

MINUTES OF THE MEETING
SENATE STATE ADMINISTRATION COMMITTEE
MARCH 25, 1977

The meeting was called to order by Senator Towe, Chairman at 4:20 p.m. in Room 410 of the Capitol Building. Committee members present were Senators Towe, Brown, Story, Rasmussen, Roskie, Jergeson, Blaylock, and Devine.

The following bills were discussed:

Appointments
HB 741
HB 765
HB 745
HB 794
HB 719
HB 263
HJR 20

Discussion was held regarding the appointment of Mr. Lackman as Commissioner of Agriculture. Senator Brown presented a proposal regarding confirmation of the appointment (attached #1).

Senator Story moved to reconsider the Lackman appointment. THE MOTION CARRIED WITH SENATORS DEVINE AND RASMUSSEN VOTING NO.

Senator Jergeson moved to hold the appointment until the first of April and see what alternative the Governor would submit. THE MOTION FAILED (SEE ATTACHED ROLL CALL VOTE #1),

A straw vote was taken on the possibility of asking for the appointment to be set until April 1, 1979 and failed.

Senator Devine moved Mr. Lackman be confirmed. THE MOTION FAILED ON A ROLL CALL VOTE (SEE ATTACHED ROLL CALL VOTE #2).

Senator Jergeson asked for a straw vote to determine if there is support for asking the Governor to set the appointment for a date certain this year. The straw vote was affirmative.

HOUSE BILL 741

Senator Jergeson moved HB 741 Be Concurred In. TTHE MOTION CARRIED WITH SENATOR STORY VOTING NO.

HOUSE BILL 765

Senator Devine moved House Bill 765 Be Concurred In. THE MOTION CARRIED UNANIMOUSLY.

HOUSE BILL 745

Senator Blaylock moved the amendments on the attached committee report. THE MOTION CARRIED UNANIMOUSLY.

Senator Blaylock moved House Bill 745 Be Concurred In As Amended. THE MOTION CARRIED UNANIMOUSLY.

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Minutes
March 25, 1977

HOUSE BILL 794

Senator Jergeson moved House Bill 794 Be Concurred In. THE MOTION CARRIED UNANIMOUSLY.

HOUSE BILL 719

Senator Blaylock moved the amendments on the attached committee report. THE MOTION CARRIED UNANIMOUSLY.

Senator Blaylock moved House Bill 719 Be Concurred In As Amended. THE MONTION CARRIED UNANIMOUSLY .

A report was received from the Governor's Office stating he would submit the appointment of Mr. Lackman until January 1, 1978 and would submit another name to be confirmed as Commissioner to serve from that date.

Senator Jergeson moved to confirm George Lackman as Commissioner of Agriculture on the basis of the previous report from the Governor. THE MOTION CARRIED UNANIMOUSLY WITH SENATOR BROWN ABSENT.

HOUSE BILL 263

Senator Rasmussen moved the amendments on page 1 as per the attached committee report. THE MOTION CARRIED UNANIMOUSLY.

Senator Rasmussen moved the amendments on page 2 as per the attached committee report. THE MOTION CARRIED UNANIMOUSLY.

Senator Blaylock moved House Bill 263 Be Concurred In As Amended. THE MOTION CARRIED UNANIMOUSLY.

HOUSE JOINT RESOLUTION 20

Senator Blaylock moved the bill be concurred in as amended. After discussion, it was decided to hold the bill for further action.

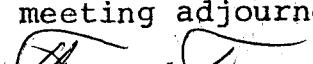
HOUSE BILL 263

Senator Rasmussen moved to reconsider House Bill 263. THE MOTION CARRIED UNANIMOUSLY.

Senator Rasmussen moved to amend the bill to include an effective date (see attached committee report). THE MOTION CARRIED UNANIMOUSLY.

Senator Rasmussen moved House Bill 263 Be Concurred In As Amended. THE MOTION CARRIED WITH SENATOR JERGESON VOTING NO.

There being no further business, the meeting adjourned to reconvene March 26 at 8:00 a.m.



State Administration COMMITTEE

Date 3/25/77

[illegible]

#1

The Committee on State Administration of the Montana Senate will agree to favorably recommending the nomination of George Lackman to the whole Senate for a period to end on April 30, 1979, pursuant to the following conditions which we have determined to be necessary in keeping with our responsibility to review and recommend nominations of the Governor.

Condition 1:

Mr. Lackman is requested by the Senate Committee on State Administration to inform the Committee as to how, should he continue by law after this session of the legislature to be Chairman of the Board of Real Estate, improprieties alluded to in the report issued by the Office of the Legislative Auditor can be averted in the future.

Condition 2:

Agriculture is Montana's leading industry and is, therefore, of vital importance to the economy of the State. Mr. Lackman is requested to present the Senate Committee on State Administration with specific ideas detailing how he, as Commissioner of Agriculture, intends to be an active and aggressive advocate of agriculture in Montana.

The Committee requests that Mr. Lackman comply with the conditions set forth in items one and two above and that responses from him be received by the Committee no later than April 1, 1977.

SENATE COMMITTEE STATE ADMINISTRATION

Lackman

Date 3/25 Appx. Bill No. _____ Time _____

NAME	YES	NO
Senator Tom Towe, Chairman		X
Senator Pete Story, Vice Chairman	X	
Senator Bob Brown		X
Senator Tom Rasmussen		X
Senator George Roskie	X	
Senator John Devine		X
Senator Greg Jergeson	X	
Senator Chet Blaylock	X	

Gill Robyans
Secretary

Thomas B. Dene
Chairman

Motion: by Sen. Jergeson to hold appx.
until April 1 for alternative
from the Governor.

(include enough information on motion--put with yellow copy of committee report.)

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SENATE COMMITTEE STATE ADMINISTRATION

Date 3/25/77 Lackman Bill No. appt Time

NAME	YES	NO
Senator Tom Towe, Chairman	x	
Senator Pete Story, Vice Chairman		x
Senator Bob Brown		x
Senator Tom Rasmussen		x
Senator George Roskie		x
Senator John Devine	x	
Senator Greg Jergeson		x
Senator Chet Blaylock	x	

Bill Robyans
Secretary

Thomas E. Dine
Chairman

Motion: by Sen. Devine that Mr.
Lackman Be Confirmed.

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

March 28

1977

MR. President

We, your committee on State Administration

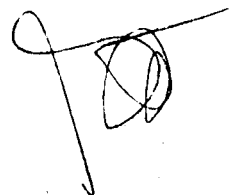
having had under consideration House

Bill No. 741

Respectfully report as follows: That House

Bill No. 741

~~DO PASS~~ BE CONCURRED IN



Chairman.

STANDING COMMITTEE REPORT

March 28

19 77

MR. President

We, your committee on State Administration

having had under consideration House Bill No. 765

Respectfully report as follows: That House Bill No. 765

~~DO PASS~~ BE CONCURRED IN

STANDING COMMITTEE REPORT

March 31

19 77

MR. President.....

We, your committee on.....State Administration.....

having had under consideration.....House..... Bill No. 745.....

Respectfully report as follows: That.....House..... Bill No. 745,
third reading, be amended as follows:

1. Amend title, line 4.

Following: "ACT"

Strike: "TO CONFORM"

Insert: "RELATING TO"

2. Amend title, lines 6 and 7.

Following: "BENEFITS"

Strike: "TO THE PROPOSED LOCAL GOVERNMENT CODE TERMINOLOGY"

3. Amend page 1, section 1, line 18.

Following: "CONSOLIDATION"

Insert: ", "

Following: "MUNICIPALITIES,"

Strike: "OR"

4. Amend page 1, section 1, line 20.

Following: "SERVICES"

Insert: ", or the entire county included in the county municipal
~~DO NOT~~ consolidation"

.....
Chairman.

Page 2
House Bill 745

5. Amend page 2, section 3, lines 18 through line 9 on page 3.
Following: line 17
Strike: lines 18 through line 9 on page 3 in their entirety

AND AS SO AMENDED, BE CONCURRED IN

Thomas E. Towe, Chairman

BM

STANDING COMMITTEE REPORT

March 28

19 77

MR. President

We, your committee on State Administration

having had under consideration House Bill No. 794

Respectfully report as follows: That House Bill No. 794

~~DO PASS~~ BE CONCURRED IN



STANDING COMMITTEE REPORT

..... March 31 19 77

MR. President

We, your committee on State Administration

having had under consideration House Bill No. 719

Respectfully report as follows: That House Bill No. 719,
third reading, be amended as follows:

1. Amend title, line 10.

Following: "82-1208,"

Strike: "82-1519,"

2. Amend page 24, section 21, line 23 through line 22 on page 25.

Following: line 22

Strike: section 21 in its entirety

~~ADOPTED~~ AND AS SO AMENDED, BE CONCURRED IN

.....
Chairman.

BMM

STANDING COMMITTEE REPORT

March 31

19 77

MR. PRESIDENT.....

We, your committee on **STATE ADMINISTRATION**.....

having had under consideration **HOUSE**..... Bill No. **263**

Respectfully report as follows: That **HOUSE**..... Bill No. **263**
third reading bill, be amended as follows:

1. Amend title, line 7.

Following: "DUTY"

Insert: "AND CLARIFYING ELEGIBILITY FOR FULL SERVICE PENSION"

Following: "AMENDING"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "11-1911"

Insert: "AND 11-1925"

Following: "1947"

Insert: "; PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Amend page 2, section 2, line 20.

Following: "10"

Strike: "but less than 20"

3. Amend page 2, section 2, line 21.

Following: "department"

Insert: "but has not both completed 20 years of service and attained age

XXXXXX

50 as an active fireman"

CONTINUED

4. Amend page 2, section 2, line 23.

Following: line 22

Strike: "July 1, 1977"

Insert: "the effective date of this act"

5. Amend page 3, section 2, line 5.

Following: "until"

Strike: "he reaches"

Insert: "the date he would have both reached"

6. Amend page 3, section 2, line 6.

Following: "birthday"

Insert: "and completed 20 years of service as a member of a fire department had his active duty not been terminated"

7. Amend page 3, section 2, line 10.

Following: "by"

Strike: "20"

Insert: "the number of years of service the fireman would have had if he had remained in active duty as a member of a fire department until the date he would have both attained age 50 and completed 20 years of service"

8. Amend page 3, section 2, line 16.

Following: "he"

Insert: "both"

9. Amend page 3, section 2, line 17.

Following: "years"

Insert: "and completes 20 years of service as an active member of a fire department"

10. Amend page 3, section 2, line 19.

Following: "have"

Insert: "both"

Following: "birthday"

Insert: "and completed 20 years of service as an active member of a fire department"

11. Amend page 4, section 2, line 1.

Following: "he"

Insert: "both"

12. Amend page 4, section 2, line 2.

Following: "years"

Insert: "and completes 20 years of service as an active member of a fire department"

13. Amend page 4, section 2, line 5.

Following: line 5

Insert: "Section 3. Section 11-1925, R.E.M. 1947, is amended to read as follows:

"11-1925. Pensions to retired firemen. (1) Each and every fire department relief association organized and existing under the laws of this state shall pay to each of its members who elect to retire from active service after having completed twenty (20) years or more of active duty and has reached the age of fifty (50) years as a fully paid member of a paid or partly paid and partly volunteer fire department of the city or town wherein such association has been formed, out of any money in the association's "disability and pension fund," a "service pension" in an amount which shall be equal to one-half (1/2) of the sum last received by the member as a monthly compensation, excluding overtime and payments in lieu of sick leave and annual leave, for his services as an active member of said fire department.

(2) However, effective July 1, 1974, and after an active member has completed twenty (20) years of service the pension of the member who serves or has served and additional one (1) to ten (10) years shall be increased at the rate of one per cent (1%) per year for each additional year of service completed, up to a maximum of sixty per cent (60%) of the last month's salary received as a monthly compensation for his services as an active member of said fire department; provided that no member shall be eligible to receive a service pension prior to attaining the age of fifty (50) years.

(3) However, the monthly compensation paid to members retiring on or after July 1, 1973 shall in no event become less than one-half (1/2) the regular monthly salary paid, excluding overtime and payments in lieu of sick leave and annual leave, to a confirmed active fireman of that city as provided each and every year in the annual budget of that city. In no event shall the monthly compensation paid to a member retiring prior to July 1, 1974 be less than two hundred dollars (\$200). In case of volunteer men the compensation shall in no event exceed the sum of seventy-five dollars (\$75) per month.

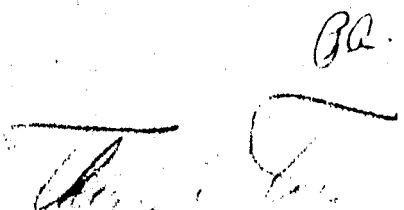
(4) As of the effective date of this act, a member is not eligible to receive a service pension under this section unless he is making a monthly contribution to the disability and pension fund as required by 11-1911, and is on active duty as a fully paid member of a fire department when he reaches the age of 50 years.

(5) A member of a pure volunteer fire department who has served twenty (20) years or more as an active member of such fire department, without qualifying as to any provisions pertaining to an attained age, shall be entitled to the benefits provided for by this act; provided, that a member of a pure volunteer fire department who has completed at least ten (10) years' service as an active member of such fire department, but who is prevented from completing at least twenty (20) years' service by dissolution or discontinuance of his volunteer fire department, or by personal relocation due to transfer or loss of employment, or by personal disability, or by any other factor beyond his reasonable control, may nevertheless qualify for partial or reduced pension, in such amount and to such extent as shall be determined by the board of trustees of the fire department relief association, without qualifying as to any provisions pertaining to an attained age."

Section 4. Interpretation. The amendments in section 3 of this act are intended to imply that prior to the effective date of this act a member could have retired prior to age 50 with full benefits to be paid at age 50.

Section 5. Effective date. This act is effective on passage and approval."

THE AS SO AMENDED, BE CONCURRED IN


Chairman Thomas E. Towe

STANDING COMMITTEE REPORT

March 26

19 77

MR. President.....

We, your committee on.....STATE ADMINISTRATION.....

having had under consideration Bill No.

communication of the Governor dated March 26, 1977, wherein the
name of:

MR. GEORGE LACKMAN, Helena, Montana, reappointed to serve
a term ending January 1, 1978

was submitted as appointment as:

Commissioner of Agriculture.

Respectfully report as follows: That..... Bill No.

said appointment be concurred in and confirmed by the Senate, and
that the attached resolution be adopted by the Senate.

~~XXXX~~
~~DO NOT~~

BE CONCURRED IN AND CONFIRMED

Chairman.

STANDING COMMITTEE REPORT

March 31

19 77

MR. President

We, your committee on State Administration

having had under consideration Bill No.

communication of the Governor dated March 29, 1977, wherein the
name of:

MR. GEORGE LACKMAN, Helena, Montana, reappointed to serve
a term ending April 1, 1979

was submitted as appointment as:

Commissioner of Agriculture.

Respectfully report as follows: That Bill No.

said appointment be concurred in and confirmed by the Senate, and
that the attached resolution be adopted by the Senate.

~~DO PASS~~ BE CONCURRED IN AND CONFIRMED