

MINUTES OF THE MEETING OF THE HOUSE STATE ADMINISTRATION COMMITTEE
March 8, 1983

CHAIRMAN JOE BRAND called the meeting to order at 8 a.m. in Room 129 of the Capitol building, Helena, Montana.

Roll call was taken and all members were present except Representative Francis Bardanouve who was absent.

SENATE BILL 422

SENATOR MIKE HALLIGAN, Sponsor, opened the hearing by commenting that this bill resulted from some concern by Congress and particularly by the Internal Revenue Service. Their concern was that some people were escaping some taxation after they purchased a revenue bond. He then explained the critical areas of this bill. Congress will require after July 1, 1983 that all bonds be registered. We don't have the authority to do this now. He made it clear that this bill does not authorize any additional bonding authority whatsoever.

PROPOSERS

MAE NAN ELLINGSON, League of Cities and Towns, Missoula, spoke as a proponent to this bill. She explained that she had assisted in the drafting of the original bill. There are several changes in this bill, and she explained a few of them. After July 1, 1983 if this bill is not passed there will be no county general obligation, no city general obligation, no SID's and no RSID's as well as no school district general obligation bonds that will be tax exempt. Presently we sell bonds that are barer bonds; however this will not be allowed any more if this bill is not passed. This bill allows the local governments to issue bonds in either a certificated or uncertificated form. That simply means that a certificated bond would be one that would be represented by a piece of paper and an uncertificated bond would be one by which a minute entry would be made, registering the sale of the bond.

OPPOSERS

THERE WERE NO OPPOSERS TO SENATE BILL 422, THEREFORE SENATOR HALLIGAN CLOSED.

Senator Halligan made a closing statement by saying that the banking people were going to be here but apparently they could not make it. He mentioned that they had a minor amendment which they wanted to propose and he would explain that. This is on page 3, line 20 which reads, "financial intermediary means a bank, broker or clearing house..." they wanted to insert after bank on line 20, trust company. We have no problem with this and it just clarifies the situation.

COMMITTEE QUESTIONS

REPRESENTATIVE WALTER SALES asked Mae Nan Ellingson if she knew what the cost would be to the local governments on this bill. Mae Nan Ellingson replied that they really do not at this point in time know and that the opinions have ranged from minimum to costly. The good part of the bill is that it allows us to set up as part of the cost of issuing the bonds, the fees that would be charged for registration. There really is nothing to compare it to. Financial institutions have been registering corporate bonds for a long time. But we don't know in Montana, for example, whether there are a lot of local governments that may be able to register their own bonds, or whether in fact we are going to have to rely on grants or other institutions.

Rep. Sales asked her if they were sure about the percentages. He said that certainly they would know that figure. Ms. Ellingson replied that they are hopeful that they will be able to negotiate with banks and trust companies to charge a lower rate for these general obligations of cities and counties than they do on IBRB's.

REPRESENTATIVE BILL HAND asked Mae Nan Ellingson about the term minute entry. Ms. Ellingson explained that she was referring to a minute entry in a data processing system or some kind of record system, whereby a bond could be issued in a certificated form.

REPRESENTATIVE GLENN MUELLER asked Mae Nan Ellingson if she would have any objection to the amendments that have been proposed here today. Ms. Ellingson replied, "No, that would be acceptable".

CHAIRMAN JOE BRAND asked Mae Nan Ellingson how many other states are going to introduce this kind of legislation. You said that this is needed because of the federal government policies, is that correct? Ms. Ellingson replied, several, yes, Mr. Chairman that is correct. Every state with the exception of two will be introducing this kind of legislation. We had people petition Congress jointly to wait to implement this act until July 1, 1983. It was originally to take effect January 1, 1983. Some states now authorize the issuance in both coupon and the registered form. This does not take away our authority to issue bonds in coupon forms; we can still do that if we chose. It only allows us to do it in a different form.

The hearing on Senate Bill 422 was closed with REP. McBRIDE being asked to carry the bill on the House floor.

SENATE BILL 435

SENATOR DAVID FULLER, sponsor, mentioned that this was a good bipartisan bill and it was drafted by the Committee's staff person, Lois Menzies. He briefly explained the portion of the bill that applies to the PERS and worker's compensation. Then he referred the floor to Larry Nachtsheim, of PERS Division, Department of Administration.

PROPOSERS

LARRY NACHTSHEIM, PERS, Department of Administration, explained the bill and supplied the committee with a copy of his testimony.
EXHIBIT A ATTACHED

OPPOSERS

THERE WERE NO OPPOSERS TO SENATE BILL 435 SO SENATOR FULLER CLOSED ON THIS BILL.

Senator Fuller made a closing statement by saying that he thought this was the only bill that he put through Senate State Administration that survived.

COMMITTEE QUESTIONS

REPRESENTATIVE KATHLEEN MCBRIDE asked Larry Nachtsheim if this bill is somewhat parallel to the firefighters' bill covering the situation when a person is on worker's compensation and is making contributions? Is the person while he is on worker's compensation going to get credit for that period of time as far as his retirement is concerned? Mr. Nachtsheim replied basically they are equal. They are exact really.

THERE BEING NO ADDITIONAL QUESTIONS THE HEARING ON SENATE BILL 435 WAS CLOSED.

Representative Gene Donaldson will carry this bill on the House floor.

SENATE BILL 429

SENATOR RICHARD E. MANNING, sponsor, gave some hand out material to all the committee members and explained the intention of this bill. This bill is an act reducing the employers contribution rate to the Municipal Police Officers' Retirement System and the Firefighters' Unified Retirement System and increasing the state contribution to each retirement system by an amount equal to the reduction in the employers contribution rate.
EXHIBIT B ATTACHED

PROPOSERS

RAY BLEHM, Montana State Firemen's Association, spoke in support of this bill. This bill came from the state association as an alternative approach to HB 622. HB 622 would have dropped the city funding levels for the police, our system, and the sheriff system down to zero percent for the local government employer and would have had the state pick up all the funding of it from the insurance premium tax. That bill would have used up every last dollar in the funding source. It would have cost approxi-

mately \$3.8 million that is being currently reverted to the state general fund. The firemen, in looking at this legislation, said several things. The cities have a good point; they have done an excellent job in documenting the short fall in the revenues that have occurred in local government since the last session of the legislature. There is some form of relief that must be given to local governments during this session of the legislature. So we said what can the legislature do to help out the cities and get some mileage out of this concept of additional funding for the pension system? It seems that the criticism that comes out of local government under state-mandated pension systems dwells upon the point that police and firemen are costing them quite a bit more money than other employees. This bill will make police and firemen cost local government the same. Firemen are by state law exempt from social security coverage. Police have the option to be covered but he stated that he thought that most of the police were not under it either.

BILL VERWOLF represented the City of Helena and the City of Missoula on behalf of this bill. The City of Helena chose four priorities in legislation this year and this is one of those four. One of the things that local governments have been real concerned about for the last several sessions is that there were alot of changes either proposed or made in the benefits and therefore the costs of police and fire pensions. The impact of those benefits were reflecting back on local governments. So their feeling was, that if the state is going to negotiate and set up the pension funds through the legislative process, then the state should bear the cost of those changes that had resulted. So we came in with legislation (HB 622) that said that since this is a state-mandated system, the state must be responsible for paying the costs of those changes that they make in the system. But HB 429 is a little more realistic. What this says is, when a city hires an employee, we have a certain level of benefits that we have to pay. Whether that employee be a fireman or policeman or whatever, we will pay about 13.02 percent, which is PERS plus social security. Then it still makes the situation where if the state changes the benefits and therefore changes the annual contribution requirement, it changes the states contribution requirement not the cities contribution requirement. We think that this is an important concept to the people who pay the bill.

MIKE WALKER, Montana State Council of Professional Firefighters, also spoke on behalf of the City Manager of Great Falls, Al Johnson. We support this piece of legislation from a different aspect. Currently the professional firefighters in fourteen cities in this state are at a bare minimum manning level. It is going to be extremely difficult for the cities to fund the status quo for the next year or two without some kind of financial backing or aid from the legislature.

LARRY NACHTSHEIM, PERD, stated that he had a very minor amendment to this bill but that he was not in opposition to the bill. On page 6, line 4, they think that the word "employer" needs to be left in.

OPPONENTS

THERE WERE NO OPPONENTS TO SENATE BILL 429 SO SENATOR MANNING CLOSED ON THE BILL.

Senator Manning said that this bill went through the State Administration Committee in the Senate and it had 5-2 votes to bring it out of the committee, and it passed 24-16 on the floor. We can work for the cities as well as anyone else can.

COMMITTEE QUESTIONS

REPRESENTATIVE JOHN PHILLIPS asked Senator Manning how this bill was going to fare in appropriations since it was for \$1 million. Senator Manning replied that they have already talked to Representative Bardanouve about this. The sponsor asked that the bill be held in committee for awhile before being referred on the floor to the Appropriations Committee.

REPRESENTATIVE KATHLEEN McBRIDE asked about the police contribution being reduced from 14.04 to 13.02. Is it 18 percent effective July 1, 1983 on the firefighters and is it being reduced downward? Senator Manning replied, "Yes, that is correct".

Representative McBride asked Larry Nachtsheim, do you have a breakdown city-by-city or county-by-county of what the effect of this bill would be? How many dollars is this going to save each area? Mr. Nachtsheim replied, "No, I don't have that kind of a break down but we certainly can do that for you, if you would like."

Representative McBride stated that she would like to see on a county-by-county basis the cost savings.

REPRESENTATIVE GLENN MUELLER mentioned that he was confused by the new language on the bottom of page 3, lines 23 through 25. If he reads this correctly, the state is to pick up the unfunded liability if any of these plans are in trouble in any of the cities. Mr. Blehm replied, "Yes, that is exactly what it says. The concept that we are dealing with under the system (fire) is a situation where the funding level as of July 1, 1983 will be eighteen percent from the state and eighteen percent from the city and then in 1984 we are scheduled to undergo an actuarial study. Representative Bardanouve had a bill that came through here earlier that moved that date from 1984 to 1986 under the premise that at this lower funding level we should be at a place

where we may not have any unfunded accrued liability because of the elevated funding levels that we are under right now. At the time the actuarial study is done, then under the current bill there is a reduction or increase in costs depending upon each local government situation as to what they are going to have to pay.

Representative Mueller asked if that cost was expressed in this fiscal note. Mr. Blehm said, no it is not expressed in here at all. If that premise is correct concerning the other bill that I mentioned, there should be little or no impact from that. You should be aware that the cities would be at a flat rate. Over the funding span of forty years the required contribution level from the state is going to decrease because of the high rate of funding that we are doing right now.

Representative Mueller asked if there is an increase in the employer contribution. Mr. Blehm replied, "No, that is the total contribution to those systems that they are reflecting in the fiscal note. The fiscal note is only dealing with the state costs."

CHAIRMAN JOE BRAND asked about the money that goes into the system. Does that come out of the insurance premiums paid in the state of Montana? Mr. Blehm replied, "Yes, the tax that we are talking about is in 19-13-905, MCA, covering fire insurance, auto insurance risks and casualty."

Chairman Brand inquired if there is more money going into the fund and you are saying that the state is putting that into the general fund. Mr. Blehm answered by saying, the total premiums collected currently in the last fiscal year were \$7,074,000. The distribution to first and second class cities under the current law was \$788,000 and to the rest of the cities it was \$372,000.

Chairman Brand asked if this balance was going into the general fund after the police get a certain portion. Mr. Blehm said, "Yes, in the last year there was \$3.083 million reverted to the general fund."

Chairman Brand said that this wouldn't have that great of an impact off of that money that really was suppose to have gone to your retirement systems initially, is that correct? Mr. Blehm replied, it would take less than one sixth of the money that is being reverted right now. The original source of this tax was to fund the pension system.

REPRESENTATIVE WALTER SALES explained that the state currently is contributing fifteen percent and they will have to go to eighteen percent next year. We are talking about close to \$1 million a year that we are going to have taken out of the general fund to take care of this package.

REPRESENTATIVE HELEN O'CONNELL replied in answer to this, the moneys are earmarked for the police and firefighters and they have been feeding general fund for many years. Basically the intent of this should be for the retirement of police and fire.

THERE BEING NO FURTHER QUESTIONS THE HEARING ON SENATE BILL 429 WAS CLOSED. No one was assigned the carrying of the bill.

SENATE BILL 421

SENATOR M.K. DANIELS, sponsor, stated that this bill would provide for a constitutional amendment. The county for many years has been the backbone of governmental process for the state of Montana. We have our county sheriff, our county prosecutor, our county court house and many others. He mentioned the example of Granite county that has not had a Senator or Representative from within its boundaries since 1967 when they implemented the district type of law. When they reapportioned counties they did not do such a great job. He mentioned that the people have in a sense been disenfranchised by this move. The population thing is not the sole criteria then. There are many other things that need to be considered and he felt that the county basically does everything that it should under the law governing reapportionment. The big cry is constitutionality. If this is submitted to the electors of Montana, and they believe that they want to return to the system of one county and one Senator, I don't think there is a court in the land that is going to say those voters did not know what they were doing and we are going to overturn their wishes. To really be able to represent the people we would have to go back because we have two Houses now. This does not make much sense the way that it is presently.

He read portions of the case Reynolds v. Simms which dealt with reapportionment. He stated that he believes that the rural areas of the state are not properly represented under the present system. It is a matter that deserves consideration and hopefully a passing vote out of the House.

PROPONENTS

REPRESENTATIVE JOHN RYAN spoke in favor of this bill since he comes from a lot of small counties. He represents 3 1/3 counties. Senator Manning is our Senator from that district, and he represents 6 counties. It is quite a distance, and it is not fair to the public the way that it is apportioned now. Senator Manning does have a court case coming up in Supreme Court that might make quite a difference in this.

OPPONENTS

JOY BRUCK, League of Women Voters of Montana, spoke in opposition to Senate Bill 421. They believe that the use of the population

standard is good for establishing both the House and Senate districts and Montana's Constitution should not be amended to do otherwise. The citizens must know that each of their votes are of equal value in a democratic and representative system of government. Even though you must send this out to the floor because it is a constitutional amendment, we do hope that you will send it out with a do not pass recommendation.

THERE BEING NO ADDITIONAL OPPONENTS SENATOR DANIELS CLOSED ON SENATE BILL 421.

Senator Daniels replied that he would answer questions. But he also told the League of Women Voters that if they really believe that they want Senator Melcher and Senator Baucus to represent the states of Montana, North Dakota, South Dakota, Wyoming and Idaho, then they have a different concept of federal government than he has.

COMMITTEE QUESTIONS

REPRESENTATIVE KATHLEEN McBRIDE asked Senator Daniels if she understood him correctly, do you want the counties to be the jurisdiction of a particular senator? Senator Daniels replied that is right.

Representative McBride asked when most of the county lines were drawn in the state. Senator Daniels replied that he thought that there were originally four counties in Montana, and they were divided and sub-divided over the years until our present 56 were finally settled upon. He thought that this was done by about 1912 or later.

Representative McBride said, if the county lines were drawn in the early 1900's could we say that those county lines were drawn with the purpose of putting like interests together? Senator Daniels replied that he assumed that there were certain factors that were used.

Representative McBride asked, do you think that the shift of population and the other factors that might have been considered then have changed at all? Senator Daniels replied, to some extent that is correct, but over the years I think that the county commissioners are getting more power. It is just a matter of tradition that people still go to other towns to shop. But nevertheless in governmental affairs, they would go to the County Seat.

Representative McBride mentioned that she thought that perhaps Yellowstone County was more urban and rural combined than most of the others in Montana and under this bill you would give that county one senator and one vote. If your proposal is to give rural people some balance and saying in what is going on, in

essence what you would be saying to the people in Billings is, you get your one senator and the people in Huntley and Ballentine, you don't get any representation in your area. Senator Daniels replied that he would give them one senator, one vote per county. "I think that you have a more cohesive unit when you say that you are the senator from a county instead of saying that you are the senator from a district."

REPRESENTATIVE CHESTER SOLBERG asked Senator Daniels if the states now have two senators in Congress, don't they? The representatives represent the population within our U.S. Senate and House. What you are trying to do here is basically the same thing right? Senator Daniels replied, "basically, this is parallel with the federal legislature. One is based on population and the other is based upon an area."

REPRESENTATIVE BRENT BLISS made the comment that no matter why they were formed they do protect the minority population.

REPRESENTATIVE LLOYD "MAC" McCORMICK stated that if you check it out, the states have more than two senators.

REPRESENTATIVE PAUL PISTORIA ask Senator Daniels if it were not true that we have 56 senators instead of 50. Senator Daniels replied that is correct but he didn't think that will have any effective change on this.

THERE BEING NO ADDITIONAL QUESTIONS THE HEARING ON SENATE BILL 421 WAS CLOSED. No one was assigned the task of carrying the bill on the House floor.

REPRESENTATIVE WALTER SALES MOVED for adjournment and it was seconded by Representative Clyde Smith. Unanimous voice vote.

The meeting adjourned at 11:00 a.m.

Respectfully submitted,


REPRESENTATIVE JOE BRAND, CHAIRMAN

Cleo Anderson, Secretary to Committee

VISITOR'S REGISTER

HOUSE STATE ADMINISTRATION

COMMITTEE

BILL SENATE BILL 422

DATE MARCH 8, 1983

SPONSOR SENATOR HALLIGAN

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE

STATE ADMINISTRATION

COMMITTEE

BILL SENATE BILL 435

DATE MARCH 8, 1983

SPONSOR SENATOR FULLER

[illegible]

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SENATE BILL 435 - Fuller

Larry Nachtsheim
2/18/83

This bill requested by the Public Employees' Retirement Division revises the disability provisions of the Public Employees' Retirement Act to permit members who are temporary disabled and drawing Workers' Compensation benefits to qualify his or her period of disability under the retirement system.

Section 1 - The member is required to make contributions to the system based on his or her salary at the commencement of the disability period. Currently, an individual is required to apply within six months after return to employment from period of disability.

The current provision was enacted in the 1977 legislative session and since that time the PERD has received at least twenty requests to qualify periods of disability that are currently ineligible because the requests were not filed within the six month filing period. This bill would eliminate that filing period.

In addition to the employee contributions, the employer is required to pay the normal employer contributions. If an employee delays his request for over one year, he is required to pay interest on any contributions that are not made within this period of the year. The employer may pay the interest on the employer contributions but is not required to.

Section 2 - This section is a slight modification of the current retirement law which does not permit a member who reaches normal retirement at age 60, to qualify for a disability retirement.

This bill would permit any member 60 years or older with five years of service, who has suffered a duty-related disability but is ineligible for workers' compensation benefits, to apply for a disability retirement.

The bill provides the means for the Board to evaluate the duty-related disability claim by requesting the use of the resources of the Workers' Compensation Division.

To date, we are only aware of one such situation so we feel that PERD would not be placing any major demands on the resources of the Workers' Compensation Division.

Larry Nachtsheim
Proposer

Administrator
PERD
3/8/83

VISITOR'S REGISTER

HOUSE STATE ADMINISTRATION

COMMITTEE

BILL SENATE BILL 429

DATE MARCH 8, 1983

SPONSOR SENATOR MANNING

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

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SENATE BILL 429

Senate Bill 429 would change the level of local government contributions to a flat rate of 13.02% of salary for POLICE and FIRE systems administered by PERD and increase the state's funding level to 22.98% of salary instead of 18.00% on July 1, 1983.

This relationship change can be supported by:

1. The source of these funds would be the insurance premium tax revenue which was originally implemented in 1911 to help Fire Department Pensions.
2. Because of the shortfall in local government revenue needs to be made up it would make good sense to spend part of the state's money where it can silence some of the local government's criticism by making the pension costs for Police and Fire the same as the combined PERS and social security contribution which is 13.02% of salary. If these employees are costing the same level as other government employees it should make it difficult to claim any undue burden because of Legislative Mandates.
3. This does not change any benefits for POLICE & FIRE pension systems.
4. The State would benefit over the long run because as the systems become better funded the state rate will decline.
5. It will equalize the cost of the system among the 13 first and second class cities for POLICE and FIRE PENSION systems and provide protection for a city such as Anaconda in the unfunded payments provisions.

SB 429

Currently under 19-13-604 the reversion to the general fund is:

\$3,803,540 annually

FIRE SYSTEM

SB 429 would make the state rate	22.98%
19-13-604 would set the rate at	<u>18.00%</u>

On July 1, 1983 the rate would be	
higher by	4.98%

FY '82 Salaries	7,574,412
	x4.98%
Increase to state at higher rate	<u>\$ 377,205</u>

POLICE SYSTEM

SB 429	State rate	15.06%
19-9-702	Current state rate	<u>14.04</u>
	Increased rate of	1.02%

FY '82 Salaries	7,851,812
	x1.02%
	<u>\$ 80,088</u>

Based on FY '82 salaries this would have provided \$457,293 inflated at 5.5% - FY '83, \$482,444 - & FY '84, \$508,978.

ATT A - OBJECT SUMMARY

1430

AND REVENUE COLLECT BUDGETED
00: INSURANCE LICENSES & TAX

* * * TOTALS FOR INCOME

61-10000-10000

EXPENDITURE	OBJECT	BUDGETED
7,510,984.00		

* TRANSFER FROM
TRANSFER FROM
CITIES REG PMTS.
CITIES REG PMTS
CITIES REG PMTS
CITIES REG PMTS
CITIES SUP PMTS
CITIES ADV.
CITIES TO C.F.
CITIES TRANSFER
CITIES TRANSFER

SECRET

FORWARD

BEING

TOTAL INCOME TO DATE	10,877,805.15
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DATE	DESCRIPTION	AMOUNT
10/1/74	EXPENSE TO DATE	7,074.265.00

INCOME LESS EXPENSES

ENDING BALANCE

ART 3 - FUNDING SUMMARY

ACCOUNTING
ENTITY NAME

	APPROP	CURRENT
	REV EST	MONTH
	BUDGET	
1000	1000	1000
2000	2000	2000
3000	3000	3000
4000	4000	4000
5000	5000	5000
6000	6000	6000
7000	7000	7000
8000	8000	8000
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96000	96000	96000
97000	97000	97000
98000	98000	98000
99000	99000	99000
100000	100000	100000

CURRENT YEAR	PRIOR YEAR
1964	1963

100-443887-1

1100 GENERAL FUND ACCOUNT
INCOME

13025

3,603,540.15 3,603,540.15-

1990-01-01

3,603,540.15-

SB 429
pleck-manning

VISITOR'S REGISTER

HOUSE STATE ADMINISTRATION

COMMITTEE

BILL SENATE BILL 421

DATE MARCH 8, 1983

SPONSOR SENATOR DANIELS

[illegible]

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