

MINUTES OF THE MEETING OF THE HOUSE STATE ADMINISTRATION
COMMITTEE
January 28, 1983

VICE CHAIRMAN HELEN O'CONNELL called the meeting to order at 9:00 a.m. in Room 129 of the Capitol. All members were present except CHAIRMAN JOE BRAND, who was excused.

HOUSE BILL 329

REPRESENTATIVE JOHN SHONTZ, sponsor of House Bill 329, described a measure for "truth in advertising." He said it would make it against the law to say something untrue about a candidate in a political campaign. He said it was an attempt to address abuse of the campaign and electoral system.

VICE CHAIRMAN HELEN O'CONNELL CALLED FOR STATEMENTS BY OPPONENTS OF HOUSE BILL 329, THERE BEING NO FURTHER PROPONENTS OF HOUSE BILL 329.

Margaret Davis, president of the Montana League of Women Voters, said her group was neither for nor against the measure. She asked that testimony be held open until all opponents could testify on the measure.

Vice Chairman O'Connell noted that some opponents were not yet ready for the hearing on House Bill 329. She asked the sponsor if he would prefer to answer questions now, or when all opponents were present. Representative Shontz asked to keep the testimony open.

REAPPORTIONMENT

REPRESENTATIVE JERRY DRISCOLL, Chairman of the subcommittee dealing with reapportionment issues, presented a subcommittee report (attached).

Representative Driscoll noted that with regard to concern for the Hill-Blaine County line, the subcommittee recommends keeping the present House districts intact. With regard to the preference for House district pairings in Great Falls, Representative Driscoll noted that the reapportionment commission recommended pairing of these districts; O and P, Q and R, and S and N. Representative Driscoll said the subcommittee recommends pairing these districts; N and O, P and R, and Q and S.

REPRESENTATIVE GLENN MUELLER asked the rationale for the recommendation. Legislative Researcher Anne Brodsky said it was to preserve the rural nature of districts N and O.

REPRESENTATIVE JOHN PHILLIPS, from the Great Falls area, said the change would not make much difference. He said the changes were in the interests of SENATOR PAT GOODOVER who wished to reform the old Senate district he used to represent.

REPRESENTATIVE PAUL PISTORIA asked Phillips' impression of Goodover's plan. Phillips said "I'm done in anyway, but I favor the commission's plan."

VICE CHAIRMAN O'CONNELL NOTED THAT OPPONENTS TO HOUSE BILL 329 HAD RETURNED TO THE HEARING ROOM, AND SHE RECEIVED PERMISSION FROM THE COMMITTEE TO TEMPORARILY ABANDON WORK ON REAPPORTIONMENT TO RETURN TO THE HEARING PROCESS ON HOUSE BILL 329.

Wes Krawczyk, representing the Montana Chapter of the American Civil Liberties Union, spoke against House Bill 329. He said it constitutes prior restraint of free speech and is unconstitutional. He said it would have a "chilling effect" on constitutional rights. He also said it was too complicated.

Representative Shontz, in closing, disputed that the measure would restrain free speech. He said it would merely assess a penalty when free speech is false. He said the concept of responsibility for false speech is recognized in libel laws.

Representative Mueller said that the ACLU had said he had voted for only one bill correctly. Representative Mueller said this was not clear. He called it "a value judgment of what is 'true'." Representative Shontz said if this were technically correct, this legislation would not apply to such a case. Representative Shontz cited the Williams-Melcher campaign of 1982, wherein he said there was a "deliberate misrepresentation" by one candidate. Representative Mueller said the measure would "open a can of worms." He said it would amount to a "wide open free-for-all for attorneys."

REPRESENTATIVE JOE HAMMOND asked who would administer the legislation. Representative Shontz said it would be administered by the districts.

REPRESENTATIVE KATHLEEN McBRIDE said the bill did not address the case of a candidate who may knowingly misrepresent his own position.

REPRESENTATIVE WALTER SALES said "we all know these voting record things are bologna--they are manipulated."

REPRESENTATIVE FRANCIS BARDANOUVE asked how the measure would affect first amendment freedom of press guarantees. Krawczyk said the penalties would result in intimidation.

REPRESENTATIVE BRENT BLISS said the bill would amount to making a person who brought an unsuccessful charge under the legislation himself guilty of an untrue statement.

REPRESENTATIVE JOE BRAND said that his experience showed him that this legislation would not be valuable. He said a "full blown hearing on charges a few sessions ago accomplished zero." He asked what is to be accomplished here. Representative Shontz said "somebody is going to think twice about saying something false."

THERE BEING NO FURTHER STATEMENTS BY OPPONENTS OR QUESTIONS FROM COMMITTEE MEMBERS, VICE CHAIRMAN O'CONNELL CLOSED THE HEARING ON HOUSE BILL 329.

EXECUTIVE SESSION

HOUSE BILL 329

Representative Mueller MOVED House Bill 329 DO NOT PASS, Representative John Ryan seconded.

Representative Mueller said the bill was an attempt to legislate morals, which cannot be done. He said the smart thing to do about false statements is to ignore them because they open up a can of worms.

Representative Joe Hammond said he likes the intent of the bill, but it has a lot of loopholes.

Representative Jerry Driscoll said researchers on both sides of the political questions are smart enough to go after only the "little guy." He said such victims would not be able to afford court action.

The question being called, the Mueller motion carried by voice vote. Representative Bardanouve voting "no."

HOUSE BILL 231

Vice Chairman O'Connell called for action on House Bill 231 by calling on Representative Joe Brand, who introduced amendments to House Bill 231, to take care of vested rights already in existence. He said a second option under the bill would be to present to members after they have vested rights of ten years, they have the option of taking pension.

Representative Brand introduced Lawrence Nachtsheim, Administrator of the Public Employees' Retirement Division, who distributed a handout entitled "Unified Firefighter's System" which listed 13 Montana cities and towns with current wages those from June 1982 and salary differences. Nachtsheim called the proposed amendments mechanical.

Representative Bardanoue asked what the bill would accomplish. Nachtsheim said it would clean up the method in which the law defines supplemental pensions, and the clean up would be done in line with the Attorney General's opinions.

Representative Mueller asked what the amendments do. He asked what if the city of Anaconda goes out of business.

Vern Ericksen, representing the Montana Firefighter's Association, said the amendments would adjust the pension fund so that pensions paid on the average of all city's confirmed firefighter's salary.

Representative Mueller asked who pays to keep the system going when Anaconda goes out of business. Representative Brand said "that's why we have the statewide fire plan." He said it covers cities, towns and employees.

Representative Sales MOVED House Bill 231 be amended, Representative Driscoll seconded. The question being called, the Sales motion carried by unanimous voice vote. House Bill 231 was amended.

Representative Driscoll MOVED House Bill 231 DO PASS AS AMENDED, Representative Hammond seconded. The question being called, the Driscoll motion carried by unanimous voice vote. House Bill 231 was recommended out do pass as amended.

VICE CHAIRMAN O'CONNELL TOOK THE COMMITTEE FROM EXECUTIVE SESSION AND RETURNED IT TO THE HEARING STAGE ON REAPPORTIONMENT MATTERS.

REAPPORTIONMENT

Representative Driscoll continued explanations of his subcommittee report. He said the subcommittee adopted the so-called "red plan" for Senate districting. He said some talk of pairing House districts 66 and 67 into one Senate district does not work. He also noted that districts 49 and 50 were not paired. He said that 49 was paired with district 48, the west valley of the Helena valley.

Chairman Joe Brand spoke about the problems with Senate districts. He said no one favors the red plan. He said the ideal plan is to match districts 49 and 68. Legislative Researcher Ann Brodsky said in order to get that, districts 66 and 67 must go together. Chairman Brand said that most everyone agrees that by putting 66 and 67 together, that will take care of problems most everywhere else. He said one Senate district may have to be hurt, but who's going to be hurt the least. He said the reapportionment commission agrees that joining districts 49 and 50 is worse than joining districts 66 and 67. Chairman Brand spoke against joining districts 49 and 48, saying his district was not compatible with western Lewis & Clark County. Chairman Brand spoke his opposition to the subcommittee recommendation.

Representative Driscoll MOVED to reject item #1 on the subcommittee report (the red plan for pairing Senate districts in western Montana). Representative Mueller seconded. The question being called, the Driscoll motion carried by unanimous voice vote.

Chairman Brand MOVED adoption for the green plan for pairing of Senate districts in western Montana. Representative Sales seconded. Chairman Brand withdrew his motion.

REPRESENTATIVE CHET SOLBERG said that Chairman Brand's second choice for pairing of Senate districts was best. Representative Mueller said the green plan was best but not politically practical.

Chairman Brand MOVED to accept Brand's second choice for pairing of Senate districts in western Montana. Representative Mueller seconded.

Representative McBride stated her opposition to Brand's second choice. She said she was not consulted, and the plan would modify Senate districts in Butte. In her words, "it was popped on me." The question being called, the Brand motion passed by voice vote. Voting "no" were Representatives Hand, Driscoll and McBride.

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Returning to discussion of the Hill-Blaine County line question, REPRESENTATIVE DUANE COMPTON MOVED to reject the subcommittee recommendation, item two on the subcommittee report. Representative Hammond seconded. Representative Compton said it doesn't follow the county line for the 16B plan. He said the problem is in the Dodson area.

Representative Solberg said "none of us are too acquainted with it." He said he sought such change because he believed it was in the interests of Havre. He said he agreed with Representative Compton's motion.

The question being called, the Compton motion carried by unanimous voice vote.

Turning to item #3 on the subcommittee report, Bighorn County, Representative Driscoll noted that the recommendation by the subcommittee would move 190 people from House district 100 to House district 99. He said that would enable the districts to be more equitable and still stay within the 5 percent deviation figure.

Representative Mueller MOVED to approve the subcommittee recommendation, Representative Compton seconded. The question being called, the Mueller motion carried by unanimous voice vote.

Turning to Senator Goodover's request, item #4 on the subcommittee report, Representative Driscoll noted that the subcommittee recommendation was to go along with Senator Goodover's request.

Representative O'Connell MOVED not to accept the subcommittee recommendation, Representative Pistoria seconded.

Representative O'Connell said the subcommittee recommendation would disturb everything else and is not workable. Representative Sales said "we went for it because it was thought it would keep the rural and urban districts each together."

The question being called, the O'Connell motion carried by a 10 to 7 roll call vote.

Representative Sales MOVED to accept the subcommittee report plan as amended, Representative Compton seconded.

Representative Solberg noted that the reworking of districting in northeastern Montana was not completed. He asked that recommendations regarding northeastern Montana be neither accepted nor rejected.

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Representative McBride stated that she was disturbed about the moving of House districts in her area (Butte) that need not be moved. She said "nobody knew of it."

The question being called, the Sales motion carried by voice vote. Voting "no" were Representatives Hand, Bliss, Driscoll, Phillips, McBride, and Holliday.

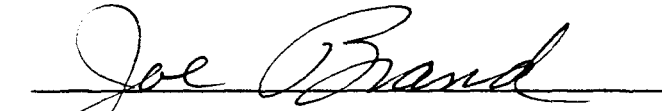
REPRESENTATIVE MUELLER MOVED FOR ADJOURNMENT, WHICH WAS CONCURRED IN BY THE COMMITTEE. THE MEETING WAS DECLARED ADJOURNED.


JOE BRAND, CHAIRMAN

EXCUSE

Date: 1-27, 1983

Representative Clyde Smith is excused from the
committee hearing to be conducted 1-28, 1983.


REP. JOE BRAND, Chairman

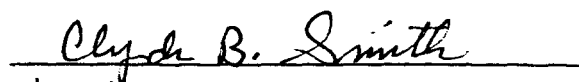
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PROXY

In view of the above absence, I give my proxy to

Representative Joe Brand for bill(s) _____

to follow these instructions _____


signature

STANDING COMMITTEE REPORT

JANUARY 28,

83

19.....

MR. **SPEAKER:**.....

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

having had under consideration **HOUSE** Bill No. **329**.....

first reading copy (white)
Color

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A PENALTY
FOR KNOWINGLY MISREPRESENTING THE VOTING RECORD OR PUBLIC
POSITION OF A CANDIDATE; PROVIDING FOR DISPOSITION OF FINES;
AMENDING SECTIONS 13-35-234 AND 13-37-304, MCA."

Respectfully report as follows: That..... **HOUSE** Bill No. **329**.....

~~DO PASS~~ **DO NOT PASS**

REP. JOE BRAND.....

Chairman.

STANDING COMMITTEE REPORT

January 28, 1983

19.....

Speaker

MR.

State Administration

We, your committee on

House

231

having had under consideration Bill No.

First

white

reading copy (.....)
color

"AN ACT TO CLARIFY THE METHOD FOR CALCULATING THE COST-OF-LIVING ADJUSTMENT TO A RETIREMENT ALLOWANCE FOR A MEMBER OF THE FIREFIGHTERS' UNIFIED RETIREMENT SYSTEM; TO ENSURE PAYMENT OF A RETIREMENT ALLOWANCE TO A FIREFIGHTER WHOSE EMPLOYMENT IS TERMINATED BECAUSE OF THE DISSOLUTION OF A FIRE DEPARTMENT; TO PROVIDE AN ALTERNATIVE METHOD FOR CALCULATING THE COST-OF-LIVING ADJUSTMENT FOR A RETIREE FROM A DISSOLVED FIRE DEPARTMENT; AMENDING SECTIONS 19-13-102, 19-13-1006, AND 19-13-1007, MCA; AND PROVIDING AN EFFECTIVE DATE."

House

231

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

be amended as follows:

1. Title, line 10.

Strike: "A FIREFIGHTER"

Insert: "CERTAIN FIREFIGHTERS"

Following: "IS"

Insert: "INVOLUNTARILY"

2. Title, line 11.

Strike: "BECAUSE" through "DEPARTMENT"

3. Title, line 13.

Strike: "DISSOLVED" through "DEPARTMENT"

Insert: "CITY NO LONGER EMPLOYING A NEWLY CONFIRMED FULL-PAID FIREFIGHTER"

XXXXX
DO PASS

January 28, 1983 19.....

4. Title, line 14.

Strike: "19-13-102,"

Following: "19-13-1006"

Strike: ",."

5. Page 1, line 18.

Strike: section 1 in its entirety

Insert: "NEW SECTION. Section 1. Termination of participation in plan or reduction of employer contributions. (1) If a city voluntarily terminates its contributions in the plan or significantly reduces the number of full-paid firefighters it employs to a degree that, in the board's opinion, inadequately funds the accrued or accruing benefits of plan members, the board shall request as part of the actuarial valuation required in 19-13-504 an actuarial investigation of the funding status of the city.

(2) Based on the actuarial investigation, the board may request and the city shall pay annually an amount needed to provide adequate funding for the city. This amount must be in addition to any other contributions required by the retirement act.

(3) Six years after the actuarial investigation is conducted, a city making payments as provided in subsection (2) may request the board to review the city's funding status relative to the annual payments. As a result of the review, the board may adjust the payments."

6. Page 3, line 1.

Strike: "fire department"

Insert: "city"

7. Page 3, line 2.

Strike: "dissolves"

Insert: "no longer employs a full-paid firefighter"

8. Page 3, line 5.

Strike: "active"

insert: "full-paid"

9. Page 3, line 6.

Following: "plan"

Insert: "and employ a full-paid firefighter"

10. Page 4, lines 16 through 21.

Strike: "If" on line 16 through "." on line 21

January 28, 1983 19.....

11. Page 5, lines 4 through 9.

Strike: "if" on line 4 through "." on line 9

Insert: "(3) If after a member retires, the city that last employed him no longer employs a full-paid firefighter, the member's or his beneficiary's allowance under subsections (1) and (2) must be adjusted on the basis of the average monthly compensation paid to all newly confirmed full-paid firefighters, as provided each year in the budgets of those cities that participate in the plan and employ a full-paid firefighter.

(4) If the employment of a vested member hired before July 1, 1981, is involuntarily discontinued before he reaches age 50 because of the termination of employment of all full-paid firefighters in the city that employed him, his service retirement allowance provided in 19-3-704(1)(b) and his spouse's or dependent child's survivorship allowance provided in 19-13-902(1) may not be less than:

(a) if the member has completed 20 years or more of service, one-half the average monthly compensation paid to all newly confirmed, full-paid firefighters, as provided each year in the budgets of those cities that participate in the plan and employ a full-paid firefighter; or

(b) if the member has completed more than 10 but less than 20 years of service, 28 of the average monthly compensation paid to all newly confirmed, full-paid firefighters, as provided each year in the budgets of those cities that participate in the plan and employ a full-paid firefighter, for each year of the member's service.

(5) In lieu of the benefit adjustment provided in subsection (4), a member may elect to receive an early retirement allowance beginning upon termination of employment that is the actuarial equivalent of the accrued portion of the service retirement allowance that would have been payable to him beginning at age 50.

NEW SECTION. Section 4. Codification instruction.

Section 1 is intended to be codified as an integral part of Title 19, chapter 13, and the provisions of Title 19, chapter 13, apply to section 1."

Renumber: subsequent section

AND AS AMENDED

DO PASS

HR 2

Joe:

On HR 2 (Friday 1/28), might be interested in these two votes:

1. First Sales moved, Pistoria seconded, that the Driscoll subcommittee report not be accepted. That motion carried on a 10-7 roll call vote. Ayes: Bardanouve, Brand, Driscoll, Hammond, Hand, Holliday, Koehnke, McBride, O'Connell, Pistoria. Nays: Bliss, Compton, Mueller, Phillips, Ryan, Sales, Solberg. McCormick, Smith not voting.

2. Then Sales moved, Compton seconded, that the plan as amended by the full committee that morning be adopted as the committee recommendation. The motion carried on a voice vote that saw six Nay votes: Hand, Bliss, Driscoll, Phillips, McBride, Holliday.

Carric

2/2

JANUARY 29, 1983

MR. **SPEAKER:**We, your committee on **STATE ADMINISTRATION**having had under consideration **HOUSE RESOLUTION** **XX** No. **2****first** reading copy (**white**)
color

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA TRANSMITTING RECOMMENDATIONS TO THE MONTANA DISTRICTING AND APPORTIONMENT COMMISSION REGARDING ITS REDISTRICTING PLAN SUBMITTED UNDER ARTICLE V, SECTION 14, OF THE MONTANA CONSTITUTION.

Respectfully report as follows: That **HOUSE RESOLUTION** **XX** No. **2**
be amended as follows:

Page 2, line 7.

Following: "Legislature"

Insert: "with the following modifications and recommendations:

(1) house districts 81 and 82 be amended so that the district in which Livingston is located be made more urban in nature and the district consisting of rural Park County, Sweetgrass County and a portion of Yellowstone National Park be made more rural in nature, as described on the attached census report.

(2) house districts 99 and 100 be amended so that the area in ED 3027A in the Hardin division of Big Horn County that is north of the school district boundary in sections 21 and 22 T1N R33E be placed in house district 99 rather than in house district 100, as described on the attached census report.

DO-PASS

REP. JOE BRAND (initials)

JANUARY 29,

19 83

(3) house districts 70 and 74 be amended so that the area in Silver Bow County which is south of the continental divide and west of interstate 15 be placed in district 70 rather than in district 74 and that the area in Silver Bow County that is south of Four Mile Vue, east of Harrison Avenue, east of the Chicago Milwaukee St. Paul and Pacific railroad tracks and north of Little Basin Creek and Little Basin Creek Road be placed in district 74 rather than district 70, as described on the attached census report.

(4) senate districts 25, 26, 28, 29, 34, and 35 be withdrawn and the following house districts be paired to form senate districts:

50 and 51
52 and 55
49 and 69
57 and 68
67 and 70"

AND AS AMENDED
DO PASS

reference sheets attached

Connie Yunker
Rm. 130

HR-2

HOUSE DISTRICT 81, WITH RECOMMENDED AMENDMENTS
PARK COUNTY

MINUS IN UPPER YELLOWSTONE VALLEY DIVISION	
LIVINGSTON CITY	
MINUS IN REMAINDER OF UPPER YELLOWSTONE VALLEY DIVISION	
ED 1182	
ED 1183X	4,651
SWEET GRASS COUNTY	3,216
IN YELLOWSTONE NATIONAL PARK	
YELLOWSTONE NATIONAL PARK EAST DIVISION	37
TOTAL FOR HOUSE DISTRICT NO. 81	7,904
RELATIVE DEVIATION	+ .47%

HOUSE DISTRICT 82, WITH RECOMMENDED AMENDMENTS
IN PARK COUNTY

IN UPPER YELLOWSTONE VALLEY DIVISION	
LIVINGSTON CITY	6,994
IN REMAINDER OF UPPER YELLOWSTONE VALLEY DIVISION	
ED 1182	305
ED 1183X	919
TOTAL FOR HOUSE DISTRICT 82	8,218
RELATIVE DEVIATION	+4.46%

HOUSE DISTRICT 99, WITH RECOMMENDED AMENDMENTS
IN BIG HORN COUNTY

CROW RESERVATION DIVISION	
MINUS IN REMAINDER OF CROW RESERVATION DIVISION	
ED 3030E	
ED 3039E	
ED 3040E	
ED 3046E	5,403
IN HARDIN DIVISION	
IN HARDIN CITY	
IN BNA 9901	
BLOCK 137	4
BLOCK GROUP 2	791
BLOCK GROUP 3	659
BLOCK GROUP 4	782
IN REMAINDER OF HARDIN DIVISION	
ED 3027Y	9
ED 3027Z	190
ED 3028	176
ED 3029	51
TOTAL FOR HOUSE DISTRICT 99	8,065
RELATIVE DEVIATION	+2.52%

HOUSE DISTRICT 100, WITH RECOMMENDED AMENDMENTS
IN BIG HORN COUNTY

IN CROW RESERVATION DIVISION

IN REMAINDER OF CROW RESERVATION DIVISION

ED 3030E	114
ED 3039E	34
ED 3040E	60
ED 3046E	34

IN HARDIN DIVISION

IN HARDIN CITY

IN BNA 9901

BLOCK GROUP 1

MINUS BLOCK 137	1,064
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IN REMAINDER OF HARDIN DIVISION

BNA 9901 (PT)	4
ED 3025	79
ED 3026	72
ED 3027X	368

NORTHERN CHEYENNE DIVISION	1,013
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TONGUE RIVER DIVISION	189
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IN POWDER RIVER COUNTY

BROADUS DIVISION	1,321
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OTTER DIVISION	474
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IN ROSEBUD COUNTY

ASHLAND DIVISION	564
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NORTHERN CHEYENNE DIVISION	2,651
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TOTAL FOR HOUSE DISTRICT 100	8,041
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RELATIVE DEVIATION	+2.21%
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HOUSE DISTRICT 70, WITH RECOMMENDED AMENDMENTS

IN SILVER BOW COUNTY

IN BUTTE-SILVER BOW

IN BNA 9901

BLOCK 913 THRU BLOCK 922	419
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IN BNA 9904

BLOCK 701	59
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BLOCK 702	48
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BLOCK 703	0
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BLOCK GROUP 8	1,109
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BLOCK 913	58
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BLOCK 914	10
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BLOCK 915	60
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BLOCK 916	25
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BLOCK 917	36
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BLOCK 918	0
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BLOCK 948	192
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BLOCK 949	81
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BLOCK 950	10
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BLOCK 951	22
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BNA 9905 (PT)

MINUS BLOCK GROUP 7

MINUS BLOCKS 901 THRU 904	4,239
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HOUSE DISTRICT 70, WITH RECOMMENDED AMENDMENTS (Continued)

IN BNA 9906	
BLOCK GROUP 2	868
BLOCK 305	3
IN SILVER BOW NORTHWEST DIVISION	
IN BUTE-SILVER BOW	
BNA 9904 (PT)	321
IN SILVER BOW SOUTH DIVISION	
IN BUTTE-SILVER BOW	
IN BNA 9905 (PT)	
BLOCKS 102 THRU 112	66
BLOCKS 119 THRU 132	206
TOTAL FOR HOUSE DISTRICT 70	7,832
RELATIVE DEVIATION	-.44%

HOUSE DISTRICT 74, WITH RECOMMENDED AMENDMENTS

IN SILVER BOW COUNTY	
IN BUTTE DIVISION	
IN BUTTE-SILVER BOW	
IN BNA 9905	
BLOCK GROUP 7	415
BLOCKS 901 THRU 904	207
IN BNA 9906	
BLOCK GROUP 3	
MINUS BLOCK 305	437
BLOCK GROUP 4	284
BLOCK GROUP 5	701
BLOCK GROUP 6	631
BLOCK GROUP 7	825
BLOCK GROUP 8	344
BLOCK GROUP 9	443
IN BNA 9907	
BLOCK GROUP 5	900
BLOCK 706	222
BLOCK GROUP 8 (PT)	1,451
BLOCK GROUP 9	148
SILVER BOW SOUTH DIVISION	
MINUS IN BUTTE-SILVER BOW	
BLOCKS 102 THRU 112	
BLOCKS 119 THRU 132	512
TOTAL FOR HOUSE DISTRICT 74	7,520
RELATIVE DEVIATION	-4.41%

REP. JOE BRAND, Chairman
House State Administration

WITNESS STATEMENT

NAME Wes Krawczyk BILL No. HB 329
ADDRESS Helena DATE 1/27/83
WHOM DO YOU REPRESENT A.C.L.U. of Mont
SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

- ① THE A.C.L.U. of Montana opposes 329!
WE BELIEVE THAT THIS BILL CONSTITUTES
PRIOR RESTRAINT OF FREE SPEECH.
- ② WE FEEL THIS BILL IS UNCONSTITUTIONAL!

January 27, 1983

SUBCOMMITTEE REPORT

Mr. Chairman:

Your subcommittee on reapportionment, having had under consideration various questions and objections raised to the tentative report of the Districting and Apportionment Commission, recommends the House State Administration Committee adopt these recommendations to the Commission:

1. That the so-called "Red Plan" for pairing of Senate Districts in Western Montana be adopted. A copy of the Red Plan is attached hereto and incorporated herein by reference.

2. That the Hill/Blaine county line dividing present house districts be maintained.

3. That with regard to Big Horn County, Enumeration District 3027 be split along a county road that runs east-west from the Big Horn River to Highway 47, thus putting 190 people within recommended House District 100 into recommended House District 99, and more equally apportioning the population between the districts.

4. That Senator Goodover's preference for pairing house districts into senate districts within Great Falls be adopted.

5. The subcommittee further notes that the full committee has previously adopted a favorable recommendation about Reps. Ellison's and Yardley's proposals concerning reapportionment in the immediate Livingston area.

Respectfully submitted,

REP. JERRY DRISCOLL
Subcommittee Chairman

by: Conrad Younker
Subcommittee secretary

HR 3

June

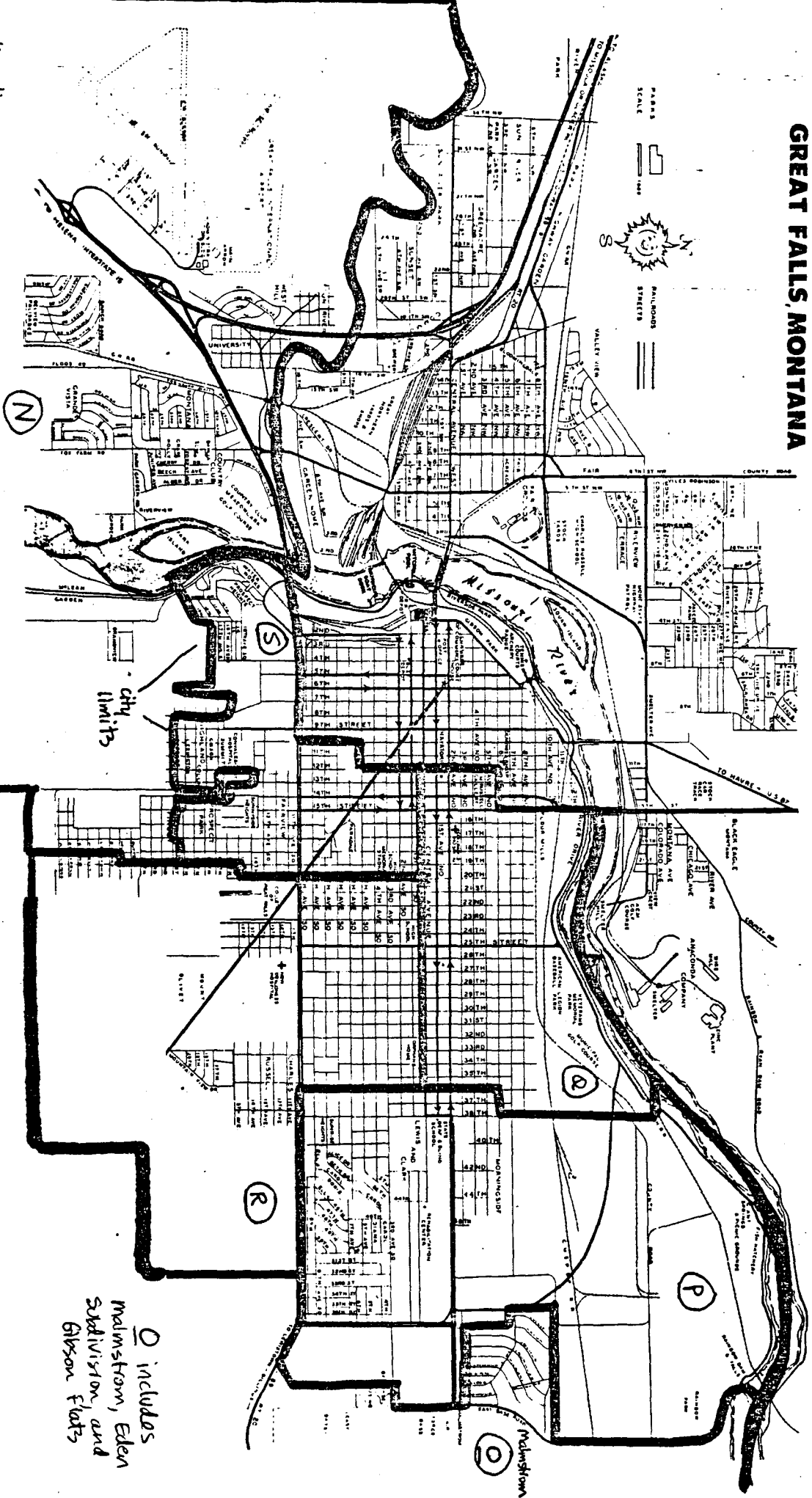
HR 3 June 6 strikes the period after the
second Legislature and insert come, followed by
the word "except" that the census enumeration district
north west of Great Falls this is north of 26
a new road led to the Middle Creek at Union
It has been from the new House District 42 and
added to new House District 41.

John A. Wilson

TEMPORARILY ADOPTED 10/5/82

STREET MAP OF GREAT FALLS, MONTANA

ALTERNATIVE 1 -
DISTRICTS M, O, P, Q, R, S



O includes
Malinstrom, Eden
subdivision, and
Gibson flats

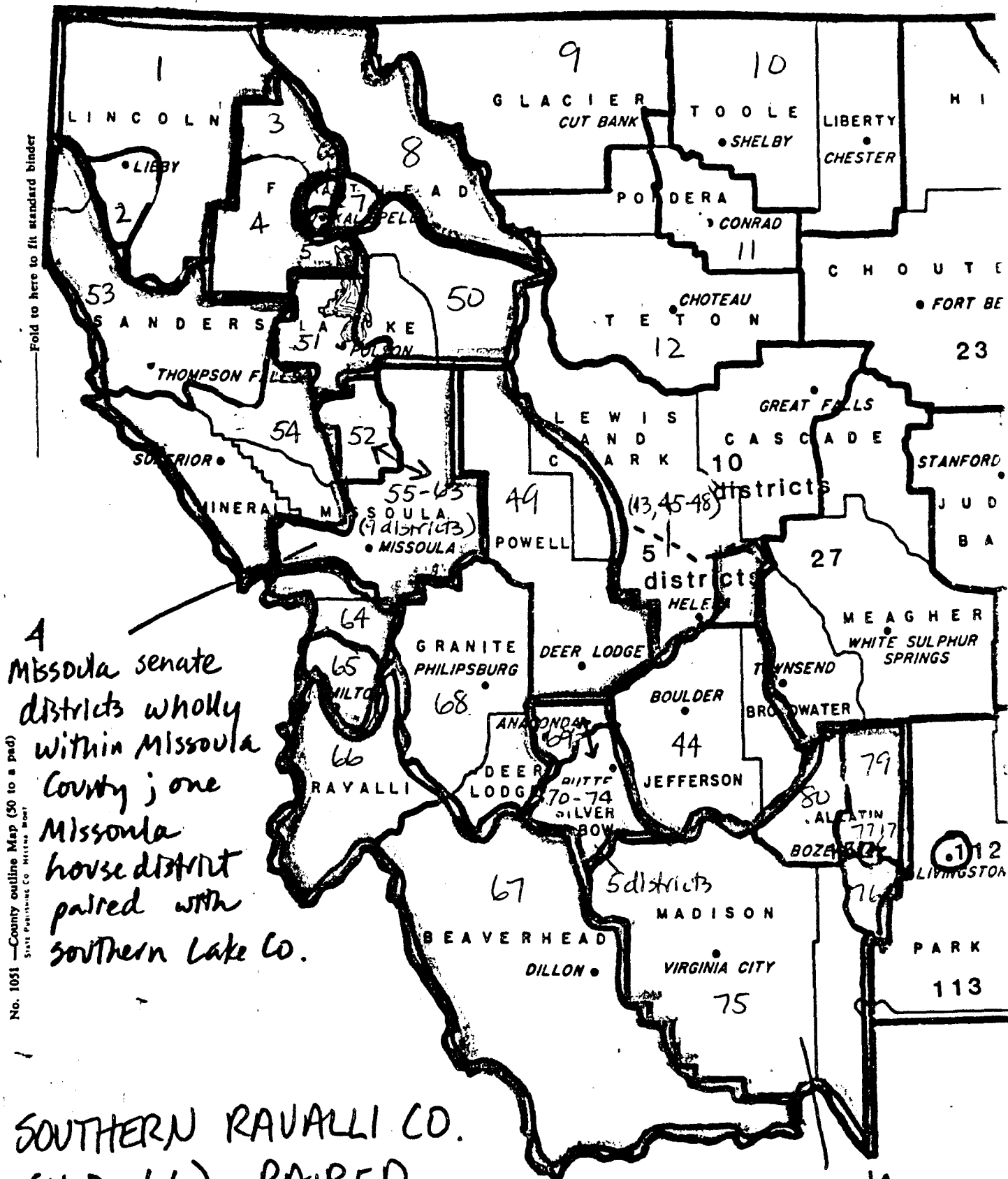
section line
between range
2 east and
range 3 east

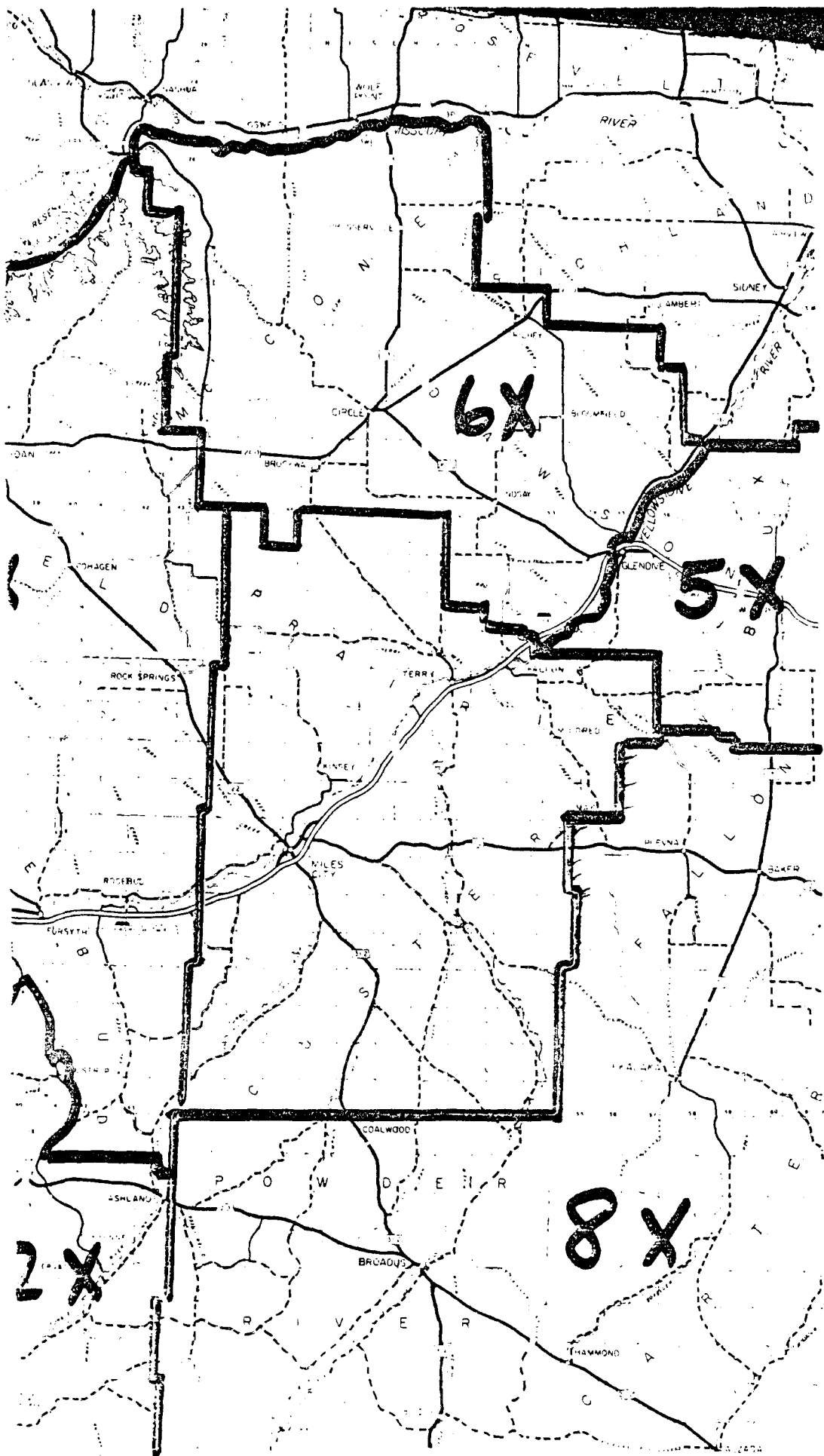
southern boundary of
N is the Missouri R.

city limits
railroad tracks
-Missouri R.
-13th St.

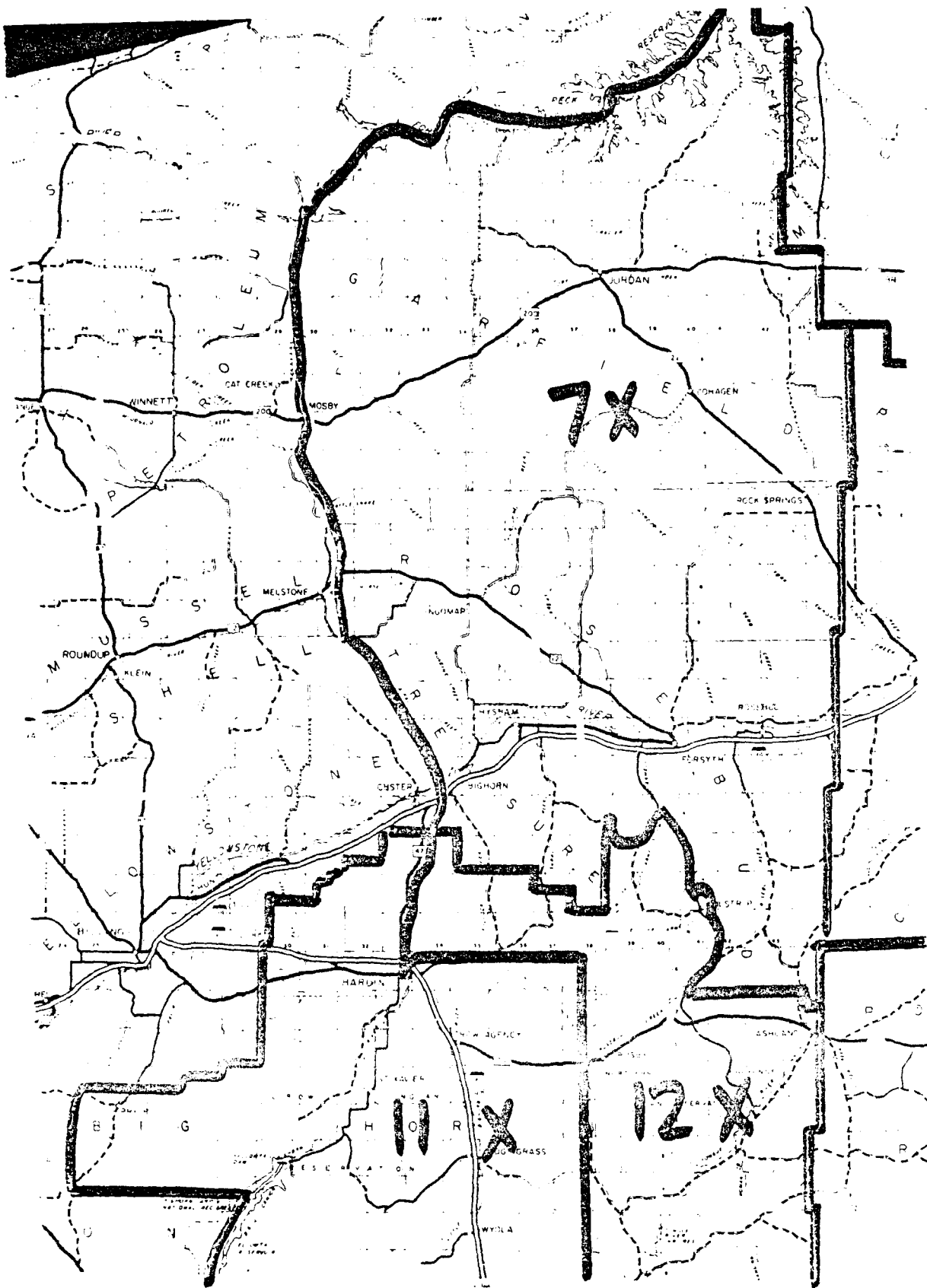
Malinstrom

LEGISLATIVE HOUSE DISTRICTS TENTATIVE MO

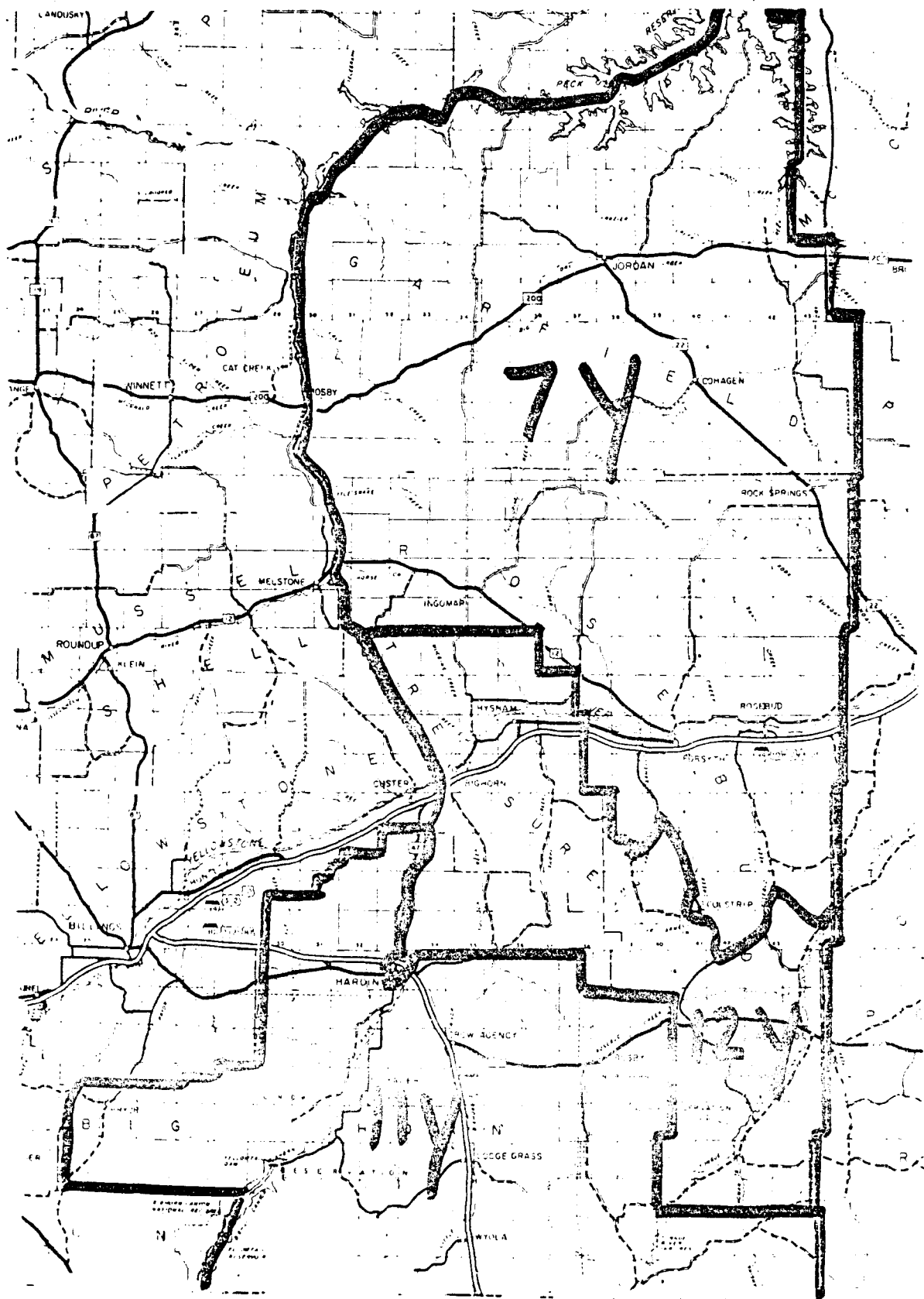




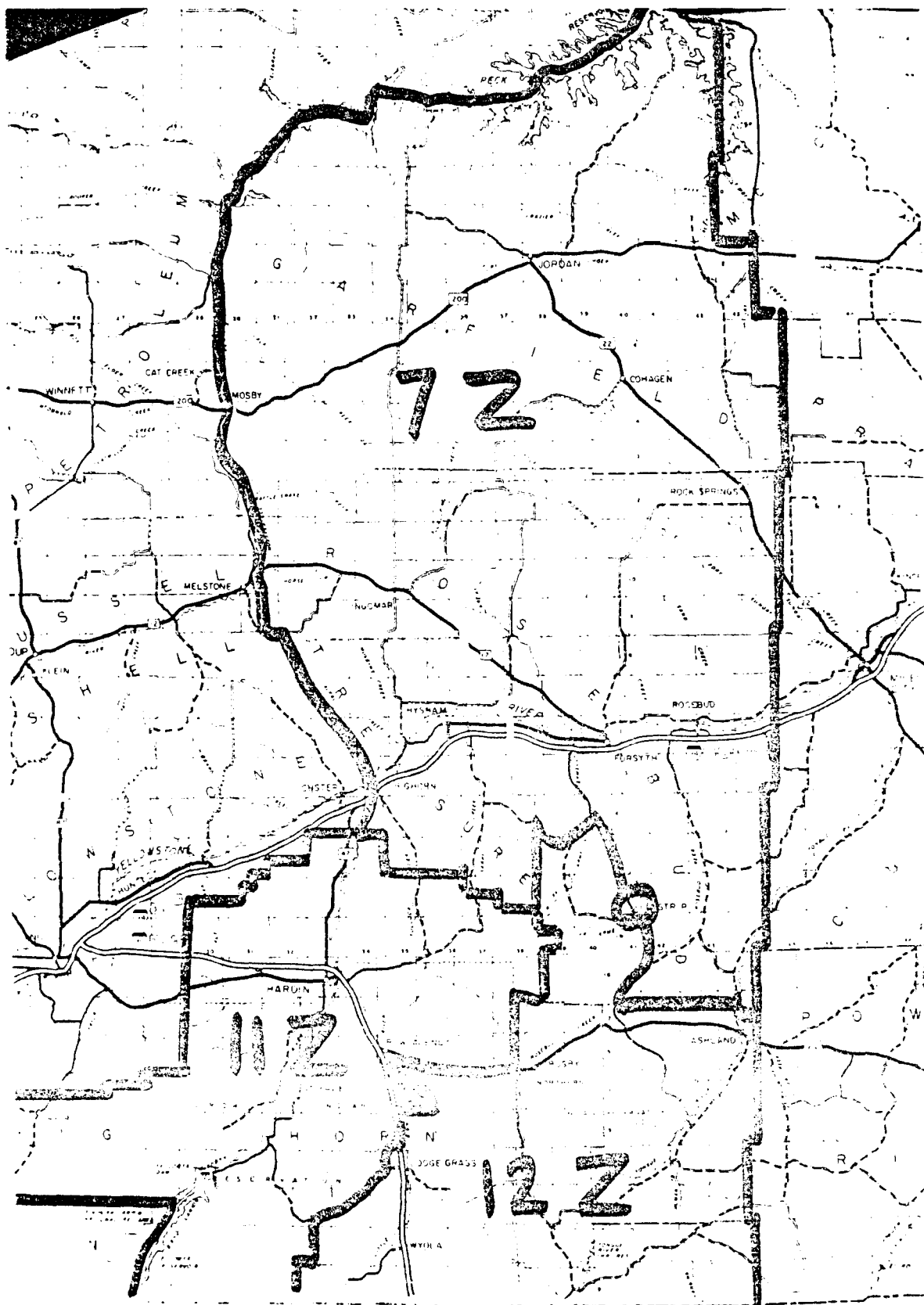
S O D A K



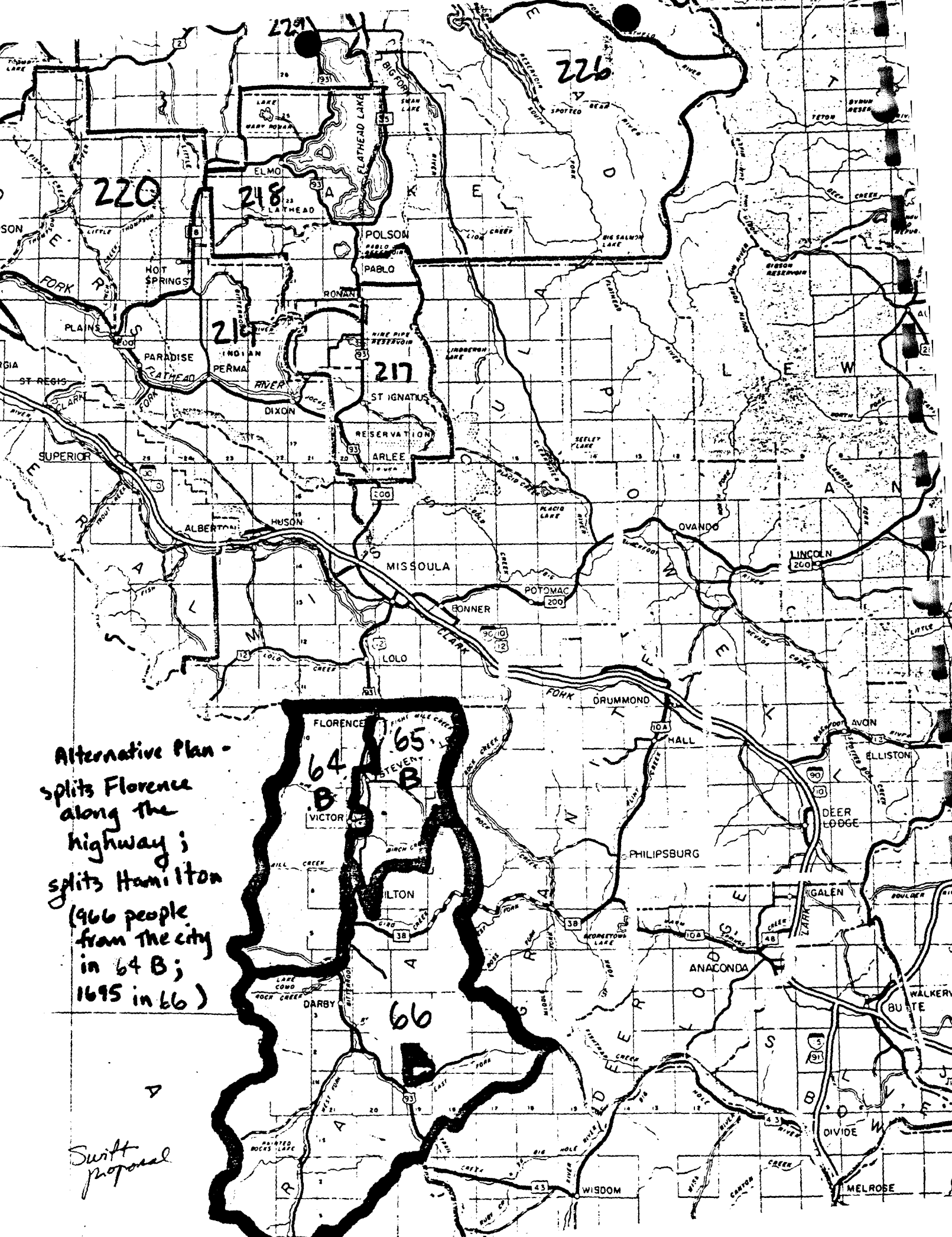
O M I
The Crow Reservation in Big Horn Co.
is intact; The Northern Cheyenne
Reservation is intact. Hardin is
split with 1587 residents in 12X and
1713 in 11X.



O M I
 The Northern Cheyenne Reservation is
 split on the county line; Harlow is
 intact and in 12Y. The Crow Reservation
 is intact except for the area in
 Yellowstone County.

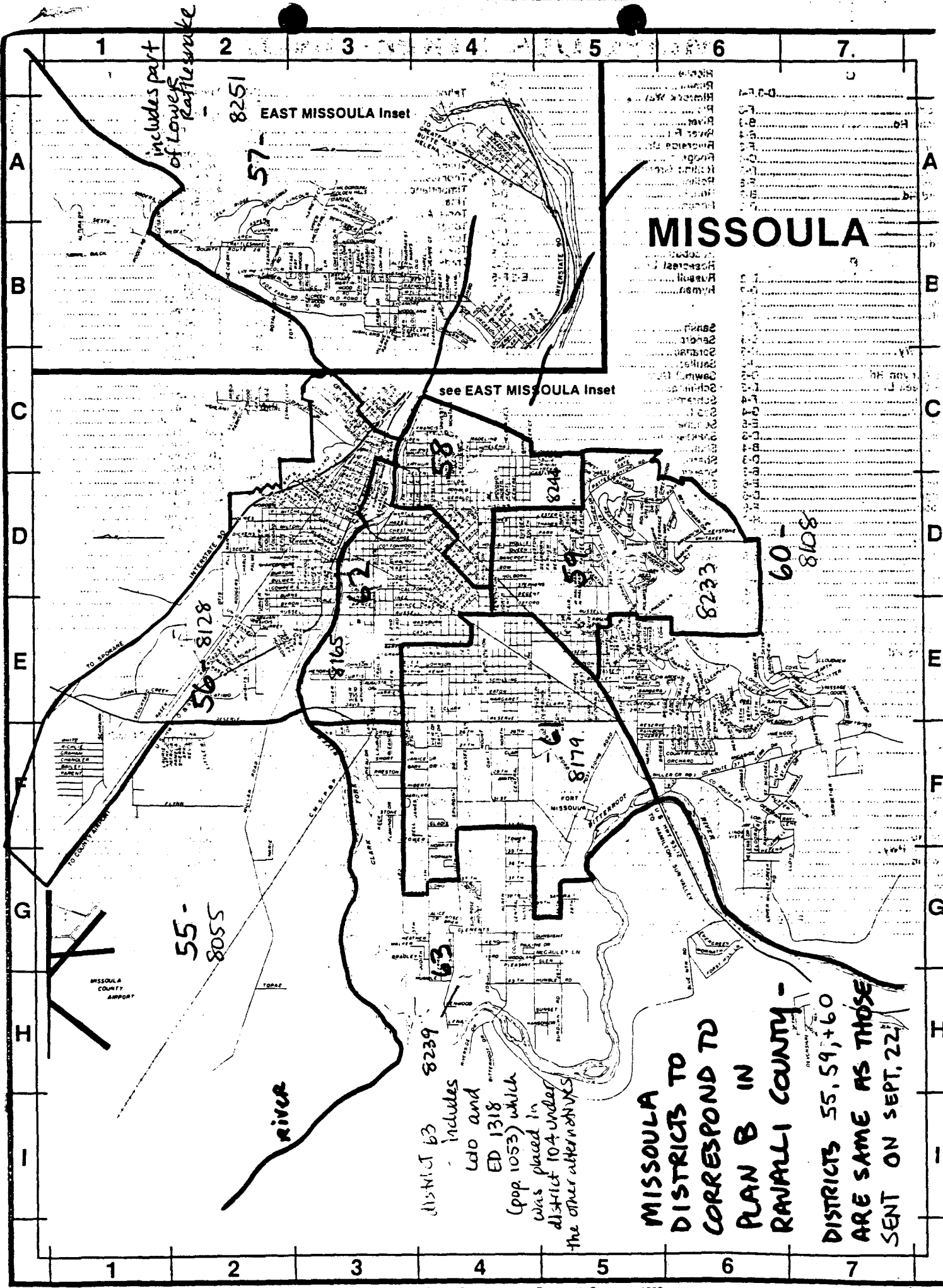


Hardin is intact; The Northern Cheyenne Reservation is intact; The Crow Reservation is split. 112 is the same as 11 A with the dotted line alternative.



Alternative Plan -
splits Florence
along the
highway;
splits Hamilton
(966 people
from the city
in 64 B;
1695 in 66)

Swift
proposal



includes part
of Lower
Raffa Wake

EAST MISSOULA Inset

MISSOULA

see EAST MISSOULA Inset

MISSOULA
DISTRICTS TO
CORRESPOND TO
PLAN B IN
RAVALLI COUNTY -
DISTRICTS 55, 59, + 60
ARE SAME AS THOSE
SENT ON SEPT. 22

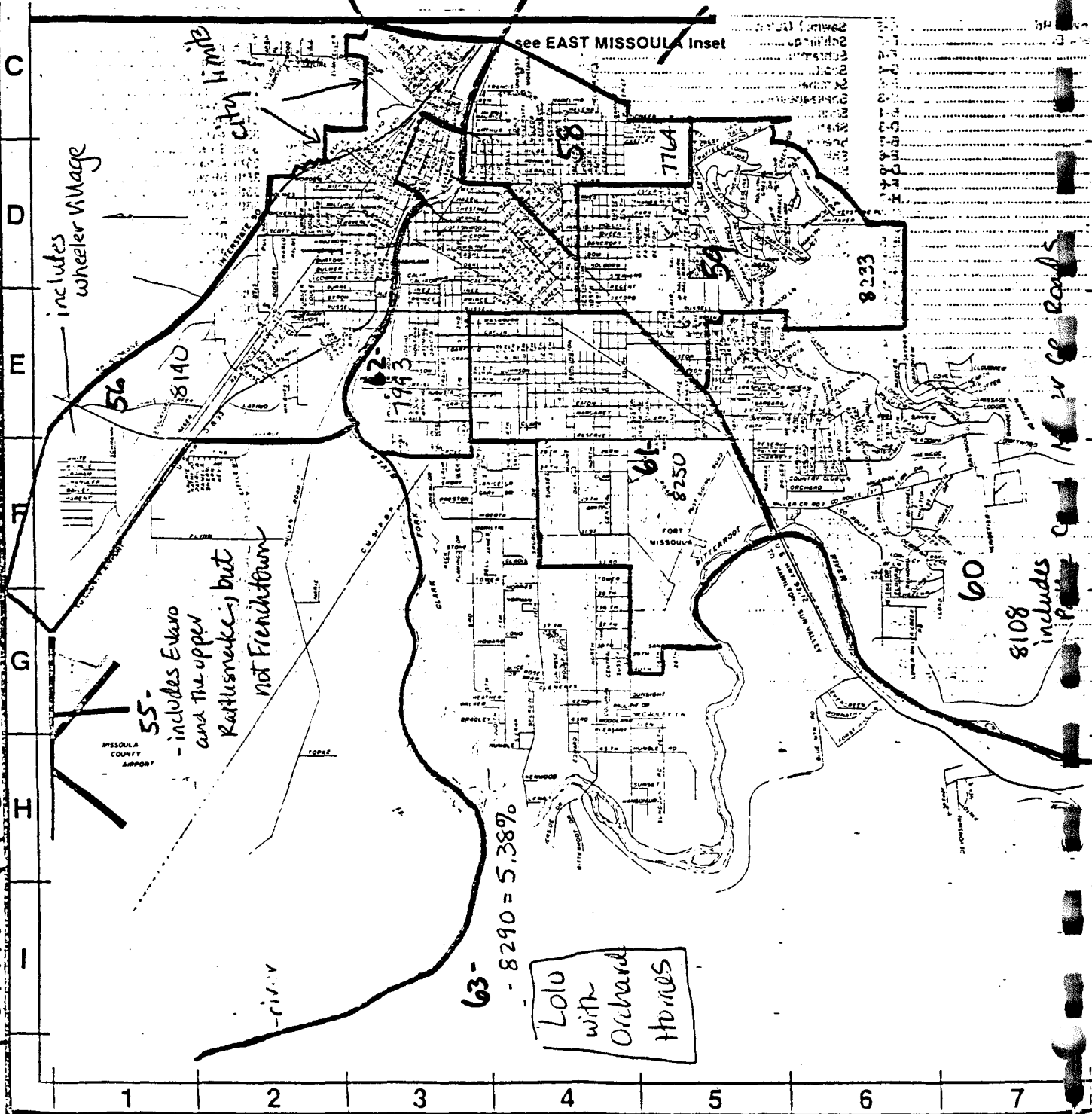
DISTRICT 63 8239
includes
60 and
ED 1318
(pop. 1053) which
was placed in
district 104 under
the other alternatives

PLAN PRESENTED TO LEGISLATURE

TENTATIVELY ADOPTED
12/15/82

REVISED
MISSOULA PLAN -

CORRESPONDS TO
PLAN A - BAVALLI
COUNTY



IN DISTRICT
with Stillwater Co.

83

86

90

91

the western
boundary
of this
district
is
estimated
500
people
live
in
District 83
(Stillwater Co.)

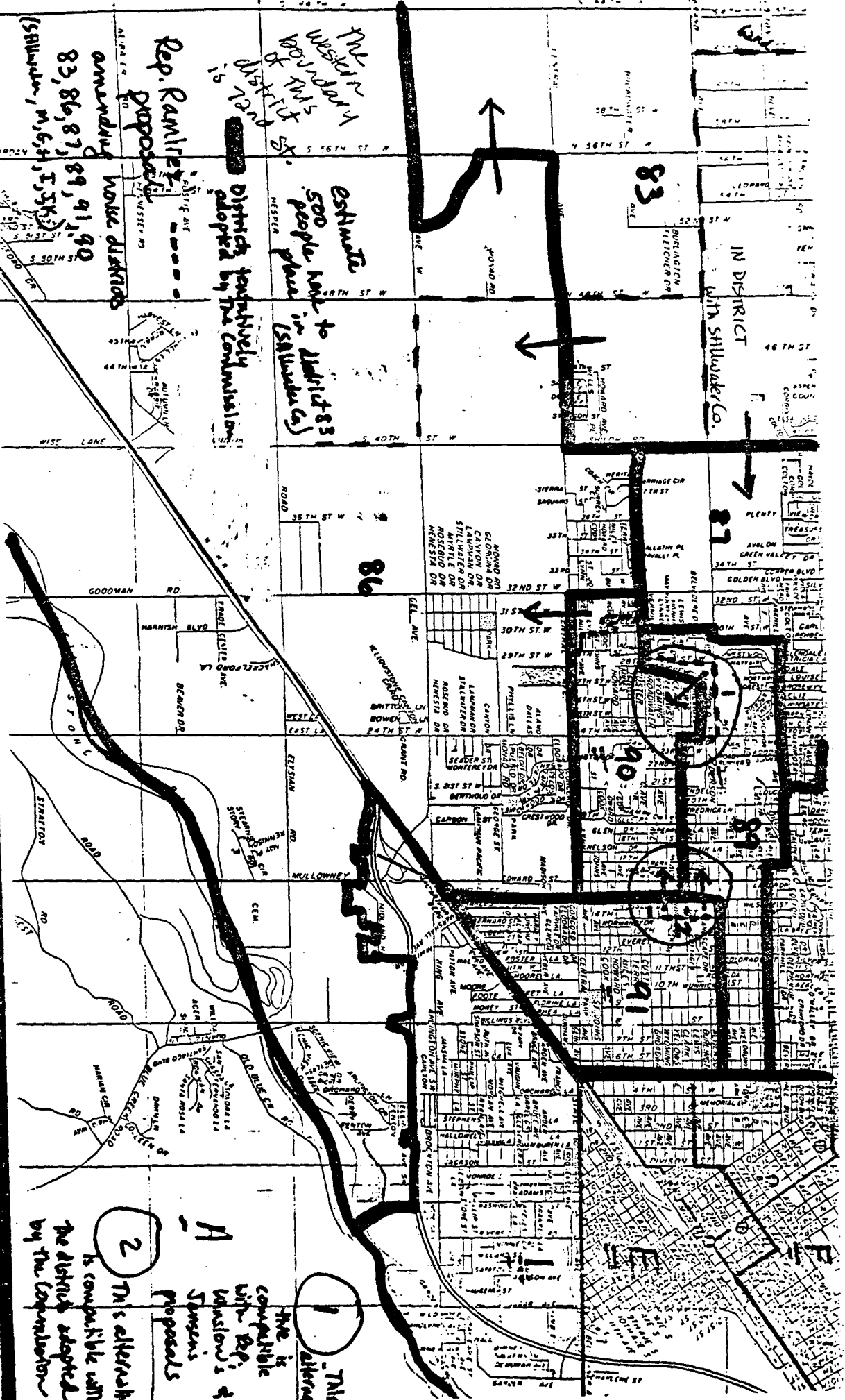
District tentatively
adopted by the Commission

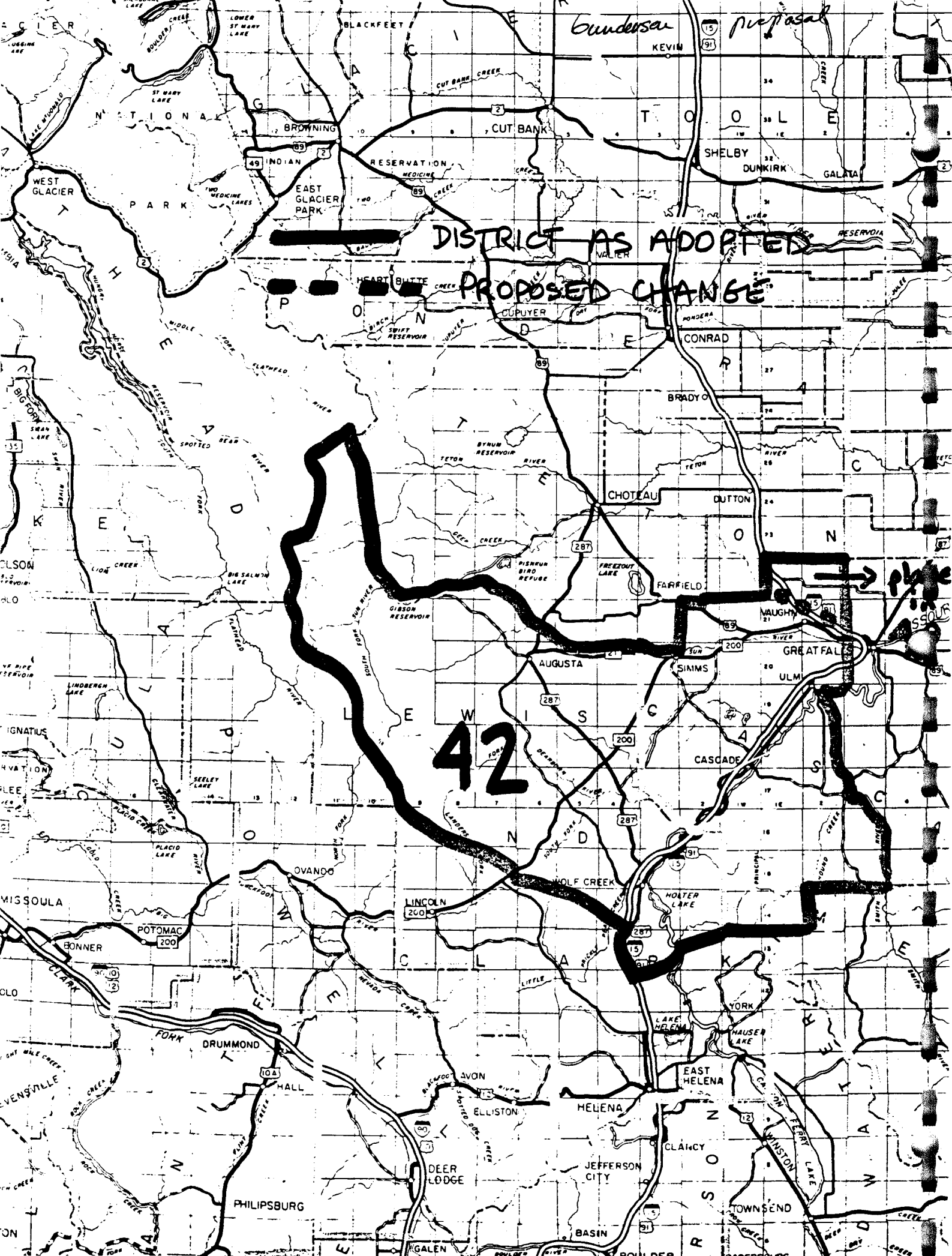
Rep. Ramlitz
proposed

amending
house districts
83, 86, 87, 89, 91, 92
(Stillwater, M, S, I, J, K)

1 This
alterna-
tion is
compatible
with Rep.
Jensen's
proposals

2 This alternative
is compatible with
the district adopted
by the Commission





DISTRICT AS ADOPTED
PROPOSED CHANGE

42

plate
SSOUR

Proposed Amendments to HB 231

1. Title, line 10.

Strike: "A FIREFIGHTER"

Insert: "CERTAIN FIREFIGHTERS"

Following: "IS"

Insert: "INVOLUNTARILY"

2. Title, line 11.

Strike: "BECAUSE" through "DEPARTMENT"

3. Title, line 13.

Strike: "DISSOLVED" through "DEPARTMENT"

Insert: "CITY NO LONGER EMPLOYS NEWLY CONFIRMED FULL-PAID
FIREFIGHTERS"

4. Title, line 14.

Strike: "19-13-102"

5. Page 1, line 18.

Strike: section 1 in its entirety

Insert: "NEW SECTION. Termination of participation in plan
or reduction of employer contributions. (1) If a city
voluntarily terminates its contributions in the plan or
significantly reduces the number of full-paid firefighters it
employs to a degree that, in the board's opinion, inadequately
funds the accrued or accruing benefits of plan members, the
board shall request as part of the actuarial valuation required
in 19-13-504 an actuarial investigation of the funding status
of the city.

(2) Based on the actuarial investigation, the board may
request and the city shall pay annually an amount needed to
provide adequate funding for the city. This amount must be in
addition to any other contributions required by [this act].

(3) Six years after the actuarial investigation is
conducted, a city making payments as provided in subsection (2)
may request the board to review the city's funding status
relative to the annual payments. As a result of the review,
the board may adjust the payments."

6. Page 3, line 1.

Strike: "the fire department"

Insert: "the city"

7. Page 3, line 2.

Strike: "dissolves"

Insert: "no longer employs a full-paid firefighter"

8. Page 3, line 5.

Strike: "active"

Insert: "full-paid"

9. Page 3, line 6.

Following: "plan"

Insert: "and employ a full-paid firefighter"

10. Page 4, lines 16 through 21.

Strike: "If" on line 16 through "." on line 21

11. Page 5, lines 4 through 9.

Strike: "If" on line 4 through "." on line 9

Insert: "(3) If after a member retires, the city that last employed him no longer employs a full-paid firefighter, the member's or his beneficiary's allowance under subsections (1) and (2) must be adjusted on the basis of the average monthly compensation paid to all newly confirmed full-paid firefighters, as provided each year in the budgets of those cities that participate in the plan and employ full-paid firefighters.

(4) If the employment of a vested member hired before July 1, 1981, is involuntarily discontinued before he reaches age 50 because of the termination of employment of all full-paid firefighters in the city that employed him, his service retirement allowance provided in 19-3-704(1)(b) and his spouse's or dependent child's survivorship allowance provided in 19-13-902(1) may not be less than:

(a) if the member has completed 20 years or more of service, one-half the average monthly compensation paid to all newly confirmed, full-paid firefighters, as provided each year in the budgets of those cities that participate in the plan and employ full-paid firefighters; or

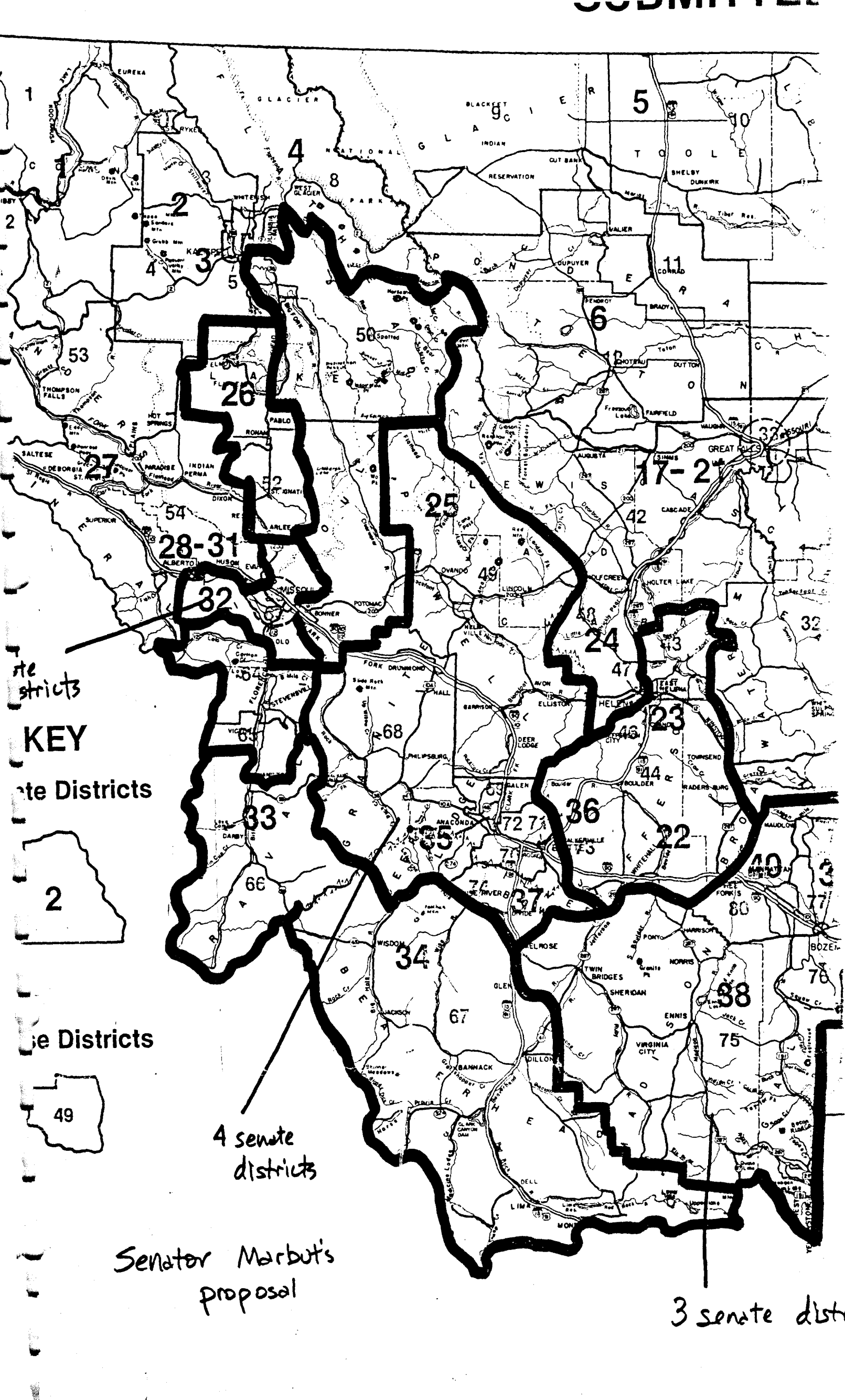
(b) if the member has completed more than 10 but less than 20 years of service, 2% of the average monthly compensation paid to all newly confirmed, full-paid firefighters, as provided each year in the budgets of those cities that participate in the plan and employ full-paid firefighters, for each year of the member's service.

(5) In lieu of the benefit adjustment provided in subsection (4), a member may elect to receive an early retirement allowance beginning upon termination of employment that is the actuarial equivalent of the accrued portion of the service retirement allowance that would have been payable to him beginning at age 50.

NEW SECTION. Section 4. Codification instruction. Section 1 is intended to be codified as an integral part of Title 19, chapter 13, and the provisions of Title 19, chapter 13, apply to section 1."

UNIFIED FIREFIGHTERS' SYSTEM

		<u>CURRENT</u>	<u>JUNE '82</u>	<u>SALARY DIFFERENCE</u>
Anaconda	10	\$ 1,533.80	\$ 1,533.80	\$ -0-
Butte	30	1,471.74	1,405.00	66.74
Bozeman	9	1,446.00	1,351.00	95.00
Missoula	15	1,424.00	1,363.00	61.00
Great Falls	50	1,422.00	1,348.34	73.66
Kalispell	14	1,394.76	1,303.50	91.26
Glendive	4	1,381.84	1,249.08	132.76
Helena	21	1,265.00	1,150.00	115.00
Havre	7	1,260.00	1,200.00	60.00
Billings	36	1,229.00	1,116.38	113.22
Miles City	12	1,173.88	1,107.46	66.42
Livingston	6	1,147.50	1,100.22	47.28
Lewistown	4	1,014.08	981.50	27.58
TOTALS	<u>218</u>	<u>\$17,164.20</u>	<u>\$16,214.28</u>	<u>\$ 949.92</u>
AVERAGE		\$ 1,320.32	\$ 1,247.25	\$ 79.16
ADJUSTED AVERAGE				\$ 73.07
RETIREES 50%				\$36.54/\$39.58



the districts

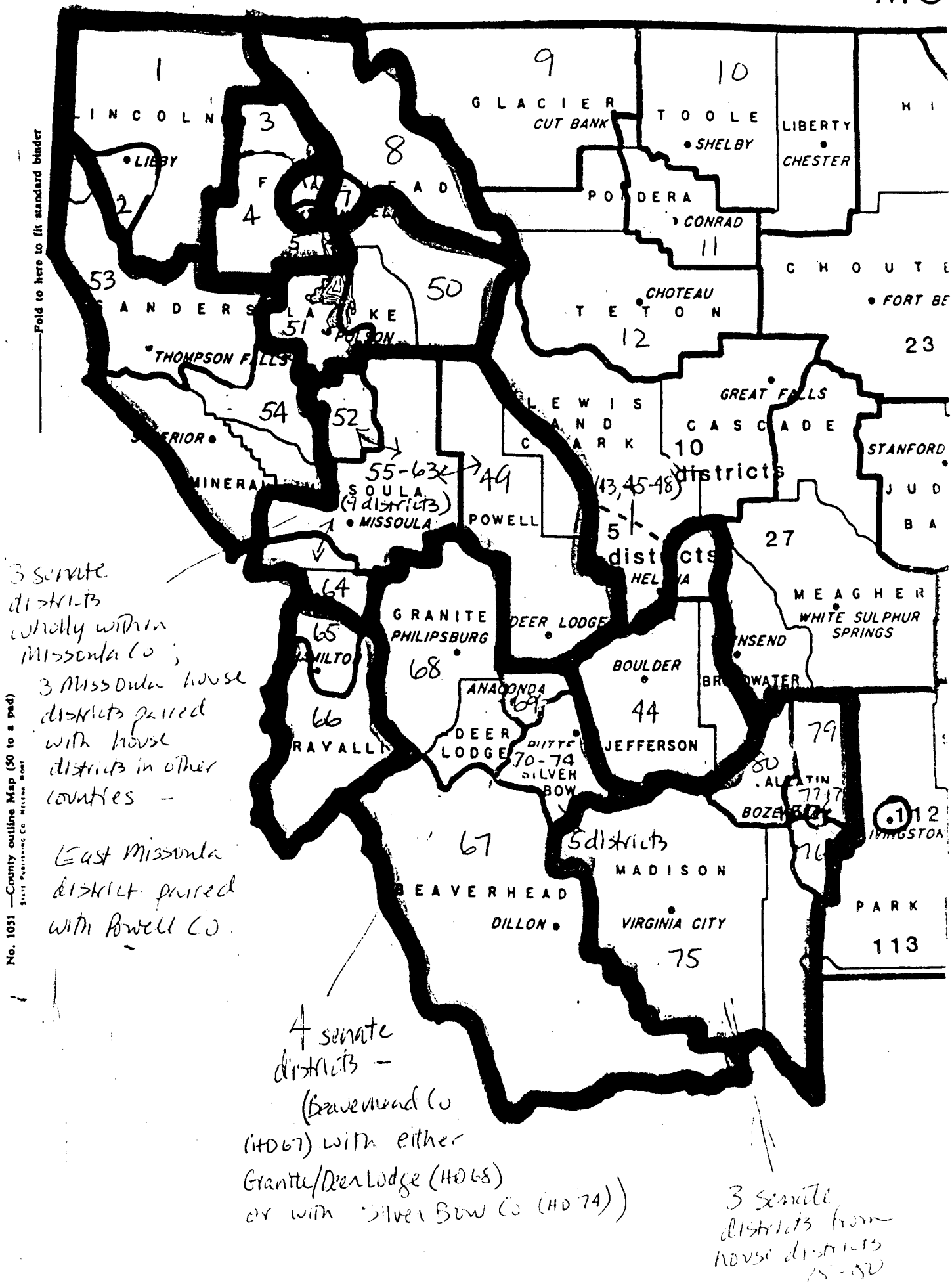
KEY

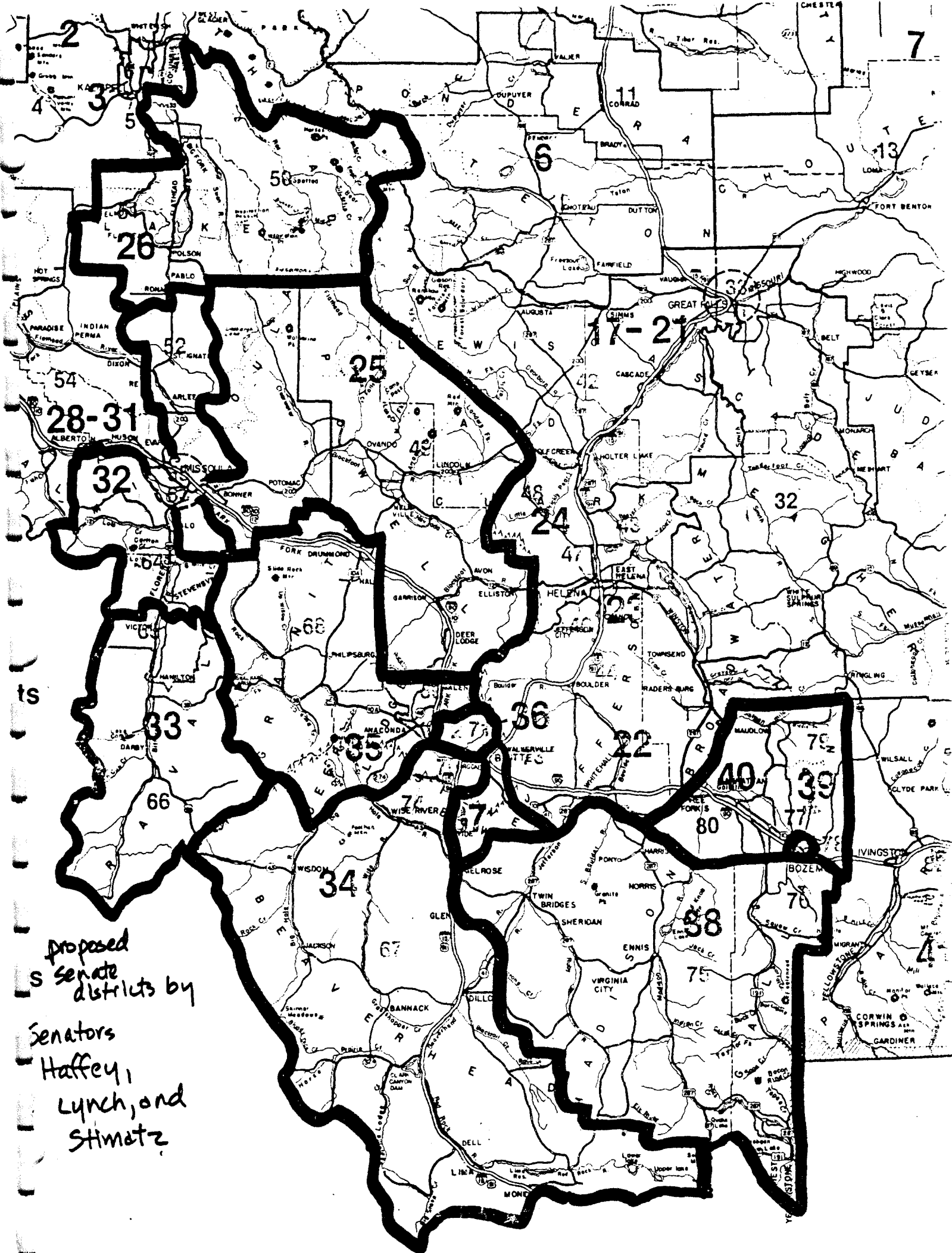
the Districts

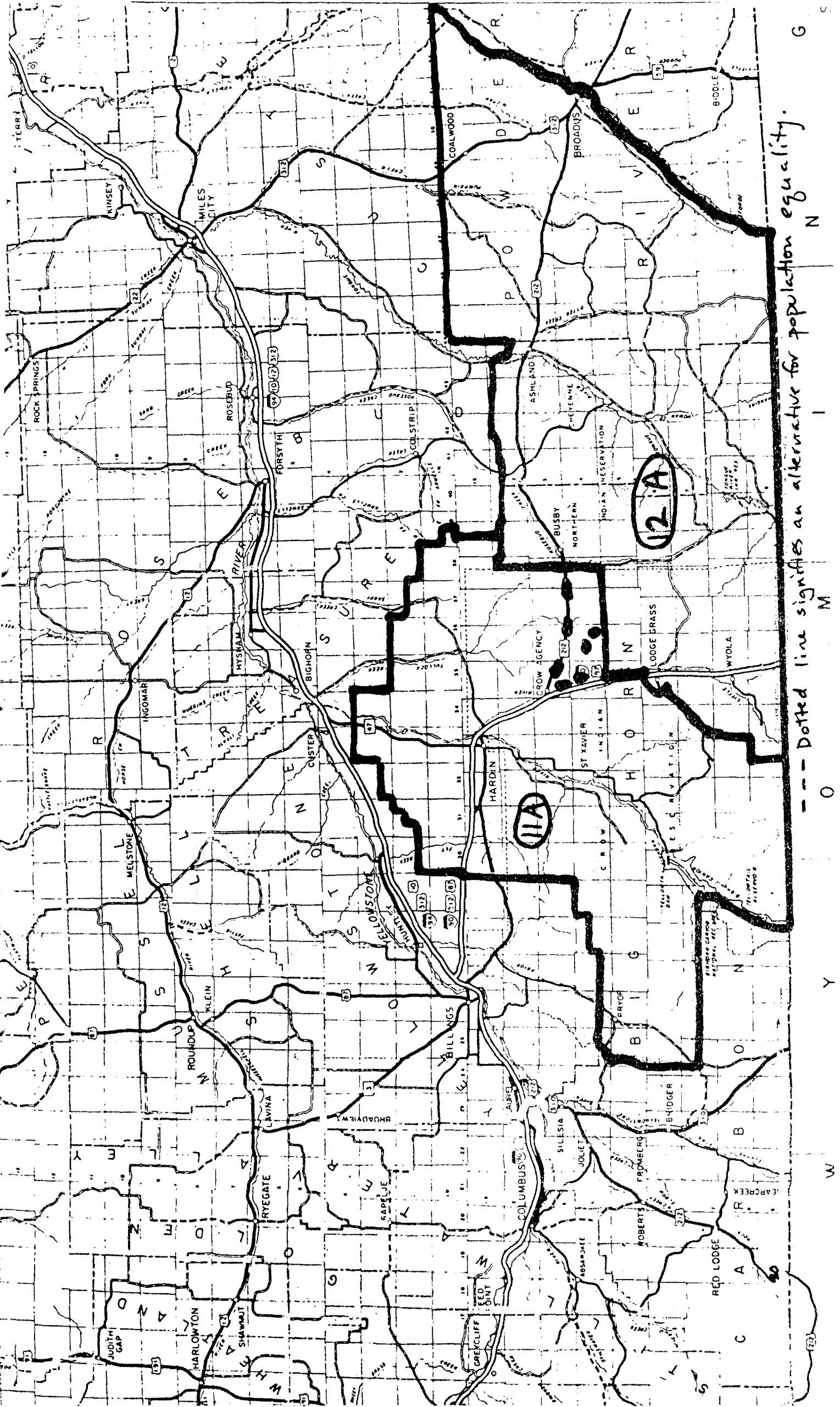
the Districts

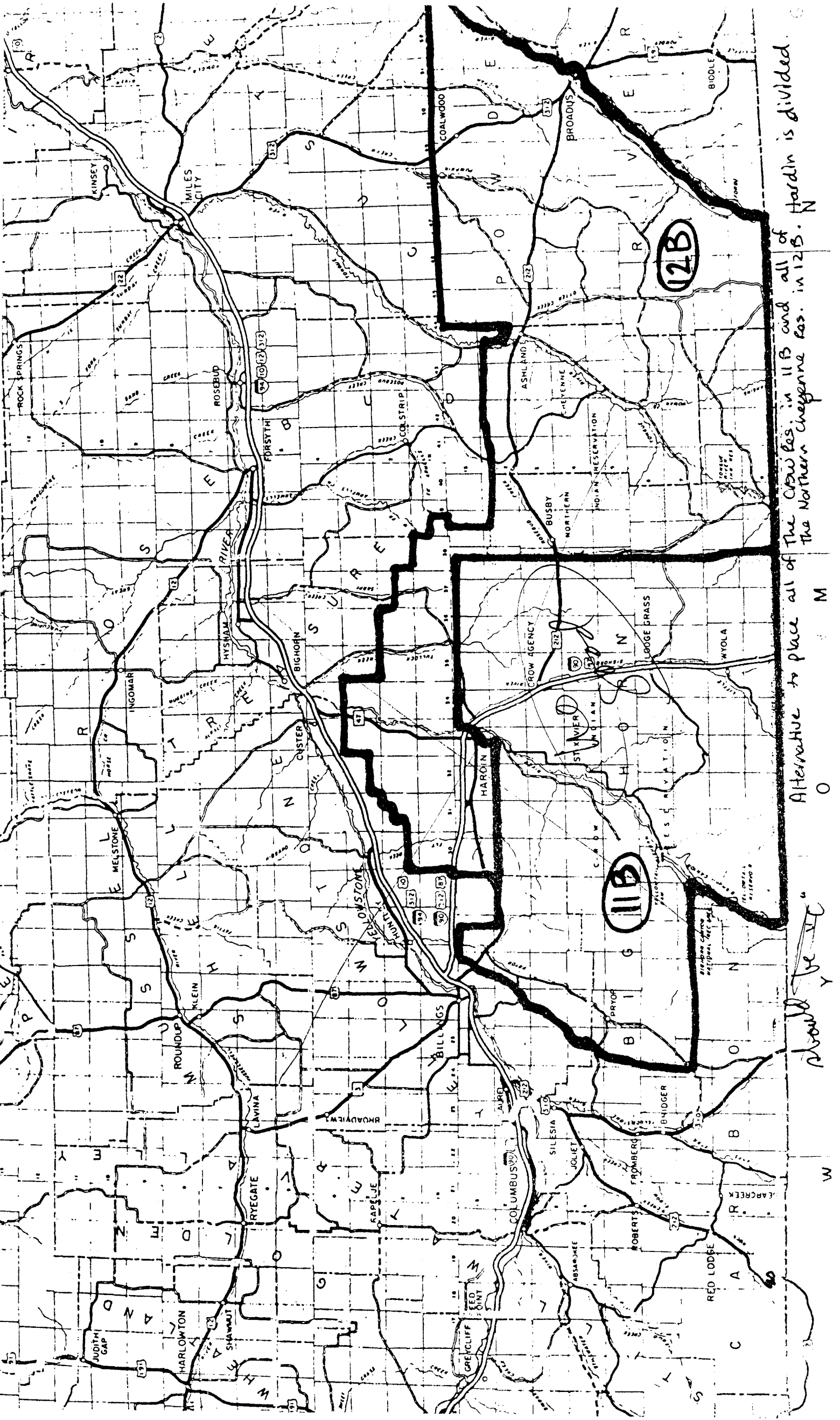
Senator Marbut's proposal

3 senate dist



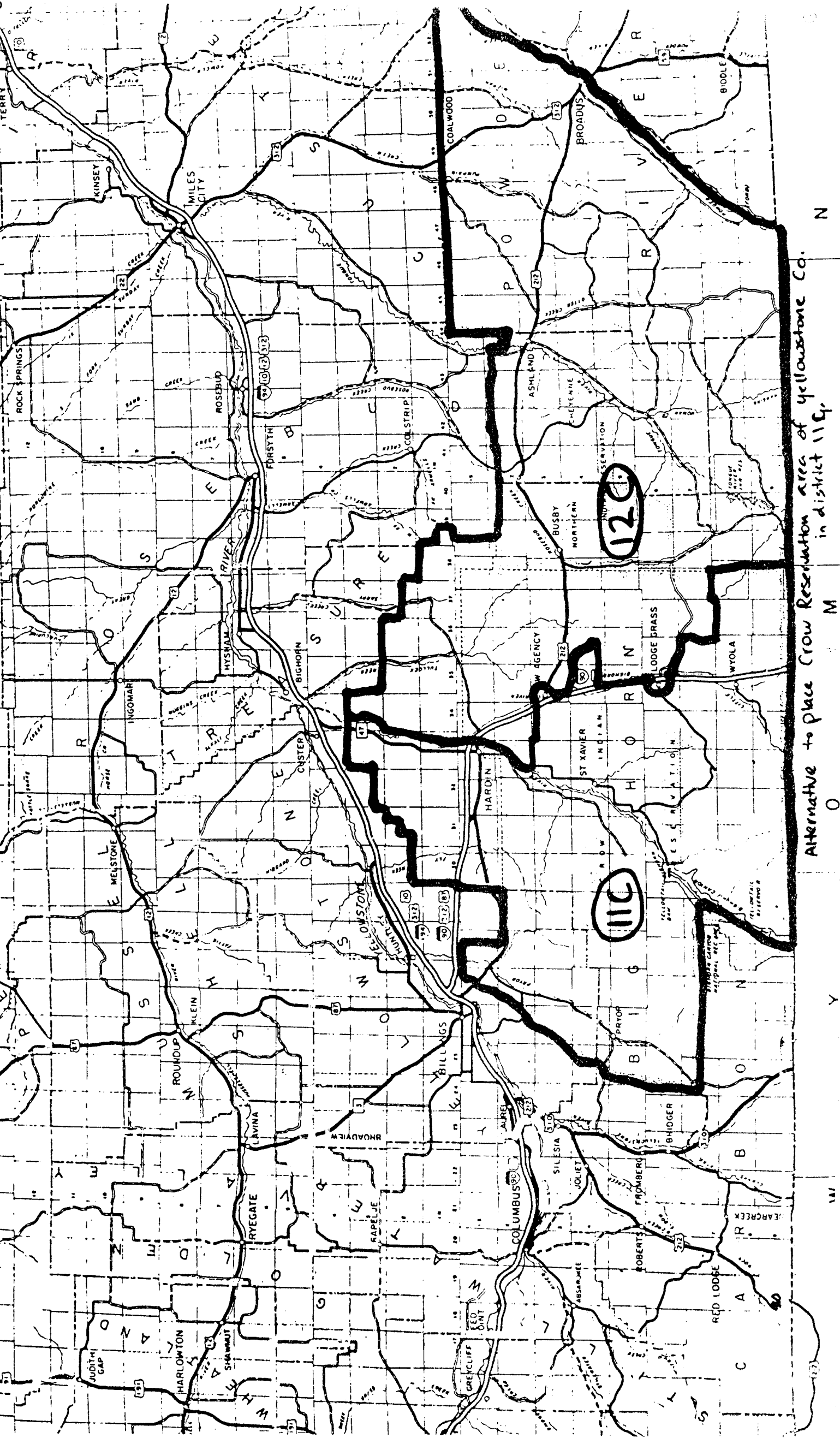






Alternative to place all of the Crow Res. in 11B and all of the Northern Cheyenne Res. in 12B. Harlin is divided.

should be



Alternative to Place Crow Reservation area of Yellowstone Co. in district 11C.

