

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By CHAIR JAN BROWN, on January 24, 1991, at 9:00 a.m.

ROLL CALL

Members Present:

Jan Brown, Chair (D)
Vicki Cocchiarella, Vice-Chair (D)
Beverly Barnhart (D)
Gary Beck (D)
Ernest Bergsagel (R)
Fred "Fritz" Daily (D)
Ervin Davis (D)
Jane DeBruycker (D)
Roger DeBruycker (R)
Gary Feland (R)
Gary Forrester (D)
Patrick Galvin (D)
Harriet Hayne (R)
Betty Lou Kasten (R)
John Phillips (R)
Richard Simpkins (R)
Jim Southworth (D)
Wilbur Spring (R)
Carolyn Squires (D)

Staff Present: Sheri Heffelfinger, Legislative Council
Judy Burggraff, Committee Secretary

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

Announcements/Discussion: HB 158 was rereferred to our Committee from the Consent Calendar yesterday by Rep. David Wanzenried. The Committee needs to put in an official request for a fiscal note. Executive session on HB 95 was deferred until Friday, January 15. The Martin Luther King Day bill will be coming to the Committee as soon as the Senate passes on the 3rd reading. The Committee will not have to have a hearing on that bill as it was already heard during the joint session on Monday, January 21.

HEARING ON HB 12

Presentation and Opening Statement by Sponsor:

REP. ROBERT "BOB" PAVLOVICH, House District 70, presented HB 12, a bill to increase the monthly payments to victims of silicosis from \$200 to \$225. The silicosis is more commonly known as black lung or the cong. This is a disease that you get when you breathe bad air underground in mining operations and similar situations. Rep. Pavlovich's mother had two husbands that died from this disease. His mother was never a recipient of the Silicosis Bill. It was first introduced in 1967, and it pertains to people with Black Lung disease. The last time there was a raise under the Silicosis Bill was in 1981 when they received a \$25 raise. In 1985 another raise was sought but not achieved since there was no money available. When the bill was drafted, Rep. Pavlovich forgot there were two categories of people eligible for payment. One category receives \$200 a month and the other category receives \$100 a month. Those that receive \$200 a month are widows and spouses left from a person dying of silicosis after 1974. Those surviving widows and spouses of persons dying prior to 1974 only receive \$100 a month. "There is a bad discrepancy there, and I think we should try to level it off." Rep. Pavlovich distributed an amendment to try to equalize the payments. EXHIBIT 1 There are approximately 213 recipients receiving payments under the Silicosis Bill. EXHIBIT 2 There are 123 receiving the \$200 payment; 83 receiving the \$100 payment. The fiscal note only pertains to raising \$25 for those receiving \$200 a month and \$12.50 for those receiving \$100 as they only receive a half of the proposed increase under the section of the law pertaining to "those before 1974 get one-half of what the \$200 people" receive. Rep. Pavlovich distributed a fiscal note prepared by a legislative fiscal analyst EXHIBIT 3 that would equalize payments to all recipients. "I don't know whether the money is there . . . but we hope to at least get something in balance. If we can't bring them both equal, if we're going to give the \$200 ones a \$25 raise, I would like to see bringing the \$100 up to at least \$150 or \$175 or whichever the . . . Committee thinks." The youngest recipient is 59 years old; the oldest is 96. EXHIBIT 4 By the year 2,000, about 50 to 75 percent of recipients will be gone. "Give them a decent living."

Proponents' Testimony:

DON JUDGE, Executive Secretary, AFL-CIO, presented written testimony. EXHIBIT 5

Opponents' Testimony: None

Questions From Committee Members:

REP. ERNEST BERGSAGEL asked if any other benefits are received by the Silicosis Bill recipients. REP. PAVLOVICH said some receive some pension and social security.

REP. BETTY LOU KASTEN asked if the bill would go to Appropriations. She was told yes.

REP. WILBUR SPRING asked for a "ball park" figure of what the cost would be to bring "everyone equal." REP. PAVLOVICH said in 1992 it would probably cost the General Fund a little over \$500,000. A new fiscal note will have to be requested.

Closing by Sponsor:

REP. PAVLOVICH requested the Committee do "something with the bill to make it equal . . . and if not, please give them at least a raise of \$25 each. Whatever you can do I would appreciate it."

EXECUTIVE ACTION ON HB 12

Motion: REP. FRED "FRITZ" DAILY moved HB 12 DO PASS.

Discussion:

REP. PATRICK GALVIN asked the Committee if they understood what miner's cong or silicosis was, and if they understood all of the pain and suffering that goes with it. His grandparents died from this disease.

REP. DAILY said that it is like a "Butte bill" in a sense. A majority of the people were former Butte miners. People died at a relatively young age from (the disease). The reason for Galen is because of the silicotic. "This is an important piece of legislation. We're talking about people who are really elderly. The bill will be dealt with in Appropriations. It is an attempt to raise the benefits and an attempt to equalize the benefits." He said he has a list of people who receive \$100 and who receive \$200. "I think it is a good bill. . . . Hopefully there will be some money to fund it."

Amendments, Discussion, and Votes:

REP. DAILY moved the amendments of HB 12 by the sponsor of the bill DO PASS.

Ms. Sheri Heffelfinger said the amendment is to allow the people whose spouses died before March 14, 1974, who are receiving a \$100 benefit today, to equalize their benefit payment to those whose spouses died after 1974 to \$225. It would equalize those before 1974 and those after 1974.

HAIR BROWN said REP. PAVLOVICH had requested the Committee if they couldn't go "the whole way" to "go part way." The Appropriations Committee will deal with this also.

REP. ROGER DEBRUYCKER asked how the year was arrived at where those before a certain date would not be given \$200. REP. DAILY

said he did not know how they picked the date, but the only issue in the bill is the date. There isn't anything else tying the difference between \$200 and \$100. "My guess is that it was like any other appropriation bill that comes before the Legislature, . . . I would suspect the reason was because there wasn't enough money."

Vote: The motion CARRIED unanimously.

Motion: REP. DAILY moved HB 12 DO PASS AS AMENDED.

Recommendation and Vote: The motion CARRIED 18 - 1 with REP. SIMPKINS voting no.

HEARING ON HB 205

Presentation and Opening Statement by Sponsor:

REP. ERVIN DAVIS, House District 53, Charlo, introduced HB 205 an act to change the calculation of contributions due for service credits transferred between the Public Employees' (PERS) and Teachers' Retirement Systems (TRS). EXHIBIT 6

Proponents' Testimony:

David Senn, Executive Secretary, Teachers' Retirement Board (TRB), said they had requested a similar bill during the 1989 session. Prior to 1989 there was a very complicated formula to determine how many dollars would be transferred between PERS and TRS. If an individual had credit in one system and moved to another system that was covered, they had the option to transfer the credit between the systems. Prior to 1989, all of the money that had been put into their accounts was transferred. Then there was a formula for determining how many dollars would be transferred between the funds. Sometimes no dollars were transferred and sometimes there was a small transfer. This did not fund the liability that the receiving system received for the service that was transferred. A formula was worked out for full funding. But we saw a number of members with 23 to 24 years of PERS all of a sudden ending up in the TRS. In the TRS you can retire with full benefits with 25 years of services. These individuals transferring from PERS to TRS were out in a year or two. In those cases, the dollars we received from the PERS were far short of funding the liability for those individuals. Part of the bill introduced in 1989 provided that the individual would pay the difference between the combined employee and employer contribution rates to the system that he was transferring into. TRS today has a combined rate of 1.96 percent higher than the PERS rate. Therefore, 1.96 percent per year service had to be paid to TRS. In some cases that was fine and provided for full funding. There is also a formula for dollars to fund the transfer. Sometimes the transfer didn't begin to fund the

liability and often times the additional contribution, along with the member's contribution and the fund transfer, was more money than was required. The two years that the bill has been in effect has resolved one objective. No one with 20 - 24 years of PERS has transferred credits to TRS. The majority of the people that transfer now are younger, from 35 to 40 years old or younger, and they have 3 to 5 or 10 years of service. These people are being overcharged. This bill would propose to repeal HB 159 and make the statutory language retroactive and get rid of the additional contribution entirely. There has only been one person that has attempted to make the payment. "We told them don't do it. They sent us the check; we will return those monies. This bill provides for any contributions that have been made." Members, in lieu of making the contribution, had the option to take a reduction in service credit. The service credit will be brought up to full so they will get full credit for their PERS transfer to TRS or vice versa. "This bill will only require that the individual's account balance be transferred. It is their contribution, plus accumulated interest." Part of the individual's funding for the retirement benefit is employer contribution and interest. Seventy-two percent of the member's account balance will be transferred between the two systems. According to the actuary, this will provide equitable funding. There may still be some problems with people from PERS showing up in TRS. "We promise you that we will audit those very closely to see that they qualify for membership in TRS and are properly reported to us. I don't think we can arrive at a formula that is going to guarantee that we be 100 percent cost-effective and accurate every time. The only way we could do this is base it on age. To use age to calculate benefits, . . . would probably be discriminatory under federal regulations."

Larry Nachtsheim, Public Employees' Retirement Division, said he couldn't add anything to Mr. Senn's explanation of the bill other than to say "primarily the leveling mechanism between the two systems is at 72 percent employer contribution. A lot of time has been spent in the last 4 years looking at this. We think it will level out between the two systems and neither system will get an advantage by transfers. The way it is set up for employees is reasonable. The PERS Board supports HB 205."

David Evenson, Montana University System, said "A number of our employees were caught in the 1989 law."

Opponents' Testimony: None

Questions From Committee Members:

REP. KASTEN said that since there was no fiscal note, does that mean that no money would be changed other than contributions flowing from individual accounts. Mr. Senn said there is no fiscal note because "it is impossible to determine what the cost

is or is not between the retirement systems. . . . We really feel there is no fiscal impact on the retirement system."

REP. ERVIN SPRING asked if there would be a possibility in two years with another bill on this same matter if this one does not work. He said he is somewhat frustrated as he was on the Committee two years ago. Mr. Senn said, "I promise you that I will not be back in two years. REP. SPRING said you're not promising someone else won't. Mr. Senn said, "Let me rephrase that, the TRS Board will, I can assure you, not be back with another bill in two years."

Closing by Sponsor:

REP. DAVIS said he hopes the Committee will give the bill a DO PASS.

EXECUTIVE ACTION ON HB 205

Motion: REP. VICKI COCCHIARELLA moved HB 205 DO PASS.

Discussion:

REP. COCCHIARELLA said she wanted to mention to the members of the Committee who are new, that last session the bill was put into subcommittee. "I think it took us a good month to fight (it) out. . . . It was the duel of the 'Daves', and it was quite humorous. There was some compromising. It was really fun to have Dave Senn come back in here this time and say, 'Well, I guess maybe some people on the subcommittee were right, and we need to get rid of that bill.'" She said she really does not think that "they" will try to get rid of the bill.

REP. SPRING said he would like to compliment Rep. Cocchiarella because it appears that two years ago she was the only one who understood what we were doing, and it was wrong.

Recommendation and Vote: The motion CARRIED unanimously.

HEARING ON HB 231

Presentation and Opening Statement by Sponsor:

REP. JOHN COBB, House District 42, Augusta, presented HB 231 which would establish a process for delivering reports to the Legislature. Right now about 65 to 70 reports appear on a legislator's desk during the session. Most people try to read some of them but most end up in the garbage cans due to their being so much information to be read. Over the years, someone

thought it was a good idea for a legislator to receive certain reports. So each legislator received every report. There are approximately 90 plus reports that can come to the legislator. The bill would make a new procedure for about 70 of those reports. The bill would require (on Pg. 2, Ln. 16 - 20) that on every September 1, preceding a regular session, an entity required to submit a report to the Legislature (those reports are listed in the title of the bill) must inform the executive director of the Legislative Council (LC) the title, an abstract of the description of the contents, an estimate of cost for each copy and how many reports they want. The bill gives discretion to the LC to decide how many reports the Legislators will receive. They will decide whether every member will receive one or whether just one copy will be at the library or maybe a list will be sent to all legislators asking how many reports they want. The only problem there may be is when there are a lot of freshmen legislators and the LC may underestimate the number of reports. A number of legislators have said they don't want to see another report on their desk again. Rep. Cobb distributed, **REPORTS REQUIRED TO BE FILED WITH THE LEGISLATURE (REPORT ON REPORTS)**. **EXHIBIT 7** The reports that have been circled are the ones that the LC will not have any decision over. Most of those are like Revenue Oversight or those by the Finance Committee. Everything that is not circled will be included within the bill. There are reports such as nuclear power that no one ever sees. This bill may put pressure on the LC to say "maybe you ought to get rid of some of (the) reports. . . . Reality is we don't read all of these reports and we might save some paper."

Proponents' Testimony: None

Opponents' Testimony: None

Questions From Committee Members:

REP. ERNEST BERGSAGEL asked if he, as a freshman legislator, would have been precluded from receiving any information with the September 1 deadline. **REP. COBB** said that long before September 1, the entity must send to the LC what the bill is about. There is no deadline. On Pg. 2, Ln. 15 - 21, the bill states that the LC may not send back to that entity until December 1 to tell them how many reports they want. There is a lot of flexibility within the bill as to whether the LC could or could not send out the report. **REP. BERGSAGEL** requested **CHAIR BROWN** to respond to the question since she is on the LC. She said the details of the procedure would have to be worked out. What would probably happen would be the staff of the LC would get a list of the reports and the eight elected members of the LC would go over the list and decide. "The bill has the potential of saving a lot of paper and wasted reports." The LC is in agreement on taking the responsibility to do this. It is something that wouldn't preclude any legislators from receiving information. They would make sure there were enough extra copies.

Closing by Sponsor:

REP. COBB said the Committee might want to put a sunset on the bill for 2 to 4 years. If the bill isn't working, it would die a natural death; if it is, the sunset can just be removed.

EXECUTIVE ACTION ON HB 231

Motion: REP. ROGER DEBRUYCKER moved HB 231 DO PASS.

Discussion:

REP. JOHN PHILLIPS said he did not see any reason to include a sunset clause in the bill.

REP. RICHARD SIMPKINS said he agrees with Rep. Phillips' comment. He asked the Committee to remember the sunset provisions where "we got caught short on the Governor's emergency authorities that basically 'sunsetted' July 1, 1985. Some of these things do slip through the crack on sunsets. If the Legislature gets together and we start talking about no reports going out, the bill could then be modified or rescinded."

REP. KASTEN said if the LC thinks they are capable of doing all of what is necessary in this bill, they are certainly capable of judging whether it is working or not.

Recommendation and Vote: The motion CARRIED unanimously.

HEARING ON HB 244Presentation and Opening Statement by Sponsor:

REP. FRED THOMAS, House District 62, Stevensville, presented HB 244 which would clarify the procedure for polling the Legislature following veto of a bill when the Legislature is not in session and to clarify the use of facsimile signatures. It is time for the Legislature to join the "fax" technology. The bill would permit legislators after the adjournment of a session to cast a vote on a veto override poll by facsimile. This would give the legislators one more option when casting votes on important veto override questions. The bill would also cut the cost of printing and postage paid by the Secretary of State's office by not requiring that each bill, which is vetoed by the Governor, be mailed out in its entirety. It is not subject to the polling of the Legislature to be mailed out. The bill also clarifies which vote taken by the Legislature triggers the veto polling override process. Under the present language, if the legislation is

approved by two-thirds of the members of each house present, then the Secretary of State shall poll the Legislature when the Governor vetoes the bill. This bill tightens that language, so there is no room for confusion. The Legislature by its rules decides which vote would trigger the veto override poll. It also defines when the Secretary of State's office tallies the veto override poll. This prevents any confusion as to when the Secretary of State's office announces the total vote. The bill also corrects an inconsistency between the Constitution of the state and the statute. The Constitution specifies that the veto override triggers from two-thirds of the members present and the statute says two-thirds of the members present "of each house."

Proponents' Testimony:

Garth Jacobson, Chief Legal Counsel, Secretary of State's Office, presented written testimony. EXHIBIT 8

Opponents' Testimony: None

Questions From Committee Members: None

Closing by Sponsor:

REP. THOMAS said the legislator's signatures are on record at the Secretary of State's office. Any "fax" coming into the office could be checked for accuracy of the signature. Any legislator could find themselves in a position where they would need to use the facsimile. It would be a convenience. "We allow an absentee vote by signature in the House, which is another good rule that was changed. This would make that rule less cumbersome."

EXECUTIVE ACTION ON HB 244

Motion: REP. PHILLIPS moved HB 244 DO PASS.

Recommendation and Vote: The motion CARRIED unanimously.

HEARING ON HB 242

Presentation and Opening Statement by Sponsor:

REP. FRED THOMAS, House District 62, Stevensville, introduced HB 242 which would allow state employees involuntarily terminated from employment to enter into contracts with the state immediately following their termination. The bill amends the statute that restricts a public employee from contracting with a public agency for six months after they have terminated their employment. The law is on the books to prohibit someone that is working for the state, and possibly handling a very important and technical case, from quitting and then putting the state in a

position where the state would be almost forced to contract with them to finish the work at possibly a much higher amount than their previous salary. This bill would correct a very unfair situation. Employees whose jobs may be eliminated due to privatization of government services may be prohibited from working with the company that was hired to replace them. This creates a double jeopardy; they not only lose their job, but they cannot compete for the new private sector job. The bill preserves the original intent. The bill says, "A former employee does not include persons whose employment with the state was involuntarily terminated due to a reduction in force or other involuntary termination not involving a violation of provisions of the chapter."

Proponents' Testimony:

Mark Cress, Chief, Employee Relations Bureau, Department of Administration, said his division assists agencies with the adoption of personnel policy and advising on employment matters which include reduction in force or reorganization when employees may be laid off. Agencies have expressed their concern about the provisions of the section of the statute that involves employees in involuntary reduction in force. It is difficult to explain to an employee why after an involuntary separation they are unable to apply or compete with the job with the contractor or to compete for the contract. The section appears unfair. Six months is a fairly long period of time when you have lost employment. "In Montana, where we have public employees who have specialized skills, it may be quite difficult for them in our small labor market to find employment that does not involve public contract. The law does allow a contract for the lowest responsible bidder. . . . There are a number of contracts with the state where there is not a traditional bidding process as there may be other criteria . . . other than just cost which determine the successful award of the contract."

Mark Langdorf, Field Representative, Montana Council No. 9, American Federation of State, County and Municipal Employees, presented written testimony. **EXHIBIT 9**

Opponents' Testimony: None

Questions From Committee Members:

REP. DAVIS asked for clarification on the following: In the title it talks about involuntary termination, then down below it says "former employee may not within six months." Should six months be crossed out. **Mr. Langdorf** said the title refers to the employee that is laid off and would be able to be employed immediately. The six months will remain for the people who voluntarily quit. **REP. DAVIS** asked to be shown in Sect. 1, Lines 12 - 24 where it indicates voluntary termination. **Mr. Langdorf** said the law now states that any employee cannot contract within

six months of their termination. This bill under the definition of employee, excludes employees who are voluntarily terminated. It reads that the former employee may not within six months contract, but employee does not include those people who are laid off. REP. THOMAS said the bill retains the original intent of the law, but it is saying in the language that a former employee does not include "this person that was displaced." This is on Pg. 1, Ln. 19, which says "a former employee may not within six months."

Closing by Sponsor:

REP. THOMAS chose to not close.

EXECUTIVE ACTION ON HB 242

Motion: REP. KASTEN moved HB 242 DO PASS.

Discussion:

REP. DAVIS asked for explanation of "former employee" on Pg. 1, Ln. 19, versus Pg. 2, Ln. 19 "former employee." A former employee is a former employee. "It seems to me they could have reworded (the bill) so a former employee who voluntarily leaves is a former employee versus one who is involuntarily terminated. REP. DAILY said, "I think what they have done here is to simply define what a former employee is. A former employee is not a person who is involuntarily terminated." Sheri Heffelfinger said she would agree with Rep. Daily's description. "They are doing it by definition rather than changing the language on Sect. 1, Pg. 1, Ln. 19. By defining what an employee is not, it is a negative rather than a positive definition, but it does fulfill the purpose of the bill."

Recommendation and Vote: The motion CARRIED unanimously.

Motion: REP. KASTEN moved HB 242 BE PLACED ON THE CONSENT CALENDAR.

Discussion:

REP. CAROLYN SQUIRES said she thought the bill would need an explanation on the floor of the House.

REP. KASTEN withdrew her motion.

HOUSE STATE ADMINISTRATION COMMITTEE

January 24, 1991

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ADJOURNMENT

Adjournment: 10:05 a.m.



JAN BROWN, Chair



JUDY BURGGRAFF, Secretary

JB/jb

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION COMMITTEE

ROLL CALL

DATE 1/24/91

NAME	PRESENT	ABSENT	EXCUSED
REP. JAN BROWN, CHAIR	✓		
REP. VICKI COCCHIARELLA, VICE-CHAIR	✓		
REP. BEVERLY BARNHART	✓		
REP. GARY BECK	✓		
REP. ERNEST BERGSAGEL	✓		
REP. FRED "FRITZ" DAILY	✓		
REP. ERVIN DAVIS	✓		
REP. JANE DEBRUYCKER	✓		✓
REP. ROGER DEBRUYCKER	✓		
REP. GARY FELAND	✓		
REP. GARY FORRESTER	✓		
REP. PATRICK GALVIN	✓		
REP. HARRIET HAYNE	✓		
REP. BETTY LOU KASTEN	✓		
REP. JOHN PHILLIPS	✓		
REP. RICHARD SIMPKINS	✓		
REP. JIM SOUTHWORTH	✓		
REP. WILBUR SPRING	✓		
REP. CAROLYN SQUIRES	✓		

HOUSE STANDING COMMITTEE REPORT

January 24, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 12 (first reading copy -- white) do pass as amended.

Signed: Jan Brown
Jan Brown, Chairman

And, that such amendments read:

1. Title, line 6.

Following: "39-73-104,"

Strike: "AND"

Following: "39-73-107,"

Insert: "AND 39-73-109,"

2. Page 3, line 3.

Following line 2

Insert: "Section 4. Section 39-73-109, MCA, is amended to read:

"39-73-109. Payment of benefits to surviving spouse. (1)

Upon the death of a person receiving payments for silicosis under 39-73-104 or 39-73-108, the surviving spouse, as long as such spouse remains unmarried, is entitled to receive the payments granted the deceased spouse.

(2) A person who otherwise is qualified to receive payments under subsection (1) ~~of this section but whose spouse died prior to March 14, 1974, is hereby made eligible to begin receiving one-half of~~ must receive those payments; ~~provided,~~ however, a person is not eligible for these payments if ~~such spouse's~~ his taxable income is \$6,800 or more per year."

11-24-91
11-24-91
204

HOUSE STANDING COMMITTEE REPORT

January 24, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 205 (first reading copy -- white) do pass .

Signed: _____



Jan Brown, Chairman

HOUSE STANDING COMMITTEE REPORT

January 24, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 231 (first reading copy -- white) do pass .

Signed: 
Jan Brown, Chairman

HOUSE STANDING COMMITTEE REPORT

January 24, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 244 (first reading copy -- white) do pass.

Signed: _____
Jan Brown, Chairman

HOUSE STANDING COMMITTEE REPORT

January 24, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 242 (first reading copy -- white) do pass .

Signed: _____
Jan Brown, Chairman

EXHIBIT 1
DATE 1/24/91
HB 12

Amendments to House Bill No. 12
First Reading Copy

Requested by Representative Pavlovich
For the Committee on State Administration

Prepared by Bart Campbell
January 21, 1991

1. Title, line 6.
Following: "39-73-104,"
Strike: "AND"
Following: "39-73-107,"
Insert: "AND 39-73-109,"

2. Page 3, line 3.
Following line 2

Insert: "Section 4. Section 39-73-109, MCA, is amended to read:
"39-73-109. Payment of benefits to surviving spouse. (1)
Upon the death of a person receiving payments for silicosis under
39-73-104 or 39-73-108, the surviving spouse, as long as such
spouse remains unmarried, is entitled to receive the payments
granted the deceased spouse.

(2) A person who otherwise is qualified to receive payments
under subsection (1) ~~of this section but whose spouse died prior~~
~~to March 14, 1974, is hereby made eligible to begin receiving~~
~~one-half of~~ must receive those payments; ~~provided,~~ however, a
person is not eligible for these payments if ~~such spouse's~~ his
taxable income is \$6,800 or more per year.""

NUMBER OF RECIPIENTS

CLAIMANTS
BENEFICIARIES

PERCENTAGE	
Living MT	82.65%
130 Silver Bow County	52.58%
83 Over age 70	97.32%

EXHIBIT 2
DATE 1/24/91
HE 12

*Final
Not e*



TERESA OLCOTT COHEA
LEGISLATIVE FISCAL ANALYST

STATE OF MONTANA

Office of the Legislative Fiscal Analyst

STATE CAPITOL
HELENA, MONTANA 59620
406/444-2986

EXHIBIT 2
DATE 1/24/91
HE 12

January 22, 1991

Representative Bob Pavlovich
Montana House of Representatives
Seat #64
Helena, MT 59620

Dear Representative Pavlovich:

This letter is in response to your recent request for information concerning silicosis benefits.

There are two types of silicosis benefit payment recipients: persons who actually have the disease, and surviving spouses of silicosis victims. Recipients who have silicosis receive a \$200 monthly benefit payment. Surviving spouses of silicosis victims receive: 1) a \$200 monthly benefit payment if their spouse died after March 14, 1974; or 2) a \$100 monthly benefit payment if their spouse died prior to March 14, 1974.

Table 1 shows the increased cost of providing \$225 per month to each recipient, based upon Department of Labor and Industry projections of the total number of recipients.

TABLE 1 Cost of Silicosis Benefit Increase to \$225 Per Month								
Fiscal 1992					Fiscal 1993			
Current Benefit Amount	# of Recipients	Current Law	Proposed Increase	Total Cost	# of Recipients	Current Law	Proposed Increase	Total Cost
\$200/month	126	\$302,400	\$ 37,800	\$340,200	120	\$288,000	\$ 36,000	\$324,000
\$100/month	72	86,400	108,000	194,400	64	76,800	96,000	172,800
Total Recipients/ General Fund	198	\$388,800	\$145,800	\$534,600	184	\$364,800	\$132,000	\$496,800

If you have any further questions, please call me at 444-2986.

Sincerely,

Terri Perrigo
Associate Fiscal Analyst

DEPARTMENT OF LABOR & INDUSTRY
 Employment Relations Division
 1805 Prospect Avenue
 P.O. Box 8011
 Helena, Montana 59604

EXHIBIT 7
 DATE 1/24/91
 HB 12

SILICOSIS FUND

CURRENT NUMBER OF RECIPIENTS

ORIGINAL CLAIMANTS	30 (\$200/month)
SURVIVING SPOUSES	99 (\$200/month)
SURVIVING SPOUSES	83 (\$100/month)

TOTAL 212

COUNTY OF RESIDENCE		STATE OF RESIDENCE	
BEAVERHEAD	2	ARIZONA	2
BLAINE	1	ARKANSAS	1
BROADWATER	1	CALIFORNIA	6
CASCADE	1	COLORADO	1
DEER LODGE	7	CONNECTICUT	1
FLATHEAD	3	FLORIDA	1
GRANITE	8	IDAHO	4
JEFFERSON	6	ILLINOIS	1
LAKE	1	IOWA	0
LEWIS & CLARK	14	KANSAS	1
MADISON	4	MASSACHUSETTS	1
MISSOULA	4	MONTANA	175
MUSSELSHELL	0	NEVADA	1
PARK	2	NEW MEXICO	0
PHILLIPS	1	NORTH DAKOTA	1
PONDERA	1	OREGON	2
POWELL	2	PENNSYLVANIA	0
RAVALLI	1	UTAH	2
SANDERS	1	WASHINGTON	11
SILVER BOW	111	OUT OF U.S.	1
SWEET GRASS	1		
YELLOWSTONE	3		
OUT OF STATE	37		
TOTALS	212		212

AGE		PERCENTAGES	
50 to 60	1	Living in MT	82.55%
61 to 70	26	Silver Bow County	52.36%
71 to 80	80	Over age 70	87.26%
81 to 90	88	Nursing Home	14.15%
Over 90	17	Not Handle Affairs	12.74%
TOTAL	212		

For additional information concerning the Silicosis Fund, please contact either Cheryl Russell or Diana Ferriter at (406)444-6530.

Ex. 4
 1/24/91
 HB 12

COUNTY OF RESIDENCE		STATE OF RESIDENCE		AGE	
BEAVERHEAD	2	ARIZONA	2	50 to 60	1
BLAINE	1	ARKANSAS	1	61 to 70	26
BROADWATER	1	CALIFORNIA	3	71 to 80	20
CASCADE	1	COLORADO	1	81 to 90	39
DEER LODGE	7	CONNECTICUT	1	Over 90	17
FLATHEAD	3	FLORIDA	1	Average	20
GRANITE	3	IDAHO	4	Youngest	59
JEFFERSON	5	ILLINOIS	1	Oldest	99
LAKE	1	IOWA	0		
LEWIS & CLARK	14	KANSAS	1		
MADISON	4	MASSACHUSETTS	1		
MISSOULA	4	MONTANA	176		
MUSSELSHELL	0	NEVADA	1		
PARK	2	NEW MEXICO	0		
PHILIPS	1	NORTH DAKOTA	1		
PONDERA	1	OREGON	2		
POWELL	2	PENNSYLVANIA	0		
RAVALLI	1	UTAH	2		
SANDERS	1	WASHINGTON	11		
SILVER BOW	112	OUT OF U.S.	1		
SWEET GRASS	1				
YELLOWSTONE	3				
OUT OF STATE	37				
TOTALS	213		213		213

Last off. off. 1985
 Last 1981

47
 1/24/91



EXHIBIT 3
DATE 1/24/91
HB 12

DONALD R. JUDGE
EXECUTIVE SECRETARY

110 WEST 13TH STREET
P.O. BOX 1176
HELENA, MONTANA 59624

(406) 442-1708

Testimony of Don Judge on HB 12, House State Administration
Committee, January 24, 1991

Madam Chair and members of the Committee, for the record my name is Don Judge representing the Montana State AFL-CIO and we are here to support House Bill 12 which would increase silicosis benefits from \$200 per month to \$225 per month.

Benefits are paid to workers who suffer from silicosis or to their spouses. Currently there are less than three hundred people receiving silicosis benefits, and their level of compensation is obviously very low for the kind of disabling illness they suffer.

We are in favor of this bill, and would be very supportive if the committee could find it in their consciences to raise the benefits even higher.

We urge you to look favorably on House Bill 12 and give it a do pass recommendation.

Thank you.

EXHIBIT 6
DATE 1/24/91
HB 205

January 18, 1991

TESTIMONY HB205

Madam Chair and members of the State Administration Committee, For the record, I am Representative Ervin Davis, HD 53, Lake County.

HB 205 is a bill requested by the Teachers' Retirement Board. It is a simple bill - as outlined in the title. I won't attempt to explain the bill, but will leave that to Mr. David Senn from the Teachers' Retirement Board. I'm sure he will be able to answer your questions upon completion of his testimony. I'd like to reserve the right to close.

Thank you.

REPORTS REQUIRED TO BE FILED WITH THE LEGISLATURE
(REPORT ON REPORTS)

PREPARED FOR REP. JOHN COBB
BY DOUG STERNBERG
PARALEGAL, LEGISLATIVE COUNCIL

KEY: 1. STATUTE WHICH REQUIRES REPORT
2. ENTITY OR AGENCY REQUIRED TO FILE
3. FREQUENCY OF FILING
4. DESCRIPTION OF REPORT
5. OTHER ENTITIES WITH WHOM REPORT IS FILED, IF OTHER THAN
LEGISLATURE AS A WHOLE

- 1) 1. Article VIII, section 13, Mont. Const.
2. board of investments
3. at least annually
4. audit report of the unified investment program
5. governor
- 2) 1. 1-11-204
2. code commissioner
3. prior to November 1 immediately preceding each regular legislative session
4. code commissioner's recommendations for legislation to update and correct provisions of the MCA
5. legislative council
- 3) 1. 2-4-411
2. administrative code committee
3. at least once each biennium
4. recommendations for amendment of the Montana Administrative Procedure Act or amendment, adoption, or repeal of an administrative rule
- 4) 1. 2-7-104
2. director of revenue
3. at request of the legislature
4. studies of fiscal problems and tax structures of state and local governments
5. governor
- 5) 1. 2-8-112
2. legislative audit committee
3. ensuing legislative session
4. bill recommending continuation, modification, or termination of a state agency or program scheduled for termination

- 6)
 1. 2-8-203
 2. legislative audit committee
 3. regular legislative sessions
 4. recommendations regarding licensing of professions or occupations, estimated state cost for licensing, and proposed schedule of license fees

- 7)
 1. 2-8-207
 2. legislative audit committee
 3. regular legislative sessions
 4. recommendations regarding consolidation of existing licensing boards

- 8)
 1. 2-8-208
 2. legislative audit committee
 3. next legislative session
 4. findings and recommendations regarding licensing of professions or occupations when proposed through initiative

- 9)
 1. 2-15-2021
 2. department of justice and gaming advisory council
 3. 1991 and 1993 regular legislative sessions
 4. recommendations for amendments to gambling statutes, need for additional or modified department rules, clarification of existing rules, and other recommendations on department operation or other gambling-related matters

- 10)
 1. 2-18-209
 2. department of administration
 3. each legislature
 4. status of the study of comparable worth standard and recommendations as to what impediments exist to meeting the standard

- 11)
 1. 2-18-811
 2. department of administration
 3. available to each legislature
 4. detailing operation of state employee group benefit plans, including analysis of rate adequacy, and recommendations for changes in the plans

12.
 1. 2-8-1103
 2. department of administration
 3. biennial
 4. list of incentive awards and corresponding state savings and a general review of and suggestions for improving the incentive awards program

? (13) 1. 3-1-702

2. court administrator
3. upon request of the legislature
4. statistical and other data relating to business transacted by the courts

- 14) 1. 3-1-1126
2. judicial standards commission
 3. each year the legislature meets in regular session
 4. information filed during the preceding biennium regarding complaints filed against judicial officers and the disposition of the complaints

- 15) 1. 5-5-216
2. legislative interim subcommittees
 3. next regular session
 4. interim study reports and recommendations for legislation

- 16) 1. 5-7-207
2. commissioner of political practices
 3. beginning with the first Tuesday following the beginning of any regular or special session and on the first Tuesday of every month thereafter during which the legislature is in session
 4. names of registered lobbyists, names of principals the lobbyists represent, and subjects of legislation in which each principal is interested
 5. report to be supplied to each member of each house of the legislature

- 17) 1. 5-12-302
2. legislative fiscal analyst
 3. as desired by the fiscal analyst or as required by the legislative finance committee or the legislature
 4. reports and recommendations deemed desirable by the fiscal analyst regarding fiscal analysis of state government and financial matters relevant to issues of policy and statewide importance

- 18) 1. 5-13-304
2. legislative auditor
 3. during first week of each regular session
 4. copies of or summaries of audit reports on state agencies and recommendations relating to the reports

- 19) 1. 5-17-103
2. capitol building and planning committee
 3. each regular session
 4. report of committee activities and recommendations regarding the orderly development of state buildings in the immediate area of the capital city

- 20) 1. 5-18-107

2. revenue oversight committee
3. periodically in regular session and in the interim between regular sessions
4. indication of the revenue oversight committee's current revenue estimate

- 21) 1. 5-18-203
2. coal tax oversight subcommittee
 3. each regular session
 4. report on potential uses of the coal tax trust fund

- 22) 1. 5-19-108
2. committee on Indian affairs
 3. regular sessions
 4. report of committee activities, findings, recommendations, and proposed legislation

- 23) 1. 5-20-105
2. joint legislative committee on accountability and quality in education
 3. 1991 legislature
 4. report of findings, options for legislative consideration, and any proposed legislation
 5. governor, board of public education

- 24) 1. 10-4-102
2. department of administration
 3. biennial
 4. report on progress made in implementing a statewide emergency telephone system

- 25) 1. 13-37-121
2. commissioner of political practices
 3. at the close of each fiscal year
 4. report on actions taken by the commissioner, including names, salaries, and duties of all individuals in his employ and money he has disbursed; report on matters prescribed by the legislature; and recommendations for desirable legislation
 5. governor

- 26) 1. 15-1-205
2. department of revenue
 3. to each member of the legislature 20 days before session, upon request
 4. report showing all taxable property of the state, counties, and cities and its value, with recommendations for improvements in the taxation system, together with alternative measures formulated for legislative consideration; and changes made or contemplated in property appraisal or assessment
 5. governor

- 27) 1. 15-1-601

2. multistate tax commission
3. annually
4. report covering commission activities during the preceding year, including information on donations or grants accepted or services borrowed
5. governor

- 28) 1. 17-1-103
2. department of administration
3. upon request
4. make all reports and submit all information and data the legislature requests regarding financial affairs of state agencies

- 29) 1. 17-1-131
2. budget director
3, upon request
4. furnish any information regarding the budget
5. standing committees of the house and senate concerned with appropriations, revenue, finance, and claims

- 30) 1. 17-2-107(5)
2. department of administration or commissioner of higher education
3. by September 1 of the fiscal year following the second consecutive fiscal yearend in which a loan or loan extension is authorized to the same accounting entity
4. an explanation as to why the second loan or extension was made, an analysis of the solvency of the accounting entity or entities within the university fund or subfund, and a plan for loan repayment
5. legislative finance committee

- 31) 1. 17-2-107(6)
2. commissioner of higher education
3. by September 1 of the fiscal year following the second consecutive fiscal yearend in which an accounting entity in a fund or subfund has a negative cash balance
4. an explanation as to why the accounting entity has a negative cash balance, an analysis of the solvency of the accounting entity, and a plan to address any problems concerning the entity's negative cash balance or solvency
5. legislative finance committee

- 32) 1. 17-2-111
2. department of administration
3. not later than June 1 of the year preceding a regular legislative session
4. report findings and recommendations relating to all state special revenue accounts and proprietary accounts
5. legislative finance committee

33) 1. 17-4-107
2. department of administration
3. next session of the legislature
4. report of any canceling and writing off of accounts receivable

34) 1. 17-5-1650
2. board of investments
3. by December 31 of each year
4. financial report and summary and estimate of activities compared to previous annual report
5. governor and the public

35) 1. 17-7-301
2. governor
3. next legislature
4. report in a special section of the budget the amounts expended as a result of authorizations granted to make expenditures during the first fiscal year of the biennium from appropriations for the second fiscal year, and request any necessary supplemental appropriations

36) 1. 17-7-404
2. legislative fiscal analyst
3. as required
4. review of each proposed budget amendment certified by the approving authority for compliance with statutory budget amendment requirements and standards
5. legislative finance committee

37) 1. 18-7-303
2. publishing policy committee
3. each legislature
4. report detailing the savings to state government resulting from the State Printing Control Act

38) 1. 19-4-201
2. retirement board
3. biennially by January 1 of each year the legislature meets
4. details of financial transactions for immediately preceding 2 fiscal years, amount of accumulated cash and securities of the retirement system, and the last fiscal year balance sheet
5. governor

39) 1. 19-21-111
2. teachers' retirement board
3. 1991 legislature
4. results of a June 30, 1990, actuarial valuation of the teachers' retirement system made to determine the past service unfunded liability of active, inactive, and retired members of

the Montana university system, including the effect on the amortization of the unfunded liability by persons electing to participate in the optional retirement program

40) 1. 20-7-302.1
2. state director of K-12 vocational education
3. as required
4. prepare any necessary reports on the status of K-12 vocational education

41) 1. 20-9-346
2. superintendent of public instruction
3. any year when a session is convened
4. figures and data concerning distribution of state equalization aid during the preceding 2 school fiscal years; amount of state equalization aid then available; apportionment made of the available money but not yet distributed; the latest estimate of accruals of money available for state equalization aid

42) 1. 20-25-236
2. Montana agricultural experiment station and cooperative extension service
3. each legislature
4. expenditures, activities, and outcomes of the Montana Sustainable Agriculture Research and Education Act

43) 1. 20-25-301
2. board of regents of higher education
3. each regular session
4. report of progress and condition of the bureau of mines and geology, including any other necessary or required information

44) 1. 20-25-305
2. president of each unit of the university system
3. as required
4. any special report on request of the legislature, subject to the supervision of the regents

45) 1. 22-3-107
2. board of trustees of the Montana historical society
3. biennially
4. statement of all important transactions and acquisitions, with suggestions and recommendations for the better realization of the purposes of the society and the improvement of its collections and services
5. governor

46) 1. 23-5-1007

2. state lottery commission
3. quarterly and annually
4. reports on all aspects of the state lottery, including types of games, gross revenue, prize money paid, operating expenses, net revenue to the state, contracts with gaming suppliers, and recommendations for changes to the Lottery Act
5. governor, department of administration, legislative auditor, president of the senate, speaker of the house, and each member of appropriate legislative committees as determined by the president and speaker

- 47) 1. 23-5-1008
2. legislative liaison committee
 3. each legislature
 4. report on activities and operations of the state lottery

- 48) 1. 23-5-1028
2. legislative auditor
 3. annual
 4. audit report of the state lottery
 5. state lottery commission, lottery director, governor, president of the senate, speaker of the house, and each member of appropriate legislative committees as determined by the president and speaker

- 49) 1. 33-22-1513
2. insurance commissioner
 3. on or before January 15 each year the legislature meets in regular session
 4. total amount of premium tax offset claimed by comprehensive health association members during the preceding biennium

- 50) 1. 37-1-106
2. department of commerce, in cooperation with each professional or occupational licensing board
 3. biennial
 4. summary of each board's activities, goals, and objectives; detailed breakdown of board revenues and expenditures; statistics illustrating board licensing activities; summary of complaints and their disposition; legislative or court action affecting the board; and any other relevant information
 5. governor

- 51) 1. 39-6-101
2. department of labor and industry, through the governor
 3. not less than once every 2 years
 4. report of department activities and findings

- 52) 1. 39-51-407

2. governor
 3. promptly
 4. amount required for replacement of money supplied by the state or its subdivisions for use of the department of labor and industry in the administration of the Unemployment Insurance Law
- 53) 1. 44-2-304
2. attorney general
 3. every legislature at the time funds are requested for administration of the teletypewriter communications system
 4. detailed report covering the operations of the communications network, the accounting of all money received and expended, and the need to expand or improve the system
 5. appropriations committee
- 54) 1. 44-13-103
2. attorney general
 3. not later than 4 months after the end of each fiscal year
 4. detailed report of amounts and property credited to the law enforcement assistance account and of the disposition thereof
- 55) 1. 46-23-316
2. governor
 3. each regular session
 4. each case of remission of fine or forfeiture, respite, commutation, or pardon granted since the previous report
- 56) 1. 50-5-317
2. departments of health & environmental sciences, family services, and social and rehabilitation services
 3. 1991 legislature
 4. a determination of the need for services provided by residential treatment facilities
- 57) 1. 53-2-1107
2. each private industry council in each service delivery area in the state
 3. annual
 4. a job training plan report describing the activities conducted in the service delivery area during the program year and the extent to which activities exceeded or failed to meet performance standards adopted in the job training plan
 5. governor
- 58) 1. 53-6-110
2. department of social and rehabilitation services
 3. at the commencement of each legislative session
 4. report and recommendations concerning medicaid funding for the next biennium
- 59) 1. 53-20-104

2. mental disabilities board of visitors
3. each session of the legislature
4. report concerning the status of residential facilities and habilitation programs inspected by the board
5. governor

60)

1. 53-21-104
2. mental disabilities board of visitors
3. each session of the legislature
4. report concerning the status of mental health facilities and treatment programs inspected by the board
5. governor

61)

1. 53-24-204
2. department of institutions
3. biennial
4. update of comprehensive long-term state chemical dependency plan

62)

1. 53-24-210
2. department of institutions
3. each legislative session
4. status of department's state plan for alcohol abuse and chemical dependency

63)

1. 52-30-133
2. department of institutions
3. each legislature
4. report of continuing plans and recommendations in implementing the prison industries training program

64)

1. 60-11-111
2. department of commerce
3. periodically
4. progress report on identification of abandoned railroad rights-of-way and feasibility of acquisition by the state
5. legislative finance committee

65)

1. 61-2-201
2. vehicle equipment safety commission
3. annually
4. coverage of commission activities for the preceding year and recommendations issued by the commission
5. governor

66)

1. 61-10-1101
2. multistate highway transportation agreement cooperating committee
3. no later than November 1, annually
4. report setting forth the committee's work during the preceding year and including recommendations developed by the committee

5. transportation committee of the western conference, council of state governments, and the western association of state highway and transportation officials

67) 1. 69-1-222
2. consumer counsel
3. yearly
4. report on consumer counsel activities during the year and recommendations for appropriate remedial legislation
5. legislative consumer committee

68) 1. 69-1-404
2. legislative finance committee
3. each regular legislative session
4. results of the committee's review of the budget of the department of public service regulation and of the calculations made by the department of revenue in determining regulatory fees, as well as any recommendations concerning the matter of funding the department

69) 1. 72-16-202
2. department of revenue
3. opening of legislative sessions
4. general result of the department's labors and investigations in inheritance tax matters during the previous biennium, specific reports of counties where administration of inheritance laws has been lax and unsatisfactory, and recommendations for legislative action
5. governor

70) 1. 72-16-447
2. in-kind review committee
3. upon completion of review of application for in-kind payment of inheritance or estate taxes by the transfer to the state of personal property, real property, or an interest in real property
4. advise as to uses of the property
5. revenue oversight committee and the department of revenue

71) 1. 75-1-203
2. each state agency that prescribes fees for issuance of a lease, permit, contract, license, or certificate when the agency is required to compile an environmental impact statement
3. prior to the time a request for an appropriation is made to the legislature
4. complete report on fees collected

72) 1. 75-1-324(1)--(3)
2. executive director and staff of the environmental quality council
3. each legislature
4. studies of conditions and trends affecting the quality of

the environment and recommendations for state policies to improve environmental quality

5. governor

73) 1. 75-1-324(10)
2. executive director and staff of the environmental quality council
3. annually
4. environmental quality report concerning the state of the environment
5. governor and the public

74) 1. 75-1-1101
2. governor
3. at the beginning of each regular session
4. complete financial report on the environmental contingency account, including a description of all expenditures made since the preceding report

75) 1. 75-7-304
2. Flathead basin commission
3. biennial
4. information summaries, financial accounting, and appropriate recommendations
5. appropriate legislative committees and the governor

76) 1. 75-10-533
2. department of health and environmental sciences
3. each legislature
4. amounts collected for motor vehicle recycling and disposal and costs of administration of the program

77) 1. 75-10-704
2. department of health and environmental sciences
3. at the beginning of each regular session
4. complete financial report on the environmental quality protection fund, including a description of all expenditures made since the preceding report

78) 1. 76-11-203
2. department of natural resources and conservation
3. annually, not later than January 1 of each year
4. progress of the soil survey plan and mapping program
5. governor

79) 1. 76-12-109
2. board of land commissioners
3. each legislature
4. annual report on designation and acquisition activities of the board

80) 1. 80-7-713

2. department of agriculture
3. biennial (optional at department's discretion)
4. report on status of noxious plants and their management
5. governor and other groups and organizations

- 81) 1. 80-12-402
2. department of agriculture
3. at least 30 days before each regular legislative session
4. details of the operations of the agricultural loan authority program since the adjournment of the last legislature and a financial statement showing the program's assets and liabilities
5. governor

- 82) 1. 82-11-161
2. board of oil and gas conservation
3. beginning of each regular session
4. complete financial report on the oil and gas production damage mitigation account, including a description of all expenditures made since the preceding report

- 83) 1. 85-1-407
2. department of natural resources and conservation
3. next session of the legislature
4. report of the canceling and writing off of accounts receivable upon abandonment or disposition of the Daly ditch water project

- 84) 1. 85-1-621
2. department of natural resources and conservation
3. biennial
4. status of the water development program
5. president of the senate and speaker of the house, members of the water policy committee, and other members of the legislature upon request

- 85) 1. 85-2-105
2. water policy committee
3. not less than once every biennium
4. analysis and comments on the state water plan, state water development program, water-related research, and the water resources data management system

- 86) 1. 87-1-250
2. department of fish, wildlife, and parks
3. biennially
4. activities concerning upland game bird enhancement and any recommendations for improvement of the program
5. fish and game committee of each house of the legislature

- 87) 1. 87-1-722

2. department of fish, wildlife, and parks
3. each legislature
4. use or investment of proceeds from the auction of a mountain sheep license

88) 1. 87-2-724

2. department of fish, wildlife, and parks
3. each legislature
4. use or investment of proceeds from the auction of a Shiras moose license

89) 1. 87-5-123

2. department of fish, wildlife, and parks
3. each legislature
4. results of any program using money from the nongame wildlife account, listing in detail how the money was used

90) 1. 90-3-203

2. board of science and technology development
3. by January 1 of each odd-numbered year
4. description of board programs and accomplishments
5. governor

91) 1. 90-4-111

2. department of natural resources and conservation
3. beginning of each regular legislative session
4. report of expenditures and other information concerning the implementation and effectiveness of specific projects or programs for which grants were awarded to enable research, development, or demonstration of energy conservation or alternative renewable energy sources

92) 1. 90-5-201

2. western interstate nuclear board
3. annually
4. report covering activities of the board for the preceding year and recommendations adopted by the board
5. governor

93) 1. 90-8-311

2. board of investments
3. annually
4. report concerning Montana capitol companies
5. revenue oversight committee

Testimony in Support of
HB 244

January 24, 1991

Madam Chairman and members of the House State Administration Committee,

For the record I am Garth Jacobson representing the Secretary of State's Office.

HB 244, as explained to you by its sponsor Representative Thomas, is a bill which is an ounce of prevention to cure a pound of problems. This bill we believe cures potential problems that may occur when the Secretary of State's office conducts a veto override poll following the adjournment of the legislature.

In a nutshell this bill clarifies the procedures for veto polling the legislature following the end of the legislative session and it permits legislators to cast their votes by facsimile transmission.

Specifically the bill addresses four concerns.

1. Legislators will now be able to cast their vote to sustain or override a governor's veto by facsimile transmission. At the end of the last session certain legislators did not have their mail forwarded to them until the deadline for voting almost had expired. The only way they could vote was via fax. The Secretary of State's office felt it did not have the statutory authority to accept a fax vote from a legislator. We now seek that authority to help facilitate voting for all legislators.

2. This bill requires the legislature to determine which vote triggers the polling process. It is important that the legislature make this call. You must decide if it should be third reading, conference committee vote or what. Also you need to say what two thirds of the members present means. Does it mean two thirds of those casting votes on that bill or two thirds of the members attending that day's session? These are the questions that create litigation. You need to decide the rules and we will perform the process without any interpretation on our part.

3. This bill creates some cost savings for the state. If the governor vetoes a bill that does not result in the polling of the legislature then the Secretary of States office will only have to send a copy of the title of the bill and the veto message. We will not sent the entire bill. This may result in savings by reducing printing and postage costs. However if you want a copy of the entire bill, we would be more then happy to send it to you.

However if there is a polling of the legislature then we will send you the entire bill by certified mail with the instructions and the deadline for voting.

4. Finally HB 244 specifies when the Secretary of State's office tallies the final vote count of the veto override poll. While the period for casting votes is 30 days there is some question when our office would declare the results of the polling. This will parallel your voting procedures when the Speaker says does any one wish to change his or her votes - will the clerk please record the vote. The secretary of state's office will not announce the official tally until after the close of the voting period. You will be given the opportunity to change your vote or not vote until the very last minute. Technically it will not be a done deal until the end of the thirty days. Our concern here is that everybody knows the rule of the process up front and agrees to them.

As a side note, while the legislative council drafted this bill they noticed a portion of the statutes that may have been unconstitutional. This bill corrects that problem.

Based upon this testimony you can see that this bill prevents any problems before they happen and makes the process of voting easier for you when you leave and return to your other activities. I urge you to recommend that this bill do pass.

EXHIBIT 9
DATE 1/24/91
242

HB242

Dear Madam Chairwoman, members of the committee;

For the record my name is, Mark Langdorf, I am a Field Representative for Montana Council #9 of the American Federation Of State, County, and Municipal Employees.

Every person forced into the ranks of the unemployed should have the right to seek out employment in all sectors of the work force, which this bill addresses.

Unfortunately this bill follows suit with the Administration's ambitions to move government services into the private sector. The Governor's efforts to achieve this goal is plainly seen in this bill.

Although we support the spirit of this bill, AFSCME feels, that it has to make clear that we do not support "contracting out" or "privitization" by supporting the spirit of this bill.

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO. HB 12

DATE 1/24/91

SPONSOR(S) REP. PAVLOVICH

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Don Judge	MT STATE AFL-CIO	HB12		X
Rep. Paul	HD 70	X		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

