MINUTES

MONTANA HOUSE OF REPRESENTATIVES
59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN LARRY JENT**, on March 8, 2005 at 8:00 A.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Larry Jent, Chairman (D)
Rep. Dee L. Brown, Vice Chairman (R)
Rep. Joan Andersen (R)
Rep. Mary Caferro (D)
Rep. Sue Dickenson (D)
Rep. Emelie Eaton (D)
Rep. Robin Hamilton (D)
Rep. Gordon R. Hendrick (R)
Rep. Teresa K. Henry (D)
Rep. Hal Jacobson (D)
Rep. William J. Jones (R)
Rep. Gary MacLaren (R)
Rep. Bruce Malcolm (R)
Rep. Alan Olson (R)
Rep. Bernie Olson (R)

Members Excused: Rep. Veronica Small-Eastman, Vice Chairman (D)

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Branch
Marion Mood, Committee Secretary

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

Committee Business Summary:

Hearing & Date Posted: SB 53, 3/3/2005; SB54, 3/3/2005; SB 16, 2/22/2005
Executive Action: SB 69; SB 53; SB 54; SB 16

HEARING ON SB 53

Opening Statement by Sponsor:

SEN. CAROLYN SQUIRES (D), SD 48, opened the hearing on **SB 53**, Revise law on reduction-in-force and relocation expenses. She explained that in the past, each agency was required to place $2,000 with the local Job Service office for displaced employees' relocation expenses. SB 53 would remove this responsibility from the agencies and place it with the Department of Administration.

Proponents' Testimony:

Randy Morris, Administrator, Department of Administration, stated this bill addressed a portion of the Employee Protection Act which required that relocation expenses had to be paid by the hiring agency which would then be reimbursed through funds appropriated for this purpose. He advised this was never codified and thus had no value, even though it was widely assumed to be valid. The State Personnel Division issued relocation guidelines in September 2004 which provided guidance and contained policies which agencies could adopt. He expressed hope that the Committee would pass this housekeeping bill.

Opponents' Testimony: None

Questions from Committee Members and Responses:

There were no questions.

Closing by Sponsor:

SEN. SQUIRES closed.
{Tape: 1; Side: A; Approx. Time Counter: 0 - 9.2}

HEARING ON SB 54

Opening Statement by Sponsor:

SEN. CAROLYN SQUIRES (D), SD 48, opened the hearing on **SB 54**, Clarify state mileage reimbursement rate for use of a private vehicle. She explained State employees had three options when traveling on State business: they can use a motor pool vehicle; if there is no car available and they have to use their own, the reimbursement is at the IRS-sanctioned mileage rate; if they use their own vehicle even though a State car is available, the reimbursement is 48.15% of the 37.5 cent rate as a means to discourage the use of personal vehicles because of insurance and liability issues.

Proponents' Testimony:

Steve Bender, Deputy Director, Department of Administration, stated this bill was a housekeeping bill, requested as the result of an audit recommendation. He explained that the reimbursement rate for those using their own vehicles by choice was reduced in the Special Session of 2002 in order to save money and to provide incentive to use the State motor pool.

Opponents' Testimony: None

Questions from Committee Members and Responses:

REP. BRUCE MALCOLM, HD 61, EMIGRANT, asked Mr. Bender about the actual mileage rate. **Mr. Bender** advised that the 2005 rate is 40.5 cents. This rate applies to everyone except those who use their own vehicles by choice; they get 48.15% of the 39.5 cents, or 19.5 cents.

Closing by Sponsor:

SEN. SQUIRES closed.

HEARING ON SB 69

Opening Statement by Sponsor:

SEN. SAM KITZENBERG (R), SD 18, opened the hearing on **SB 69,** Designation of state poet laureate at **SEN. JOHN COBB's** request. **SEN. KITZENBERG** talked about a variety of reasons why there should be such a designation and provided Exhibit 1. He added that several other states and some European countries have a State Poet Laureate and proceeded to review the bill. In closing, he read from a poem by Richard Hugo, "Driving Montana." **EXHIBIT(1)**

Proponents' Testimony: None

Opponents' Testimony: None

Questions from Committee Members and Responses:

There were none.

Closing by Sponsor:

SEN. KITZENBERG closed.

EXECUTIVE ACTION ON SB 69

Motion: REP. HENDRICK moved that SB 69 BE CONCURRED IN.

Discussion:

VICE CHAIR DEE BROWN, HD 3, HUNGRY HORSE, stated she would not vote for this bill, deeming it rather superfluous.

CHAIRMAN JENT advised he would vote for the bill.

{Tape: 1; Side: B}

Vote: Motion carried 15-1 by voice vote with REP. BROWN voting no; REPS. DICKENSON and SMALL-EASTMAN voted aye by proxy.

REP. HAMILTON agreed to carry the bill.

EXECUTIVE ACTION ON SB 53

Motion/Vote: REP. B. OLSON moved that SB 53 BE CONCURRED IN. Motion carried unanimously by voice vote; REPS. DICKENSON and SMALL-EASTMAN voted aye by proxy.

Motion/Vote: REP. JACOBSON moved that SB 53 BE PLACED ON THE CONSENT CALENDAR. Motion carried unanimously; REPS. DICKENSON and SMALL-EASTMAN voted aye by proxy.

REP. HAL JACOBSON will carry the bill on the House floor.

HEARING ON SB 62

Opening Statement by Sponsor:

SEN. GARY PERRY (R), SD 35, opened the hearing on **SB 62**, Clarify that contested case decision must be in writing. **SEN. PERRY** advised this bill would eliminate any ambiguity which might exist regarding what constituted a final agency decision.

Proponents' Testimony: None

Opponents' Testimony: None

Questions from Committee Members and Responses:

VICE CHAIR BROWN asked the Sponsor whether a second opinion would have to be issued if the court changed their position. **SEN. PERRY** referred to the appeals procedure on Page 3, Section 4 (2)

(a) of the bill, stating this served to clarify that the final decision conformed to the oral pronouncement and that the appeal did not have to be submitted prior to the written decision.

REP. ALAN OLSON, HD 45, ROUNDUP, referred to the same section of the bill and asked whether there were any guidelines requiring agencies to issue written decisions in a timely fashion. **SEN. PERRY** replied that he was sponsoring another bill which had put the time limit at 90 days but because some agencies had objected to the time limit during the hearing, he had extended it to 180 days. **REP. A. OLSON** contended this might interfere with some permitting decisions and wreak havoc with time frames. **SEN. PERRY** explained this applied to time constraints with regard to agency decisions. **REP. A. OLSON** replied that a lot of work has gone into encouraging agencies to follow strict time lines. He added he did not object to the issuance of written decisions but was concerned with the additional amount of time it would take. **SEN. PERRY** pointed out this was the purpose of the bill as there had never been a time limit; the decision had to be issued within 90 days, and the time limit for appeals was 30 days which is consistent with existing law. **REP. A. OLSON** wondered whether his other bill was headed to the Committee, which **SEN. PERRY** did not know.

In order to acquaint the Committee with these procedures, **CHAIRMAN JENT** advised that within agencies, there were a number of administrative law judges with expertise in agency functions, such as water adjudication or child support enforcement, who perform quasi-judicial functions and hold hearings. He asked the Sponsor if this was correct, which **SEN. PERRY** confirmed. **CHAIRMAN JENT** surmised the provisions in SB 62 made sure that when a decision is rendered, it is in writing, and the date of the written decision is the start of the time line for appeals.

Closing by Sponsor:

SEN. PERRY closed.

CHAIRMAN JENT agreed to carry the bill.
{Tape: 1; Side: B; Approx. Time Counter: 0 - 14.2}

EXECUTIVE ACTION ON SB 54

Motion: REP. BROWN moved that SB 54 BE CONCURRED IN.

Discussion:

REP. A. OLSON advised the provisions in this bill dated back to the 2001 Special Session when a number of Department of Correction employees commuted to Helena on a regular basis, using their personal cars. He agreed that employees should be encouraged to use motor pool vehicles whenever possible because of the cost savings, stating this was good policy.

VICE CHAIR BROWN concurred, adding this was pointed out by the Audit Committee as well.

REP. GORDON HENDRICK, HD 14, SUPERIOR, felt the insurance issue was part of it, adding he would vote for the bill.

REP. TERESA HENRY, HD 96, MISSOULA, stated she understood the arguments but felt that she would be risking her life in some state-owned vehicles because of poor maintenance.

Vote: Motion carried unanimously by voice vote; REPS. DICKENSON and SMALL-EASTMAN voted aye by proxy.

Motion/Vote: REP. HENDRICK moved that SB 54 BE PLACED ON THE CONSENT CALENDAR. Motion carried unanimously by voice vote; REPS. DICKENSON and SMALL-EASTMAN voted aye by proxy.

REP. ROBIN HAMILTON agreed to carry SB 54 on the House floor.

{Tape: 1; Side: B; Approx. Time Counter: 13.9 - 19.9}

EXECUTIVE ACTION ON SB 16

Motion: REP. A. OLSON moved that SB 16 BE CONCURRED IN.

Motion: REP. JACOBSON moved that AMENDMENT SB001601.ASH BE ADOPTED.
EXHIBIT(2)

Discussion:

VICE CHAIR BROWN felt this bill should not have this type of amendments as there should not be any exceptions to the bill.

REP. HAL JACOBSON, HD 82, HELENA, advised the amendment was the result of his conversations with Betsy Baumgart who heads up the travel promotion bureau. He asked VICE CHAIR BROWN whether she had talked with Ms. Baumgart after this amendment had been drafted. **VICE CHAIR BROWN** replied it was right after the bill

was heard that Ms. Baumgart expressed concerns because it was not spelled out who would be paying for the announcements.

REP. JACOBSON asked the Chair's permission to question someone in the audience. Permission was granted and **REP. JACOBSON** posed the question to Ms. Anna Marie Moe, Montana Department of Commerce, Travel Promotion Division. **Ms. Moe** stated while they could do the production before the candidate for Governor filed for office, the concern was the payment for the ad's placement. She stated this was why they had requested the exemption.

VICE CHAIR BROWN reiterated that the ads could still be produced as the bill did not deny payment for the production, adding she did not think the exemption was necessary.

CHAIRMAN JENT reviewed Section 1 (4) with the Committee, adding this portion was the crux of the bill. **Sheri Heffelfinger, Legislative Services Division,** advised that key language was "may not use or permit the use of State funds for any advertisement."

CHAIRMAN JENT stated pointed to Item 3 of the amendments and stated it created a second subsection with regard to the "Made in Montana" and the Governor's "Invite a Friend" programs.

REP. A. OLSON stated one would have to be a declared candidate in order for the bill's provisions to take effect.

Ms. Heffelfinger confirmed this, adding once a candidate filed, the two programs would be subject to the limitations of SB 16.

REP. A. OLSON stated that one became a candidate upon filing with the Commissioner of Political Practices.

{Tape: 2; Side: A}

REP. B. OLSON surmised the only candidate who could get around these provisions was the candidate for Governor; he felt the rules should apply to everyone and stated he would vote against the amendment.

REP. JACOBSON reminded the Committee that the State Auditor seemed to have taken advantage of public announcements as well, which benefitted his campaign. As to the two programs, he clarified while the production costs are paid for ahead of time, media spots are not paid for until they are scheduled to run. He agreed with REP. B. OLSON that some of the language was exclusionary.

VICE CHAIR BROWN felt that Travel Montana should be more creative with regard to the ads, especially in election years, suggesting the ads should be produced featuring someone other than the Governor.

REP. GARY MACLAREN, HD 89, VICTOR, expressed his opposition to the amendments for the same reasons, adding that no candidate should be able to advertise using public funds.

(REP. DICKENSON returned at 9:05 A.M.)

REP. MALCOLM stated the bill was fine as written, without the amendment.

CHAIRMAN JENT opined the more exemptions were added into a bill, the more the intent was diluted.

In response to REP. A. OLSON'S earlier question, **Ms. Heffelfinger** advised that candidacy is triggered by either the actual filing for office or the acceptance or solicitation of campaign contributions.

Vote: Motion failed 2-14 by roll call vote with REP. JACOBSON and REP. JONES voting aye; REP. SMALL-EASTMAN voted no by proxy.

Motion/Vote: VICE CHAIR BROWN moved that SB 16 BE CONCURRED IN AS AMENDED. Motion carried 15-1 by voice vote with REP. JONES voting no; REP. SMALL-EASTMAN voted aye by proxy.

REP. JACOBSON agreed to carry the bill on the House floor.
{Tape: 2; Side: A; Approx. Time Counter: 0 - 10.7}

ADJOURNMENT

Adjournment: 9:15 A.M.

REP. LARRY JENT, Chairman

MARION MOOD, Secretary

LJ/mm

HOUSE OF REPRESENTATIVES
Roll Call
STATE ADMINISTRATION COMMITTEE

DATE 3-9-05

NAME	PRESENT	ABSENT	EXCUSED
REP. LARRY JENT, CHAIR	✓		
REP. VERONICA SMALL-EASTMAN, VICE CHAIR		✓	
REP. DEE BROWN, VICE CHAIR	✓		
REP. JOAN ANDERSEN	✓		
REP. MARY CAFERRO	✓		
REP. SUE DICKENSON	✓ 9 AM		
REP. EMELIE EATON	✓		
REP. ROBIN HAMILTON	✓		
REP. GORDON HENDRICK	✓		
REP. TERESA HENRY	✓		
REP. HAL JACOBSON	✓		
REP. WILLIAM JONES	✓		
REP. GARY MacLAREN	✓		
REP. BRUCE MALCOLM	✓		
REP. ALAN OLSON	✓		
REP. BERNIE OLSON	✓		

/s/StateAdminRollCall2005.wpd

HOUSE STANDING COMMITTEE REPORT

March 8, 2005

Mr. Speaker:

We, your committee on **State Administration** recommend that **Senate Bill 69** (third reading copy -- blue) **be concurred in**.

Signed: _____
Representative Larry Jent, Chair

To be carried by Representative Robin Hamilton

- END -

Committee Vote:
Yes 15, No 1.

510946SC.hkh
3/08/05
jbn

HOUSE STANDING COMMITTEE REPORT

March 8, 2005

Mr. Speaker:

We, your committee on **State Administration** recommend that **Senate Bill 53** (third reading copy -- blue) **be concurred in and be placed on the consent calendar.**

Signed: _____
Representative Larry Jent, Chair

To be carried by Representative Hal Jacobson

- END -

Committee Vote:
Yes 16, No 0.

510947SC.hkh
3/08/05
jpn

HOUSE STANDING COMMITTEE REPORT

March 8, 2005

Mr. Speaker:

We, your committee on **State Administration** recommend that **Senate Bill 54** (third reading copy -- blue) **be concurred in and be placed on the consent calendar**.

Signed: _____
Representative Larry Jent, Chair

To be carried by Representative Robin Hamilton

- END -

Committee Vote:
Yes 16, No 0.

510948SC.hkh
3/08/05
jen

HOUSE STANDING COMMITTEE REPORT

March 8, 2005

Mr. Speaker:

We, your committee on **State Administration** recommend that **Senate Bill 16** (third reading copy -- blue) **be concurred in**.

Signed: _____
Representative Larry Jent, Chair

To be carried by Representative Hal Jacobson

- END -

Committee Vote:
Yes 15, No 1.

510949SC.hkh
3/08/05
jhn

COMMITTEE PROXY

DATE: 3-3-05

I request to be excused from the State Ad

Committee because of other commitments. I desire to leave my proxy vote with:

Sue Dickenson.

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT	AYE	NO
S.B. 14	X	
S.B. 17	X	
H.B. 338	X	
SB 36	X	
SB 56	X	
SB 36 - consent	X	
SB 56 - consent	X	
SB 60	X	
SB 53 CON. CAL.	X	
S.B. 54	X	
S.B. 54 CON CAL.	X	

SENATE BILL/AMENDMENT	AYE	NO
S.B. 53	X	
AMEND. S.B. 16		X
S.B. 16	X	

3/4/05

Rep./Sen. Veronica Small-Eastman
(Signature)

S:\PROXY 2005.wpd

COMMITTEE PROXY

DATE: 3-3-05

I request to be excused from the State Ad

Committee because of other commitments. I desire to leave my proxy vote with:

Hal Jacobson.

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT	AYE	NO
S.B. 14	X	
S.B. 17	X	
S.B 338	X	
3/8/05 S.B. 601	X	
S.B. 53	X	
S.B. 53 CON. CAL.	X	
S.B 54	X	
S.B. 54 CON. CAL.	X	

SENATE BILL/AMENDMENT	AYE	NO

Rep./Sen. Sue Dickenson
(Signature)

S:\PROXY 2005.wpd

HOUSE OF REPRESENTATIVES
Roll Call Vote
STATE ADMINISTRATION COMMITTEE

DATE 3-8-05 BILL NO SB16 MOTION NO. 1

MOTION: Am. SB 001601 ask be adopted

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. DEE BROWN, VICE CHAIR		✓	
REP. VERONICA SMALL-EASTMAN, VICE CHAIR		✓P	
REP. JOAN ANDERSEN		✓	
REP. MARY CAFERRO		✓	
REP. SUE DICKINSON		✓	
REP. EMELIE EATON		✓	
REP. ROBIN HAMILTON		✓	
REP. GORDON HENDRICK		✓	
REP. TERESA HENRY		✓	
REP. HAL JACOBSON	✓		
REP. WILLIAM JONES	✓		
REP. GARY MACLAREN		✓	
REP. BRUCE MALCOLM		✓	
REP. ALAN OLSON		✓	
REP. BERNIE OLSON		✓	
REP. LARRY JENT, CHAIRMAN		✓	

2 : 14

Montana House of Representatives
Visitors Register

STATE ADMINISTRATION COMMITTEE **Date** 3-8-05

SB 25 SB 53 SB 54

Bill No. SB 62 SB 69 **Sponsor(s)**

PLEASE PRINT PLEASE PRINT PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Randy Morris	Dept of Admin	x SB53		
STEVE BENDER	Dept of Admin	SB54		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

S:/StateAdminVisitorReg2003