

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

January 13, 1981

The fourth meeting of the Senate State Administration Committee was called to order by Senator Pete Story, Chairman, on the above date, in Room 442 of the State Capitol Building at 10:00.

ROLL CALL: All members of the committee were present.

CONSIDERATION OF SENATE BILL NO. 78:

AN ACT TO REVISE THE DETERMINATION OF DISTANCE
LIMITATIONS FOR THE ISSUANCE OF A LIQUOR LICENSE:
EXCEPTING LICENSES ALREADY ISSUED...

Senator Elmer Severson, Stevensville, District 46, sponsor of the bill, would like to revise the manner in determining the 5-mile distance. The present law defines it in a straight line; the new bill would have it measured by the shortest practical route.

PROPOSERS:

Elmer Cherry claimed he could not get a liquor license because he is under the 5-mile limit under the present law. However, under the proposed law he is over the limit by auto and would be eligible if the bill passes.

Robert Durkee, representing the Montana Tavern Assn., expressed that they are for Bill No. 78.

CONSIDERATION ON SENATE BILL NO. 81:

AN ACT TO PROVIDE FOR AN AID TO DEPENDENT
CHILDREN UNEMPLOYED PARENT PROGRAM BY CHANGING
REFERENCES IN THE CURRENT PROGRAM FROM "UNEMPLOYED
FATHER" TO "UNEMPLOYED PARENT"

Senator Dorothy Eck, Bozeman, District 39, sponsor of the bill stated that this is a housekeeping bill that has very little other relevance.

PROPOSERS:

Judith H. Carlson, SRS, testimony enclosed, urged favorable consideration from the committee regarding the bill. Under federal decisions the department is required to apply the law as the amendment suggests, and they want to conform state law to federal law.

OPPOSERS: None.

Questions from the committee:

Senator Hammond asked if one parent is working and other not, would he be eligible for unemployment? Ms. Carlson gave the example of a family of five children, one parent unemployed, \$1,500 in assets, could be eligible for this program. Under present language many fathers leave their families so they can qualify for ADC.

Senator Hafferman wanted to know the criteria for a family of five, with one parent working. Ms. Carlson answered that she does not have the figures at hand, but a table in the office sets the criteria.

Senator Hammond asked what is suitable employment. Ms. Carlson answered that people are not required to take something way out of their range; desired wage would be accepted.

Senator Hafferman inquired of the cost for this program. Proponent Carlson indicated there would be no cost because it has a change of names. Senator Hafferman expressed fear that more people would take advantage of it. The counter statement by Ms. Carlson was that more are taking advantage now because we have a high unemployment. The applicants do not know what is in the law, anyway, she concluded.

Senator Story closed the hearing on this Bill No. 81.

CONSIDERATION OF SENATE BILL NO. 82:

ACT ALLOWING A MEMBER TO QUALIFY SERVICE IN
THE PUBLIC HEALTH SERVICE COMMISSIONED CORPS
FOR CREDIT IN THE PUBLIC EMPLOYEES AND TEACHERS
RETIREMENT SYSTEM:

Senator Story allowed Senator Eck to review her second bill of the morning with this committee.

Senator Eck explained that this Senate Bill No. 82 came to her attention because a friend of hers in the Public Health Commissioned Corps was ineligible for the retirement plan, but other branches of the service were eligible. She would like to amend the law to include Public Health. There would be a financial impact.

PROPOSERS: None.

OPPOSERS:

Mr. Larry Nachtsheim, testimony included, was in opposition to this bill because the cost for the employer would be \$695 per person per year. He claims there is not adequate funding for the bill, and his second reason for opposing it is that it is precedent setting.

Bob Johnson read his testimony of opposition, which is included.

Questions from the committee:

Senator Towe asked if people would be opposed to the bill if they had to pay their way in, including the state share. Senator Eck answered that it would be appropriate.

Senator Story appointed a subcommittee of Senators Ryan and Johnson to review this Senate Bill No. 82.

ACTION ON SENATE BILL NO. 62:

Senator Kolstad moved that S.B. No. 62 DO PASS. It passed by unanimous vote.

ACTION ON SENATE BILL NO. 71:

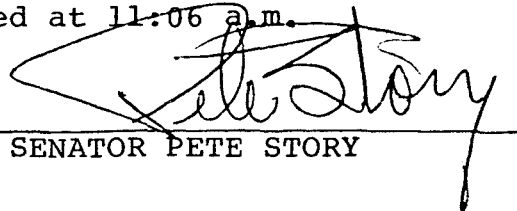
Senator Kolstad moved that the bill do not pass; a substitute motion was made by Senator Towe that this bill be amended. This motion passed by majority vote. He then moved the amendments be passed, which provided that annotations would not be provided free so that the cost would be absorbed by the users. The motion passed by majority vote. He then moved that the bill DO PASS, AS AMENDED. The motion passed by majority vote, with Senators Story and Ryan voting "No".

ACTION ON S. B. NO. 72: Senator Hammond moved that this bill DO PASS. It was seconded and motion carried by unanimous vote by those present.

ACTION ON SENATE BILL NO. 81: Senator Towe moved that this bill DO PASS. The vote ended in a tie and will have to be determined by Senator Johnson who was absent.

ACTION ON SENATE BILL NO. 78: Senator Hafferman moved that this bill DO PASS, and motion was carried by majority vote with Senator Ryan voting "NO".

ADJOURNMENT: The meeting was adjourned at 11:06 a.m.



SENATOR PETE STORY

Fourth meeting

ROLL CALL

STATE ADMINISTRATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 1-13-81

NAME	PRESENT	ABSENT	EXCUSED
Senator Pete Story, Chairman	✓		
Senator Allen Kolstad, V. C.	✓		
Senator William Hafferman	✓		
Senator H. W. Hammond	✓		
Senator Jan Johnson			
Senator Patrick Ryan	✓		
Senator Thomas Towe	✓		

Each day attach to minutes.

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date 1/13/81 Bill No. 62 Time

NAME	YES	NO
Senator Pete Story, Chairman	X	
Senator Allen Kolstad, V. Chairman	X	
Senator William Hafferman	X	
Senator H. W. Hammond	X	
Senator Jan Johnson	X	
Senator Patrick Ryan	X	
Senator Thomas Towe	X	

Barbara Simic
Secretary

Pete Story
Chairman

Motion: Senator Kolstad Moved that Senate Bill No. 62 DO PASS;
motion was seconded and carried by unanimous vote.

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

FISCAL NOTE

Form BD-15

In compliance with a written request received 1-11, 19 81, there is hereby submitted a Fiscal Note for S.B. 82 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of S.B. 82: A proposal to allow members of Public Employee's Retirement System to qualify service in the Public Health Service Commissioned Corps and provide for payment of only the employee contributions.

Assumption: Based on the fact that retirement contributions are paid by both the employee and the employer, this bill provides for only the employee contribution and does not allow for the payment of the employer contributions. The number of individuals affected by this act cannot be determined.

The cost to the retirement system is based on an average salary of \$11,126 annually and employer rate of 6.2%.

Impact on Retirement System Funding:

Each year of service qualified by a member of the system will be a cost to the retirement system of approximately \$690.

Impact on Teacher's Retirement System:

The number of members having this service cannot be determined, however, it is estimated that the cost would be somewhat higher per member than the figure given for the Retirement System Fund.

David M. Leiner

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: _____

STANDING COMMITTEE REPORT

January 13, 1981

MR. **President**

We, your committee on **State Administration**

having had under consideration **Senate** Bill No. **62**

Respectfully report as follows: That **Senate** Bill No. **62**

DO PASS

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date 1-13-81 Bill No. 71 Time

AS AMENDED, DO PASS

NAME	YES	NO
Senator Pete Story, Chairman		X
Senator Allen Kolstad, V. Chairman	X	
Senator William Hafferman	X	
Senator H. W. Hammond	X	
Senator Jan Johnson		
Senator Patrick Ryan		X
Senator Thomas Towe	X	

Barbara Simic
Secretary

Pete Story
Chairman

Motion: Sen. Towe moved that this bill do pass, as amended.

The motion passed by majority vote.

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

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date 1-13-81 Bill No. 71 Time

Amendments

NAME	YES	NO
Senator Pete Story, Chairman		X
Senator Allen Kolstad, V. Chairman	X	
Senator William Hafferman	X	
Senator H. W. Hammond	X	
Senator Jan Johnson		
Senator Patrick Ryan	X	
Senator Thomas Towe	X	

Barbara Simic
Secretary

Pete Story
Chairman

Motion: Senator Towe moved that these amendments be added to the
bill so that annotations would not be provided free so that
the cost would be absorbed by the users. The motion passed
by majority vote.

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

STANDING COMMITTEE REPORT

JANUARY 13, 19 81

PRESIDENT
MR.

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 71

Respectfully report as follows: That SENATE Bill No. 71

introduced bill, be amended as follows:

1. Page 2, line 9.

Following: "(5)"

Insert: "(a)"

2. Page 2, line 10.

Following: "publications"

Insert: "except annotations"

3. Page 2, line 12.

Strike: "(a)"

Insert: "(i)"

4. Page 2, line 13.

Strike: "(b)"

Insert: "(ii)"

~~DO NOT~~

CONTINUED

g/c

SENATE BILL NO. 71

5. Page 2, line 15.

Strike: "(c)"

Insert: "(iii)"

6. Page 2,

Following: line 16

Insert: "(b) The legislative council shall include in the cost price of the code the cost of providing the copies under this subsection."

AND, AS SO AMENDED
DO PASS

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date 1-13-81 Bill No. 72 Time

NAME	YES	NO
Senator Pete Story, Chairman	X	
Senator Allen Kolstad, V. Chairman	X	
Senator William Hafferman	X	
Senator H. W. Hammond	X	
Senator Jan Johnson		
Senator Patrick Ryan	X	
Senator Thomas Towe	X	

Barbara Simic
Secretary

Pete Story
Chairman

Motion: Senator Hammond moved that Senate Bill No. 72 DO PASS;
motion was seconded and carried by unanimous vote by those present.

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

STANDING COMMITTEE REPORT

January 13 81

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MR. **President**

We, your committee on **State Administration**

having had under consideration **Senate** Bill No. **72**

Respectfully report as follows: That **Senate** Bill No. **72**

DO PASS

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date 1-13-81 Bill No. 78 Time

NAME	YES	NO
Senator Pete Story, Chairman	X	
Senator Allen Kolstad, V. Chairman	X	
Senator William Hafferman	X	
Senator H. W. Hammond	X	
Senator Jan Johnson	X	
Senator Patrick Ryan		X
Senator Thomas Towe	X	

Barbara Simic
Secretary

Pete Story
Chairman

Motion: Motion was made by Senator William Hafferman that Senate
Bill No. 78 DO PASS; motion carried a majority vote with Senator
Ryan voting "No".

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

STANDING COMMITTEE REPORT

..... January 13 19 81

MR. **President**

We, your committee on **State Administration**

having had under consideration **Senate** Bill No. **78**

Respectfully report as follows: That **Senate** Bill No. **78**

DO PASS

DATE 1-13-81

COMMITTEE ON State Administration BILL NO. _____

VISITOR'S REGISTER

[illegible]

(Please leave prepared statement with Secretary)

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

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Testimony on S.B. 81 - An Act to Provide for an Aid to Dependent
Children Unemployed Parent Program by Changing References from Father to Parent

The Department of Social and Rehabilitation Services requested this bill and fully supports it. The State of Montana administers an Aid to Dependent Children program for needy families, including those families who are deprived of support because of unemployment. When our law was passed, the federal law authorized the program for families of Unemployed Fathers. Following a Court decision, Califano v. Westcott in June of 1979, the federal government deleted references to gender and made it an ADC program for Unemployed Parents in order to treat both mother and father equally. This elimination of sex discrimination is in keeping with our own Montana constitution. This program is also in keeping with our heritage of support for intact families - in Montana, one parent does not have to desert the family just so they can receive public assistance. The family can remain intact until employment is found.

The proposed law will bring Montana into conformity with federal law as interpreted by the Supreme Court but will not change the actual operation of the program.

The Department of Social and REhabilitation Services urges your favorable consideration of this bill.

Judith H. Carlson
Deputy Director

NAME: JUDITH H. CARLSON DATE: 1-13-81

ADDRESS: 111 N SANDERS

PHONE: 9-5622

REPRESENTING WHOM? SRS

APPEARING ON WHICH PROPOSAL: SB 81

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: CHANGE NAME OF PROGRAM - WRITTEN

TESTIMONY SUBMITTED -

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

Senate State Administration Committee

Testimony on Senate Bill 82

F. Robert Johnson

Teachers' Retirement

The Teachers' Retirement Board is opposed to Senate Bill 82 basically for the same reason outlined by Mr. Nachtsheim. One difference is that there is no funding consideration in that the Teachers' Retirement System receives both the employee and employer contribution on the purchase of military service. The inherent danger in the bill is the potential to add to the definition of military service.

S.B. 82 - P.E.R.S.

The purpose of this bill is to permit members of the P.E.R.S. and T.R.S. to qualify service with the Public Health Service Commissioned Corp, sometimes referred to as the Surgeon General's Office.

As is stated in the fiscal note on this bill, the cost per individual is minimal, approximately \$690 for each year to be qualified based on the average salary paid in the P.E.R.S. However, if there are 100 individuals who qualify for this service, the cost would obviously be \$69,000 per year.

The military service provision in the P.E.R.S. Act, enacted in 1973, was to recognize military service that interrupted the working careers of a great number of P.E.R.S. members; individuals who were drafted or elected to serve in the Armed Forces of the United States.

While the Public Health Service, like any public service, can be of a meritorious nature, it is not in keeping with the original intention of this military service provision to include Public Health Service any more than would be service with the Civilian Corps of Engineers, the Peace Corps or any other Federally designated program.

This particular amendment is proposed to enhance the participation in the retirement program of a very few select individuals. Any cost will detract from the funding for all members of the system.

The Public Employees' Retirement Board is therefore opposed to this measure for two reasons:

1. Adequate funding has not been provided; and,
2. The precedent of amending the Retirement Act for selected individuals is not in the best interest of the majority of the members of the system.

copy testimony will come

NAME: Larry Nachtshin DATE: 1/13/81

ADDRESS: 1742 Ninth Avenue

PHONE: 449-3154

REPRESENTING WHOM? PER S Board

APPEARING ON WHICH PROPOSAL: SB-82

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: Written will be given to me.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: F Robert Johnson DATE: Jan 13, 1981

ADDRESS: 1500 Sixth Ave

PHONE: 449.2134

REPRESENTING WHOM? Teachers' Retirement System

APPEARING ON WHICH PROPOSAL: Senate Bill 82

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY