REPRESENTATIVE JACOBSON and **Mike Foster** discussed how this legislation would interface with the performance audits that the Legislative Auditors Office does.

Closing by Sponsor:

{Tape : 2; Side : A; Approx. Time Counter : 1.1}

SENATOR COBB said the last couple of sessions, legislature has been looking more at the goals. The bill is pretty much standard across the nation about how you do strategic planning, except section 5. Section 5 is the whole part of the bill and if the committee decides to strike section five, he asked that the bill be killed.

EXECUTIVE ACTION ON SB 443

{Tape : 2; Side : A; Approx. Time Counter : 3.9}

Motion: REP. LEE moved that SB 443 BE RECONSIDERED. **Vote:** Motion carried 14-3 with Masolo, Olson, and Ripley voting no.

Motion: REP. LEE moved that SB 443 BE CONCURRED IN.

Motion: REP. LEE moved that SB 443 BE AMENDED. **EXHIBIT(sth64a02)**

Discussion:

REPRESENTATIVE LEE said the amendment takes out all of the language as it relates to privacy documents and the constitutional language. It also takes out section 5 of the bill.

REPRESENTATIVE JACOBSON asked **REPRESENTATIVE LEE** if she had reviewed the changes with the Secretary of States Office. **REPRESENTATIVE LEE** replied no. She sat down with her local genealogical chapter and tried to alleviate the concerns they had and still make the bill work.

REPRESENTATIVE LEHMAN said all the E-mails he has received has been in regards to this bill.

REPRESENTATIVE DELL asked if this amendment keeps private documents private. **REPRESENTATIVE LEE** said yes.

REPRESENTATIVE RIPLEY said he felt the Secretary of State should be allowed to address the situation. He does not feel the bill or amendment is needed and will not be supporting either.

REPRESENTATIVE BROWN stated she feels the amendment should be supported because it addresses the privacy issue, which was a major issue on all testimonies.

Motion: **REP. LEE** moved that **SB 443 BE AMENDED. Vote:** Motion carried 17-1 with Ripley voting no.

Motion: **REP. LEE** moved that **SB 443 BE AMENDED. EXHIBIT(sth64a03)**

Discussion:

REPRESENTATIVE LEE said this amendment adds a citizen to represent the public at large appointed by the Secretary of State to the Local Governments Record Committee. This would help get the information out to the people.

REPRESENTATIVE BROWN asked if the Secretary of State currently appoint the person being inserted into the bill. **REPRESENTATIVE LEE** said no, that is why she is putting it in the bill.

REPRESENTATIVE LEHMAN commented, he did not understand what the Local Governments Record Committee does. **REPRESENTATIVE LEE** said they have rule making authority over state records.

REPRESENTATIVE OLSON commented to the committee that very few of the e-mails he had received came from Montana.

REPRESENTATIVE JENT said he basically supports the bill, but does not understand why sections 4 and 5 are being removed, when the Secretary of State already has rule making authority.

REPRESENTATIVE MOOD said he feels the purpose for adding another person to the board is to have some kind of communication between the genealogist and the board. With that, he does not feel it is necessary.

REPRESENTATIVE JACOBSON asked if he could clarification on a question from **Janice Doggit, Secretary of State's Office.**

REPRESENTATIVE BROWN objected. She felt the testimonies were already hear and does not feel it is necessary to have her speak to the bill again.

REPRESENTATIVE JACOBSON explained to **CHAIRMAN WALTERS** the only reason he was suggesting that was because both amendments impact the bill.

REPRESENTATIVE LEE clarified they still have rule making authority and than neither amendment had taken that away.

Motion: **REP. LEE** moved that **SB 443 BE AMENDED.** **Vote:** Motion carried 16-2 with Barrett and Ripley voting no.

Motion: **REP. WALTERS** moved that **SB 443 BE AMENDED.**
EXHIBIT (sth64a04)

Discussion:

SHERIF HEFFELFINGER explained to the committee the amendment was submitted on behalf of **Robert Throssell, County Clerk & Recorders.** The amendment would clarify what notification of the documents consisted of.

REPRESENTATIVE OLSON said the notification process for small counties is going to be a very hard thing to do. He feels there should just be one notice put on the doors of the courthouse saying what documents they have available and when to get them. He feels it should be the obligation of the people who want the records to check for the information.

REPRESENTATIVE RASER feels it is not going to be a difficult process in notifying people.

REPRESENTATIVE BARRETT stated she feels they do not know all the public and private entities and if one of those entities are forgotten, it could become a major issue. She is going to vote no on this.

REPRESENTATIVE RIPLEY asked if there is going to be a registry, how will everyone be notified they need to be on the registry. **REPRESENTATIVE LEE** said they would probably be notified through the Local Governments Record Committee that they have the opportunity to be a member of the registry and would be distributed like the other public notifications.

REPRESENTATIVE SCHRUMPF told the committee she feels it is going to be an impossible situation for all the individuals to be notified.

Motion: REP. WALTERS moved that **SB 443 BE AMENDED**. **Vote:** Motion carried 14-4 with Barrett, Brown, Masolo, and Ripley voting no.

Motion: REP. LEE moved that **HB 443 BE CONCURRED IN AS AMENDED**.

Substitute Motion/Vote: REP. RIPLEY made a substitute motion that **HB 443 BE TABLED**. Substitute motion failed 7-11 with Barrett, Jacobson, Lehman, Lenhart, Masolo, Olson, and Ripley voting aye.

Motion: REP. OLSON moved that **HB 443 BE AMENDED**.

EXHIBIT (sth64a05)

Discussion:

REPRESENTATIVE OLSON said the amendment removes the Secretary of State's Office and the State out of the bill and have it pertain to only Local Governments.

REPRESENTATIVE RASER said she feels the amendment is taking the responsibility of the Secretary of State and added more work to the Local Government rather than removing it.

REPRESENTATIVE MASOLO said she is going to support the amendment, but will probably not support the bill.

Motion: REP. WALTERS moved that **SB 443 BE AMENDED**. **Vote:** Motion carried 15-3 with Hedges, Raser, and Smith voting no.

Motion: REP. LEE moved that **HB 443 BE CONCURRED IN AS AMENDED**. **Vote:** Motion failed 9-9 with Bixby, Dell, Hedges, Jacobson, Jent, Lee, Raser, Smith, and Walters voting aye.

EXECUTIVE ACTION ON HB 607

{Tape : 3; Side : A; Approx. Time Counter : 3.9}

Motion: REP. BROWN moved that HB 607 DO PASS.

Discussion:

REPRESENTATIVE BROWN submitted and explained a hand out on candidate and primary expenditures . **EXHIBIT(sth64a06)**

REPRESENTATIVE LEHMAN feels the bill has some merit for higher offices, like Governor, etc. He said a comment was made by the Sponsor that it is difficult to go out and ask people for money but he feels if their afraid to ask for money, what kind of legislature or representative are they going to be like when they have tough decisions to make at the Capitol.

REPRESENTATIVE RASER said there were a lot of people who offered her money during the campaign, that she did not take because she did not agree with their positions. As hard as it was for her to raise money, she does not like asking people for money. She enjoys going door to door to speak with people, but does not like asking for money. She feels it makes her a better person when she does not ask for money. She supports the intent of the bill but wants to change the monetary amounts.

REPRESENTATIVE BARRETT stated she is going to vote no on the bill. The largest objection to the voters in the state of Montana last year was the Governor's race because of one candidate having more money and this bill will not address that issue because it is voluntary.

REPRESENTATIVE DELL said he likes the concept of the bill, but questions if State Government should be in the business of funding elections.

CHAIRMAN WALTERS does not agree it is always the candidate who spend the most money who wins. He feels the bill is a solution looking for a problem that is not there.

Motion/Vote: REP. WALTERS moved that HB 607 BE TABLED. Motion carried unanimously. 18-0

ADJOURNMENT

Adjournment: 11:30 A.M.

REP. ALLAN WALTERS, Chairman

RUTHIE PADILLA, Secretary

AW/RP

EXHIBIT (sth64aad)