

MINUTES

MONTANA SENATE 59th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN CAROLYN SQUIRES**, on January 17, 2005
at 3:00 P.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Carolyn Squires, Chairman (D)
Sen. Joe Balyeat (R)
Sen. Vicki Cocchiarella (D)
Sen. Mike Cooney (D)
Sen. Jon Ellingson (D)
Sen. Jeff Essmann (R)
Sen. Steven Gallus (D)
Sen. Rick Laible (R)
Sen. Dave Lewis (R)
Sen. Jim Shockley (R)
Sen. Joseph (Joe) Tropila (D)

Members Excused: None.

Members Absent: None.

Staff Present: Dave Bohyer, Legislative Branch
Claudia Johnson, Committee Secretary

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

Committee Business Summary:

Hearing & Date Posted: SB 180; SB 106; 1/12/2005
Executive Action: SB 106; SB 180; SB 118

HEARING ON SB 180**Opening Statement by Sponsor:**

SEN. MIKE COONEY (D), SD 40, opened the hearing on **SB 180**, Allow state archives to charge annual fee. **SEN. COONEY** said the Montana Historical Society (Society) had issues due to unfunded mandates from the legislature. The Society was given the responsibility to do certain activities, but not the funds to do the job that was placed in statute. One of the issues that came forth from **SEN. COONEY'S** meeting with the Society is when an elected official leaves office the law states they have to take their official papers and place them in storage boxes and send them over to the Society. There isn't money in the budget to handle this. **SEN. COONEY** said that when he left the office of the Secretary of State it was his assumption that his agency's money followed the paperwork over to the Society who then archived the papers in an order for public use. He stated that it has been approximately 70 years since any major work has been done in this area, and it has become a problem for the Society to deal with. **SEN. COONEY** stated there isn't any ability for public access to these records. This bill sets up a fee system for agencies that send papers, records, and documents over the Society. SB 180 defines the fee, which is based on the number of people that are employed by that agency sending paperwork over to the Society. The fee is \$9.00 per person. With this fee the Society will be able to hire someone to help set the records in order. **SEN. COONEY** addressed the fiscal note, and stated he has asked Dave Bohyer, LSD, to draft amendments that will address the Society's issue.

{Tape: 1; Side: A; Approx. Time Counter: 6.5 - 11}

Proponents' Testimony:

Arnie Olsen, Director of the Montana Historical Society, distributed three handouts. The first handout is written testimony, which he read (see exhibit 1). It states that the funds from this bill will allow the Society to hire two full-time professional archivists who will process the records of state government agencies. This will allow public access by making the records fully accessible through an online catalog, which will substantially reduce the amount of space necessary to store them. He stated that this will also reduce the records currently stored there by 60 percent through non-relevant records and duplications. He discussed exhibit 2, which addresses the statutes they are required to follow. **Mr. Olsen** said that the records have increased substantially every year, and there is no space to store them. Exhibit 3 addresses questions and answers

that are most commonly asked. He urged support for SB 180, which establishes funds to hire the two archivists.

[EXHIBIT](#)(sts12a01)

[EXHIBIT](#)(sts12a02)

[EXHIBIT](#)(sts12a03)

Amy Sullivan, Executive Director of the Montana History Foundation, urged the Committee to support SB 180.

Donna McCrea, representing the Montana State Historical Advisory Board, distributed her written testimony, and urged support for SB 180.

[EXHIBIT](#)(sts12a04)

Darlene Staffeldt, State Librarian, distributed written testimony. She stated the State archives provide valuable service to the people of Montana by preserving and providing access to the historic records of state government. She urged a do pass for SB 180.

[EXHIBIT](#)(sts12a05)

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

The Committee Members discussed SB 21 from the 2003 Legislature, which is similar to this bill. The Committee members talked about the fiscal note, and **SEN. COONEY** informed the Committee Members that the amendment (see exhibit 6) drafted by Dave Bohyer, LSD, will address the fees as special revenue funds.

[EXHIBIT](#)(sts12a06)

Closing by Sponsor:

SEN. COONEY closed urging the Committee to pass SB 180. He stated that it will give the Historical Society the tools to work with by putting the archives in order for public access.

{Tape: 1; Side: B}

HEARING ON SB 106

Opening Statement by Sponsor:

SEN. JOHN BRUEGGEMAN (R), SD 6, opened the hearing on **SB 106**, Simplify state recovery of centralized services costs.

Proponents' Testimony:

Paul Christofferson, Administrator of Financial Services Division, Department of Administration (D of A), said that the bill is mainly for housekeeping purposes. He said there is a 1970's cost allocation plan, and a 1990's state fund cost allocation plan. SB 106 will cleanup the cost allocation plan, and eliminate the state fund cost allocation plan. He urged the Committee to pass SB 106.

Amy Sassano, Operations and Budget Manager for the Budget Office, said that SB 106 will streamline the statewide cost for agencies, and make budgeting more clear with indirect cost allocation plan. She urged the Committee to pass SB 106.

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

SEN. COCCHIARELLA asked about the state wide cost allocation plan. **Paul Christofferson** responded that the state cost allocation plan is costs, such as; preparation of state financial statements, budget office costs, state purchasing costs that are paid from the general fund. He said this is based on the cost of the number of purchase orders processed through each agency. He informed the Committee that the State Allocation Fund is not part of the general fund.

SEN. ESSMANN asked about the scheduling of payments, and stated that three of the four payments are in the first six months of the year. He asked why this isn't done on a quarterly basis. **Paul Christofferson** replied the payments fall on October 1st, January 1st, March 1st, and June 1st. He said these dates are basically the end of the quarter. He stated that the state fiscal year is July, August, September, and October 1st.

Closing by Sponsor:

SEN. BRUEGGEMAN closed stating that SB 106 provides the cost allocation plan to be applied to all state and federal funds. He urged the Committee for a do pass motion.

EXECUTIVE ACTION ON SB 106

{Tape: 1; Side: B; Approx. Time Counter: 15.6 - 17}

Motion/Vote: SEN. COONEY moved that SB 106 DO PASS. Motion carried unanimously by voice vote with SEN. BALYEAT voting aye by proxy.

EXECUTIVE ACTION ON SB 180

{Tape: 2; Side: B; Approx. Time Counter: 17 - 19}

Motion: SEN. COONEY moved that SB 180 DO PASS.

Motion: SEN. COONEY moved that AMENDMENT SB18001.adb DO PASS.

Discussion: Dave Bohyer, LSD, discussed the amendment, and explained how it worked with the bill.

Motion/Vote: SEN. SHOCKLEY moved that SB 180 DO PASS AS AMENDED. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 118

{Tape: 2; Side: B; Approx. Time Counter: 19 - 25}

Motion: SEN. COCCHIARELLA moved that SB 118 DO PASS.

Discussion: SEN. COCCHIARELLA discussed the amendment that Dave Bohyer, LSD, distributed earlier (see Exhibit 6) amendment SB018001.adb.

Motion/Vote: SEN. COCCHIARELLA moved that AMENDMENT SB0118001.adb DO PASS. Motion carried unanimously by voice vote. (see Exhibit 6)

Motion: SEN. COCCHIARELLA moved that SEN. ESSMANN'S amendment SB0118004.ash DO PASS.

Discussion: SEN. ESSMANN distributed and discussed his amendment. He informed the Committee members that the amendment will recognize the importance of the service performed by the Montana National Guard, and protect their employment rights when there is a state emergency or disaster.

EXHIBIT(sts12a07)

Vote: Motion carried unanimously by voice vote with SEN. BALLYEAT voting by aye proxy.

{Tape: 2; Side: A}

Motion: SEN. COCCHIARELLA moved that AMENDMENT SB011802.ash DO PASS.

EXHIBIT(sts12a08)

Discussion: CHAIRWOMAN SQUIRES asked Sheri Heffelfinger, LSD, to explain the amendment. Ms. Heffelfinger distributed and explained the amendment. She said the amendment relates to the employer/employee health and pension plan sections of the bill. She went through each amendment. Amendment #3 strikes page 3, line 11 through line 13, subsection (c) in its entirety, and inserts new language, which states that the employer's health plan must provide for the service member to have a choice to be able to select or not select the employer's health plan while gone on state active duty. She informed the Committee that this language mirrors federal law currently in place, and brings Montana into compliance with the federal guidelines.

{Tape: 2; Side: A; Approx. Time Counter: 6.9 - 15.6}

Roger Hagen, representing Enlisted Association of the Montana National Guard, responded by reiterating what Sheri Heffelfinger stated above. He said this language is already in existence for federally funded military duty called "Uniform Services Informant Re-employment Rights Act". He said it means that those in the military are treated as though they have never left their employment for all purposes, such as; retirement, leave status, seniority, type of duty, and level of responsibility of duties on their employment. He said this amendment deals with State Active duty only. The only duty currently not covered and never will be covered is the Federal Uniformed Services Employment and Re-employment Rights Act 1994 (USERRA). Mr. Hagen said that State Active duty involves approximately 99 percent of the Montana National Guard members, and said, "don't quote me on the percent", and is only called by up the Governor to respond to disasters or emergencies in the state of Montana. The 99 percent

is usually only a 15-day window of duty. It is the responsibility of the employer to match or pay the employee's share while that member is on active duty. This allows the service member the opportunity to return to their employment, and be given the option to contribute toward the earnings of their share of benefits, such as; leave, retirement, etc.

Vote: Motion carried unanimously by voice vote with SEN. BALYEAT voting aye by proxy.

Motion: SEN. SHOCKLEY moved his CONCEPTUAL AMENDMENT.

Discussion: He said on page 7, line 17, after the word "complainant", and the "period", delete "however, etc." through line 18. If there is a problem with the language in the bill this conceptual language will solve it.

{Tape: 2; Side: A; Approx. Time Counter: 20 - 25.7}

Vote: Motion carried unanimously by voice vote with SEN. BALYEAT voting aye by proxy.

Motion/Vote: SEN. COONEY moved that AMENDMENT SB011803.ash DO PASS. Motion carried unanimously by voice vote with SEN. BALYEAT voting by proxy.

EXHIBIT(sts12a09)

Motion/Vote: SEN. COONEY moved that SB 118 DO PASS AS AMENDED. Motion carried unanimously by voice vote with SEN. BALYEAT voting aye by proxy.

{Tape: 2; Side: B}

Lieutenant Moran, legal counsel for Department of Military Affairs, and the Committee members discussed the mirror effect with this bill. It will allow our armed forces in state of Montana to be treated the same way as if they were in federal active duty.

CHAIRWOMAN SQUIRES asked **SEN. COONEY** if he would mediate between Deer Lodge and Great Falls on the Law Enforcement Museum SB 73.

ADJOURNMENT

Adjournment: 5:00 P.M.

SEN. CAROLYN SQUIRES, Chairman

CLAUDIA JOHNSON, Secretary

CS/cj

Additional Exhibits:

EXHIBIT ([sts12aad0.PDF](#))