

March 14, 1977

The meeting was called to order by Chairman Brand at 8:10 a.m.; roll was taken, with Ryan absent.

Dick Hargesheimer's summary of SB 336 and SJR 35 was presented to the committee members. See attachment #1.

SB 336-Senator Turnage, sponsor--This bill was introduced at the request of the Police Officers Association, and relates to their retirement benefits. I understand that the PERS people have worked out some amendments to the original bill; and with these amendments, they felt the bill would be in good shape. If there are problems, I would appreciate having an opportunity to have them answer any questions.

JIM TURCOTTE, Assistant Administrator, PERS Division, Department of Administration--Section 1 is dealt with in HB 801, and it applies to the same thing. The two bills would conflict if both were passed. I would recommend that section 1 be stricken.

TURNAGE-I would agree with the expert testimony here to strike section 1; also section 3, since the sheriffs' bill didn't go through.

TURCOTTE-We are presently giving member contribution refunds. They can receive a refund, but I don't believe they can buy back in. You might want to change one thing, depending upon the outcome of HB 801.

HEARING CLOSED - EXECUTIVE SESSION

SB 336-Robbins moved to pass consideration until the next meeting. BRAND-I am not opposed to the fact that they get military credit, but I object to the fact that they can do this so soon, and cut down on the number of years before retirement. Robbins motion carried unanimously.

SB 265-BRAND-Wasn't there debate about reinserting the meeting within 30 days after the election? I entertain a motion to pass consideration on this until this question is cleared up. LIEN-So moved, motion carried.

SB 238-Robbins moved to amend as per attachment #2. Motion carried. Lien moved AS AMENDED BE CONCURRED IN. O'CONNELL-When we tried to do this in city council, we had a lot of trouble. If there are any bugs, then we can work it out as we go. I am against the bill. LIEN-We have a commission that is appointed as the power to write law, and I think that's dangerous. If the legislature at least had veto power, it would help. There's no way we could fiddle around like years before, we have to act under strict guidelines. If we all flipped our minds, we couldn't do worse. I think the county lines were deliberately broken to break up machines. MULAR-I think they attempted to be fair, but the overlaps were bad. BRAND-The commission wasn't the first time it went across county lines. TURNER-That was within census enumerating districts. MENAHAN-I think it worked best when we had the commission. There were less politics. There was such a scramble when the legislature did it. If they took some democratic area, the democrats were chasing, and vice versa. We ended up being 150 miles from some of our constituents. BRAND-Anaconda just about had a stacked deck against the rest of us. MULAR-If this were changed, it would trespass district lines in the new city government districts. KROPP-It seems we have an urban - rural conflict. The rural people naturally want this, but the urban areas don't seem to trust themselves. ROBBINS-I think the legislature should still have some say so in it. LIEN-I know that this will be legally mandated if we don't pass

this. Senator Manning has a case that he will take to the Supreme Court. I don't think we have the authority to turn this over to an appointed commission. I have to have 64 votes in the House, which I don't think we will get. I feel it will be brought out in court. The federal government was going to appoint a commission, and the Supreme Court said they couldn't.

There was a roll call vote on Lien's motion that SB 238 BE CONCURRED IN AS AMENDED. The motion passed carried, 10 - 4, with Brand, Bardanouye, Mular, and O'Connell voting no.

SB 106-LIEN-I spoke to Leo Barry about whether this parcel of land was handled any different from any other grant land; and he said he would check to see if the trust fund had to be reimbursed. He said he didn't think there was any difference. MULAR-I think there is a legal problem. MENAHAN-I don't think we should get into the habit of giving land away. BARDANOUYE-They are making it appear that we have to buy this back, and it isn't necessary. Lien moved SB 196 NOT BE CONCURRED IN, motion carried unanimously.

SB 160-Feda moved NOT BE CONCURRED IN. Mular made a substitute motion to amend the bill with Kanduch's amendment - page 2, section 3 - "The state shall be entitled to 1% of the wholesale price as a reimbursement for promoting the sale of the by-products." Also to include the amendment presented by the highway department - Page 1, line 14, Following: "available" Strike: the remainder of lines 14, 15, 16, and 17. The motion carried, with Feda, Turner, Smith, Lien, and Kropp voting no. Mular moved the bill be sent out AS AMENDED BE CONCURRED IN. MULAR-With the last amendment, we virtually killed the bill with permissivity. Motion failed, 9 - 6, with Lien, Robbins, Ryan (who came in very late), Feda, Kropp, Meyer, Smith, Tower, and Turner voting no. Feda moved to reverse the vote with a NOT BE CONCURRED IN recommendation, so moved.

SB 179-Dick Hargesheimer presented the amendment brought in by the Secretary of State's office (see attachment #3). DICK-There's a question as to whether the simple bill is adequate; but, they aren't certain that a constitutional amendment is necessary. Mular moved the amendment, the motion carried unanimously. Robbins moved the bill be sent out AS AMENDED BE CONCURRED IN, motion carried with Bardanouye, Mular and Brand voting no. Tower was assigned to carry it on the floor.

SB 197-Mular moved NOT BE CONCURRED IN. Feda made a substitute motion that the bill BE CONCURRED IN. BRAND-The apportionment is very uneven. They have to go to the bureaucrats in Helena to decide who is eligible to vote. MULAR-I feel this is a personality clash, and also it was alluded that we are creating a third political party in the state. FEDA-It seems that the states that have elected boards are getting more for their money. BARDANOUYE-I never was for the commission originally, and I had reservations about it when it went in; but, I have followed it closely, and they have done a good job. It is presently chosen in a political manner, but it seems they are able to make good appointments. ROBBINS-It seems that no matter which way we go, it is going to be political. BRAND-I would support legislation to elect them if the districts were apportioned better. BARDANOUYE-How will these people campaign? They don't get paid, so whichever farm organization puts the most money in, will get their man in. KANDUCH-I don't think the majority rule here is fair with 21% being a majority.

There was a roll call vote on Feda's motion that the bill BE CONCURRED IN, the motion

failed 9 - 6, with Brand, Lien, Bardanouye, Kanduch, Menahan, Mular, O'Connell, Ryan, and Tower voting no. The motion reverted back to Mular's original NOT BE CONCURRED IN, and the vote was reversed.

LIEN-I have something to say about SJR 35. I want it passed as is. I hoped that we could consider it with a full committee. If I don't have the votes, I don't. I know that Driscoll wants another task force. BRAND-I asked him to go to Graham and Conroy about another task force, and if they don't go with the amendment, then we will have to bring in another bill.

MEETING ADJOURNED - 9:35 a.m.

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Joe Brand, Chairman

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Anita C. Sierke, Secretary