

MINUTES OF THE MEETING OF THE HOUSE STATE ADMINISTRATION COMMITTEE
March 10, 1983

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

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

SENATE BILL 40

SENATOR PETE STORY gave an introductory statement to the bill. This bill has been before this body for the past two sessions. It is an Administrative Code Committee bill. It has worked its way all through the last session and received one of the Governor's veto's after the session. This year we started out with what we had last year. But not wanting to have an exercise in futility, we tried to get together and work with the Governor and find a compromise that we can both more or less agree on. We are largely there.

The Governor's position is that the language in the current statutes on economic impact statements is probably unconstitutional. If there is a constitutional problem it is not presented by this bill. This bill fixes that language up. What we discovered when the Code Committee tried to use the economic impact statement was that we did not have an instrument for seeking enlightenment; we had a bludgeon. We couldn't get what we wanted out of the agencies, but we could threaten them with having to go through a procedure that they might not want to go through. This bill has been vastly worked over in the Senate, and it is still possibly not in the right form. I have some suggested amendments, and I believe that Mona Jamison of the Governor's office also has some.

What we have tried to do is to try to make this less political and remove any suspicion that an Interim Code Committee would fool around with the Governor's rulemaking process. This precludes anything being done for purely partisan reasons.

The next language that we changed is because of many things that we found out about the impact statement process. Sometimes the agency is so determined to get the rule through that they may fudge on their figures, at least we think that they might. Also, sometimes the agency making the rule is not the best source of information for deciding if the rule is necessary or not. We wanted to be able to designate another agency; this is one of the differences that we have with the Governor. We would only use this if we were pretty sure that another agency could get the information that we wanted to determine what the impact of this rule was easier than the agency that had it and if we could do it without much cost. However, there is a fear in the executive branch that we might be asking the Department of State Lands to make a costly impact statement when it is a Department of Health and Environmental Sciences rule or some such thing. That

would not be the case though. We also for the same reason wanted to be able to contract with our own money to get experts in another area, even out of state if that was necessary. Again, the Code Committee does not get much money so this would not be used very often.

Also, we discovered that nobody was quite sure what an economic impact statement had to consist of, whether it was one of these full-blown ones or what it could be. What we want to do was to have a shopping list, depending on what the rule dealt with and who it effected, etc. We wanted to be able to ask specific questions. If there is only one aspect of this list that we are concerned with we don't have to have alot of unnecessary information prepared as well.

The next thing that the committee discovered is that we are not a body of experts, and we are often unaware that a rule might do serious harm to someone until they contact us about it. We want the ability to ask for an economic impact statement at any time before that rule is adopted. It puts the agencies and other people on notice that what they are doing may be terribly costly. Since the agency has six months in which to hold their hearings, we had thought that this time frame should be suspended while they are making this impact statement. We thought that this would be to their advantage to stop the clock, so that they would not have to renote this rule, etc. But the government does not want this suspension so we have taken it out of this bill.

We also reinstated the language that says, "if it is impossible to formulate such an estimate, the reasons for that impossibility or formulation must be filed and published instead of the economic impact statement." One of the suggested amendments is that this language is removed.

He then passed out a set of proposed amendments for consideration by the committee. (attached).

He then mentioned that he had not seen Mona Jamison's amendments prior to this meeting, therefore he had not reviewed them very closely.

MONA JAMISON, Legal Counsel, Governor's Office, spoke in support of this bill. She mentioned that possibly Senator Story thought that they could never work together on things, but this just goes to show you that people can work together.

She handed out new amendments proposed by the Governor's Office. She mentioned that she had seen the Senator's amendments but also that she had not had a great deal of time to look them over. She said at first glance, at least 1, 2 and 4 look reasonable.

This bill will strengthen the language of the present law. The amendments that they are proposing are varying. Some of them are grammatical and some are substantive. She went through these amendments.

They believe that the agency that is proposing the rule should be the agency that is doing the economic impact statement. They feel that having another agency doing the statement might be extremely problematic for a number of reasons. For example, if State Lands is proposing a rule and a local government is preparing the statement, there is a substantial question as to how are they going to get the money to pay for it. Now with the limited funds that we are facing, we think that this could put that other agency in a bind.

Although Senator Story and I do agree on many of these issues, I am sure that we probably differ on this particular point. We are concerned about the requirement of the agency to respond to the request of the committee by the use of the word "shall" in line 16. This does raise constitutional questions. I agree that this is current existing language. Senator Story is not proposing to make it shall; it is already on the books. But we submit to you that it would be very, very nice to have a law on the books where we have at least reduced the constitutional questions. We would feel that an agency would exercise its wise discretion about performing an economic impact statement and the word "may" makes it mandatory. By putting the word "may" into this bill we do eliminate any constitutional question that may exist. We believe that this could be a problem at some point in time.

She then explained why they had put back in the language "estimated economic impact statement." This is what the agency is doing. We feel that it is important to put the word "estimated" back in because, should we go ahead and do the economic impact analysis, that is all that we will ever be able to get; an estimate. There is no way that we can ever walk in with the precise costs for an impact statement. This word was in the existing language.

JANELLE FALLAN, Montana Chamber of Commerce, spoke in support of the bill. She mentioned that they had supported this bill when it was first passed two sessions ago. It has turned out to be a pretty blunt instrument and it has needed fine tuning. It can be a useful law.

SCOTT CURREY, Attorney for the Montana Department of Labor and Industry, spoke in favor of the bill with the amendments that were presented by the Governor's Office. He agreed with the testimony of Mona Jamison. He was concerned about the language on line 16, page 1 which allows the Code Committee to designate an agency to carry out the economic impact statement which may create a situation where the agency which formulated the rule

and is going to have to enforce the rule, if it is passed, is not going to be able to fully participate in the economic impact statement process. They feel that this is unfair.

THERE WERE NO ADDITIONAL PROPONENTS TO SENATE BILL 40 AND THERE WERE NO OPPONENTS SO SENATOR STORY CLOSED.

Senator Story gave a closing statement on Senate Bill 40. As far as the new section 6 and also amendments 4 and 5 from the Governor's Office, we are in accord. We are in disagreement on two matters. One is whether or not we should have the authority to ask another agency to do this, and the other reason is that a department may make rules that in effect may have a great impact on some other department and the data may be available from one of the other agencies to help in the determination of the need for this proposed rule. We are also concerned about the change of the word "shall" to "may" and this would take everything out of the bill. If you are inclined to agree to this, it would be better, rather than just destroy it with one little word, if you would agree with taking out page 4, subsection 3. Then agencies can't say that they just don't want to do this; they must at least go on record saying why they do not want to do this. This would be a more responsible manner of handling it. This is in the law now.

COMMITTEE QUESTIONS

REPRESENTATIVE KATHLEEN MCBRIDE ask Senator Story to explain the part of the bill regarding the committee decision and how that fits into the process. David Niss, Counsel to the Administrative Code Committee, responded at the request of Senator Story to this question. He explained that this was covered in the proposed amendments by the Senator on page 3, line 5, and it was because of amendments made in the State Administration Committee of the Senate. The Senator is proposing language to explain what the word "decision" is all about and he would like this put back in the bill.

Representative McBride then ask Senator Story about the language on page 1, lines 18 through 23 regarding the estimate in the funding process. Would he see the need to come back to the next legislature to request additional funding for this or did he plan on requesting a larger appropriation for the committee? Senator Story replied, "No." It would occur in a case when people come to us and scream that they have a problem with what is being proposed. If the money is available to us, we can get the expert to give us the information needed.

Representative McBride ask Mona Jamison about the constitutionality of the question concerning "shall" and "may". Is the issue over the separation of powers having a legislative committee requesting an executive branch agency to do this statement? Mona Jamison

replied that the constitutional question that is raised is not so much the ability of the committee to make a request but it is that the request should be binding. The use of the word "shall" places the mandatory duty on the agency to respond to that committee request. It is to make this part of the law as free from defects as possible.

REPRESENTATIVE GLENN MUELLER ask Mona if the effect of this amendment was to gut the bill. Mona Jamison said, "Not necessarily but what happens is whether or not to respond when we are not sure that we have the authority to do so. We could refuse to do the statement and then be challenged on whether or not we had to respond. We think that we would probably prevail. If we put the word "may" in we end up having political pressure and public pressure so that all powers come to bear down on whether or not we will actually proceed to do it. I think a demonstration of our good faith that this is not an attempt to gut this bill is found in section 6."

CHAIRMAN JOE BRAND said that he had two questions. He ask Senator Story if there were eight members on the committee. Did you say that you would have to have five members vote in order to have this go into force? Would you object to saying six members? Senator Story replied that sometimes everybody might in agreement but three people might be gone and we do sometimes have less than a quorum. Five does insure this issue, and I would resist six because usually there is someone from Helena on that committee who usually votes "no".

Chairman Brand ask Scott Currey about his concern having another agency doing the work on the impact statement rather than the agency promulgating the rule. Do you truly believe that the Code Committee would designate somebody to do their own work if they thought that there might be a conflict of interest? Scott Currey explained that what he meant by his statement was, for example, a rule being created in the Department of Labor and Industry and the Code Committee requests the Department of Commerce to make an economic impact statement on this rule. I feel that it would be unfair to the Department of Labor and Industry to be cut out of the economic impact statement process. We gathered the information and reasoning for the rule and we are going to enforce the rule but if we are not going to be able to have any input into the economic impact statement, I feel that is unfair.

Chairman Brand replied, what if the public has clamoured to this committee, and they have had a hearing. They have decided that it is not what they want so they want to go to some private party for this information to have this corrected. Maybe the rule isn't doing what most people want it to do. Scott Currey responded to this by saying that as he understands the bill, if the language on line 16 were eliminated, they could still do that. They can still contract with a private source or even state government to

provide further information. This should be alright. I am not saying that the department promulgating the rule should be the only source of information but this department should have the opportunity to participate in the process of the economic impact statement.

THERE BEING NO FURTHER QUESTIONS, CHAIRMAN BRAND CLOSED THE HEARING ON SENATE BILL 40. Representative James Schultz will carry the bill on the House floor.

SENATE BILL 301

SENATOR H.W. "SWEDE" HAMMOND, sponsor of Senate Bill 301, gave an introduction to this bill. It is regarding the increase that a retired teacher may earn without receiving a reduction in his pension from the Teachers' Retirement System. If a teacher became disabled back in 1960 and he is given a retirement allowance, then he could only earn the difference between the amount of his pension and what his pay was at the time that he retired. This keeps those people at a starvation wage because of inflation. This bill would change that so that teachers could now earn the difference between their retirement and the median income of those people who retired the previous fiscal year. As inflation occurs there is a greater amount that they can earn outside of their retirement and if it doesn't continue then it would level off and that would be the amount that they could earn. They could consider themselves at least honorable citizens and not be held down to a starvation wage as it is now.

BOB JOHNSON, Teachers' Retirement System, spoke in support of the bill. He reviewed the disability process for the benefit of those members of the committee who did not understand it. They can earn money but it is very limited. They must submit to an annual disability review for the first 5 years that they are on disability and every 3 years thereafter until they reach the normal retirement age of 60. They are required to submit an earning statement to the Teachers' Retirement Division. If they do earn in excess of their final earned salary at the time of their disability, the benefit is reduced dollar for dollar in the excess amount.

The proposed law would simply allow them to earn the greater of the difference of the final average salary and the annual benefit for the median salary of those members who retired during the preceding fiscal year. He then supplied the committee members with the illustration of what they are trying to do with this bill. (see attached)

This bill only effects a small number of retired teachers.

THERE WERE NO FURTHER PROPONENTS TO SENATE BILL 301, AND THERE WERE NO OPPONENTS TO THIS BILL SO SENATOR HAMMOND GAVE A CLOSING STATEMENT

Senator Hammond closed on the bill.

COMMITTEE QUESTIONS

REPRESENTATIVE BILL HAND ask Bob Johnson if this would cost the fund any more money. Bob Johnson replied, "No."

REPRESENTATIVE DUANE COMPTON will carry the bill on the House floor.

THERE BEING NO FURTHER QUESTIONS ON SENATE BILL 301, CHAIRMAN BRAND CLOSED THE HEARING.

SENATE BILL 302

SENATOR H.W. "SWEDE" HAMMOND, sponsor of this bill, gave an opening statement mentioning that this bill was also requested by the Teachers' Retirement System, and it is strictly a house-keeping bill. This was taken out in the 1981 session regarding the annuity savings. We did not take out the language on this. The way that it is done now, upon retirement they put the funds into the pension accumulation fund and the whole check is paid from that. Prior to this, they paid your share from the annuity reserve and the employer's share from the pension accumulation fund but they did away with this in 1981 but did not change the language. We are talking about an annuity fund which no longer exists and, this would merely clean-up that language.

BOB JOHNSON, Teachers' Retirement System, spoke as a proponent to this bill.

THERE WERE NO FURTHER PROPONENTS TO THIS BILL, AND THERE WERE NO OPPONENTS TO SENATE BILL 302; THEREFORE SENATOR HAMMOND CLOSED.

Senator Hammond closed on Senate Bill 302.

COMMITTEE QUESTIONS

REPRESENTATIVE CLYDE SMITH mentioned that it was nice to have a bill before the committee that was not going to cost money.

THERE BEING NO FURTHER QUESTIONS ON SENATE BILL 302, CHAIRMAN BRAND CLOSED THE HEARING.

REPRESENTATIVE DUANE COMPTON will carry this bill on the House floor.

EXECUTIVE SESSION

SENATE BILL 302

REPRESENTATIVE MUELLER MOVED Senate Bill 302 BE CONCURRED IN and

it was seconded by Representative Joe Hammond. The question being called, the motion carried by unanimous voice vote.

Senate Bill 302 was reported out of the committee this date BE CONCURRED IN.

SENATE BILL 301

REPRESENTATIVE CLYDE SMITH MOVED Senate Bill 301 BE CONCURRED IN and it was seconded by Representative Helen O'Connell. The question being called, the motion carried by unanimous voice vote.

Senate Bill 301 was reported out of the committee this date BE CONCURRED IN.

SENATE BILL 40

Chairman Brand assigned Senate Bill 40 to a subcommittee because of the various amendments presented during the hearing and the question on "shall" or "may". He appointed Representative Helen O'Connell as chairman to the subcommittee and Representatives Bliss and McCormick to serve.

SENATE BILL 327

REPRESENTATIVE BILL HAND MOVED Senate Bill 327 BE NOT CONCURRED IN and it was seconded by Representative Jerry Driscoll.

Representative Mueller commented on the bill. He stated that he didn't think that you solve anything by moving things around. Every single person that was in the field working testified for this transfer. The only ones that testified to leave it alone were the bureaus and he personally knows that one of the people who testified from the agencies believes 180 degrees from what he testified to. This shows what happens when you are put under pressure. He stated that he did know that at least the big majority of the people on the firing line seem to believe that this is what they want to do.

Representative Hammond said that it seems the problem is with the licensure and third party reimbursement. The problem that the departments had was more regarding the division of the money for these programs. In statute right now it is not possible for Dr. Drynan to grant a license as they would like. Maybe we should consider a statute that would require the Department of Health and Environmental Sciences to concur with an accepted application of the Department of Institutions where these programs are concerned. The problem is the licensing in order to get the third party reimbursement, and they are only getting 24 percent of it now. The question seems to be if the Department of Health concurs with the application.

Representative Compton commented that he had been on the Board of Directors for the five northeast counties ever since they began the programs, and he received a call from the Director as well as some of the other members of the board. They all want the program taken out of where it is now and have it put under the Department of Health.

Representative Pistoria stated why he was not for the change. The program is set-up with 16 percent going to the general fund and 10 percent which is earmarked split between the programs and the local governments. This would have to be changed in order to have this transfer, and it would create quite a problem to do this.

Chairman Brand said that he was going to oppose the motion and for many reasons. He stated that he is on the Human Services Committee and in that committee "nobody came in there from the state agencies supporting the bill to allow for third party people on insurance coverage." The people who work in the field came and testified for this third party insurance but not the government people. This bill is Senate Bill 107, and it is asking that the overall coverage will include a part of that coverage for alcoholism as a "sickness", therefore the people providing the treatment for alcoholism would be able to receive third party insurance money to cover the treatment. This is money that is badly needed by the treatment facilities in order to continue these programs adequately.

Representative Driscoll said that he is going to support the motion, and he mentioned the program in Billings. He said that this program will not take persons who do not have the money to pay for the treatment. The alcohol program in this state is so messed up because they have this mandatory commitment that forces a person to stay in there. They really don't do anything for the people because they turn right around again on "graduation day" and go to the taverns. They can only be helped when they decide that they really are going to work towards that themselves. Detoxification is necessary to keep them alive but it should be voluntary. They are rip-off artists.

Representative O'Connell said that she was of the impression that this bill had been written for the program at Rimrock.

Chairman Brand said that this would not change the criteria much. All it would do is transfer the duties from the Department of Institutions to the Department of Health. When you go to the hospital the cost is higher, and the cost factor is much lower when they are at one of these facilities. He also mentioned that Dr. Drynan did what he was told.

Representative Sales ask how House Bill 450 was doing in the Senate.

Chairman Brand said that they would be having a hearing on it next week.

Representative McBride said that in spite of what the Senate does with House bill 450, what did Chairman Brand think the Governor would do with the bill. Chairman Brand said that there are problems within the Department of Institutions and let the Governor make the decision.

Representative Driscoll ask what would happen to Galen if this transfer were approved. Chairman Brand explained that this would not have any effect on Galen. They would still get their money in the same manner that they previously got it.

Representative McBride stated that she thought that maybe it would be better to look at the whole Department of Institutions rather than handle it piecemeal. This is more reactional rather than functional.

Representative Hammond ask if this broke up the continuity of alcohol treatment when it did not include Galen. Chairman Brand explained that Galen would be the only state treatment program and it is the only one that will take indigents.

Representative Mueller said that most of the people that he talked to said that almost all of the alcohol programs are already in the Department of Health and Environmental Sciences except for this one and Galen. They didn't think that this would be any problem at all.

Chairman Brand said that maybe we should hold this bill in committee until we hear what happens on House bill 450.

Representative Pistoria said that he agreed with Representative Driscoll one hundred percent. He felt that those people from the field were doing a little lying when they testified yesterday. He said that he has been advocating that this is over the Director of the Department of Institutions, Carroll South. He ask Gene Huntington about this after the hearing yesterday and he understands that Carroll South has agreed to do something about the department.

The question was called for to NOT BE CONCURRED IN, a roll call vote was taken and there were 11 "nay" votes, 7 "ayes", and 1 absent. Those members voting "NO" were: Representatives Bliss, Brand, Compton, Koehnke, McCormick, Mueller, Phillips, Ryan, Sales, Smith and Solberg.

Motion failed so the bill will be reported out of the committee BE CONCURRED IN. Chairman Brand will carry the bill on the House floor.

SENATE BILL 429

Chairman Brand suggested this bill be assigned to a subcommittee.

Representative Sales mentioned that the subcommittee should talk to Representative Bardanouve because this bill says some of the same things that his bill does.

Chairman Brand appointed a subcommittee with Representative O'Connell as chairman and Representatives Driscoll and Sales to serve.

SENATE BILL 319

Chairman Brand ask Lois Menzies to explain the amendments that she prepared on this bill. (see attached).

She explained that perhaps there should be two additional amendments that are not covered on the sheet. They would be to add a subsection to the area on deputy probation officers and to provide that the salary of the deputy probation officer could not be decreased by the appointment of a new chief probation officer.

Representative O'Connell ask the probation officer from Missoula to comment on this. Mr. Johnson explained that this was suppose to have been done before but apparently it did not. They would agree with this change. It is something that could easily happen to a deputy probation officer.

Representative McBride ask if the longevity was applicable only for that job, i.e., if a deputy were promoted to chief, would he have to start over on the longevity. Mr. Johnson explained that this was covered on page 2, line 11 through 14 for the chief and page 3 covered the section on deputies.

Representative McBride ask if we are talking about years of service as a chief probation officer or does this begin when he is a deputy. Lois Menzies explained that perhaps that is covered in the section dealing with chief probation officers. If a chief had 5 years as a deputy he wouldn't have to serve 5 more as a chief to be entitled to longevity. Mr. Johnson explained that the chief probation officer in Glendive would be an example of this; he has only been a chief for 2 years but he was a deputy for 3 years prior to his appointment as chief.

Representative McBride stated that she felt this should be as clear as possible.

REPRESENTATIVE GLENN MUELLER MOVED to accept the first amendment as presented, and this was seconded by Representative Paul Pistoria.

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

REPRESENTATIVE MUELLER MOVED to accept the second amendments presented, and this was seconded by Representative Helen O'Connell. The question being called, the motion carried.

REPRESENTATIVE WALTER SALES MOVED to have Lois Menzies draft an amendment to clarify the retroactive question of the salary increase, and it was seconded by Representative Lloyd McCormick. The question being called, the motion carried.

REPRESENTATIVE KATHLEEN McBRIDE MOVED Senate Bill 319 AS AMENDED BE CONCURRED IN and it was seconded by Representative Joe Hammond.

Representative Mueller said that he felt that they were putting another load on the counties, and he was not in favor of this. Therefore he was going to make a SUBSTITUTE MOTION AS AMENDED BE NOT CONCURRED IN, and this was seconded by Representative Chester Solberg. The question being called on the substitute motion by roll call vote, 8 "ayes", 7 "nays" and 2 members absent.

REPRESENTATIVE McBRIDE MOVED to hold the bill in the committee and this was seconded by Representative Hammond. The question being called, it was approved. It will be held in the committee until the whole committee can be present to vote.

SENATE BILL 378

Chairman Brand assigned this bill to a subcommittee with Representative Hand as chairman and Representatives Smith and Driscoll to serve.

SENATE BILLS 137 and 311

Chairman Brand assigned these two bills to the same subcommittee with Representative Hammond as chairman and Representatives McBride and Phillips to serve.

SENATE BILL 435

REPRESENTATIVE HELEN O'CONNELL MOVED Senate Bill 435 BE CONCURRED IN, and it was seconded by Representative Clyde Smith. The question being called, the motion carried by unanimous voice vote.

Meeting was adjourned at 11:52 a.m. by motion made by Representative Mueller and seconded by Representative Smith.

Respectfully submitted,

Cleo Anderson,

Committee Secretary


JOE BRAND, CHAIRMAN

STANDING COMMITTEE REPORT

MARCH 10

19 83

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 302

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"AN ACT TO PROVIDE THAT THE ACCUMULATED CONTRIBUTIONS OF A NUMBER OF THE TEACHERS' RETIREMENT SYSTEM BE TRANSFERRED FROM THE ANNUITY SAVINGS FUND TO THE PENSION ACCUMULATION FUND, RATHER THAN THE ANNUITY RESERVE FUND, UPON HIS RETIREMENT; AMENDING SECTION 19-4-602, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Respectfully report as follows: That SENATE Bill No. 302

DO PASS BE CONCURRED IN

STANDING COMMITTEE REPORT

MARCH 10

19 83

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 301

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"AN ACT INCREASING THE AMOUNT OF MONEY A DISABLED TEACHER MAY EARN WITHOUT RECEIVING A REDUCTION IN HIS PENSION UNDER THE TEACHERS' RETIREMENT SYSTEM; AMENDING SECTION 19-4-904, MCA; AND PROVIDING AN EFFECTIVE DATE."

Respectfully report as follows: That SENATE Bill No. 301

DO PASS BE CONCURRED IN

STANDING COMMITTEE REPORT

MARCH 10

83

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MR. **SPEAKER**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **SENATE** Bill No. **435**

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"AN ACT REVISING THE PROVISIONS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM ACT PERMITTING A MEMBER TO RECEIVE RETIREMENT BENEFITS FOR AN ABSENCE DUE TO ILLNESS OR INJURY; PERMITTING CERTAIN MEMBERS WHO ARE ELIGIBLE FOR SERVICE RETIREMENT TO APPLY FOR A DISABILITY RETIREMENT; AMENDING SECTIONS 19-3-504 AND 19-3-1002, MCA; AND PROVIDING AN EFFECTIVE DATE."

SENATE

435

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

DO PASS BE CONCURRED IN

HOUSE STATE ADMINISTRATION COMMITTEE

Date MARCH 10, 1983

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

Form CS-33
1-81

AMENDMENTS TO SENATE BILL 40
SENATOR PETE STORY

1. Page 3, line 5.

Following: "request"

Insert: "to an agency for a statement or a decision to contract
for the preparation of a statement"

2. Page 3, lines 16 and 17.

Strike: "filed with the secretary of state for publication in
the register,"

3. Page 3, lines 18 through 20.

Strike: "and mailed" through "proceedings"

4. Page 4, lines 4 through 6.

Strike: "IF IT IS" through "IMPACT STATEMENT"

Insert: "Upon receipt of an impact statement the committee shall
determine the sufficiency of the statement. If the committee
determines that the statement is insufficient it may return it
to the agency or other person who prepared the statement and
request that corrections or amendments be made. If the
committee determines that the statement is sufficient, the
statement must be filed by the agency preparing the statement,
or by the committee if the statement is prepared under
contract by the committee, for publication in the register and
mailed to persons who have requested advance notice of the
agency's rulemaking proceedings."

State of Montana
Office of the Governor
Helena, Montana 59620

TED SCHWINDEN
GOVERNOR

PROPOSED AMENDMENTS TO SENATE BILL 40

1. Page 1
Line 15
Following: "meeting,"
Delete: "an"
Insert: "the"
2. Page 1
Line 16
Following: "agency"
Delete: "designated by the committee"
3. Page 1
Line 16
Following: "committee"
Delete: "shall"
Insert: "may"
4. Page 1
Line 17
Following: "of the"
Insert: "estimated"
5. Page 1
Line 20
Following: "such"
Delete: "an estimate"
Insert: "a statement"
6. New Section

If an environmental impact statement prepared pursuant to 75-1-201, includes an analysis of the factors listed in 2-4-405, that environmental impact statement satisfies 2-4-405.

Submitted by:

Mona Jamison
MONA JAMISON
Chief Legal Counsel

March 10, 1983
DATE

VISITORS' REGISTER

HOUSE STATE ADMINISTRATION COMMITTEE

BILL SENATE BILL 301

Date MARCH 10, 1983

SPONSOR SENATOR HAMMOND

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

CURRENT LAW

	<u>CREDITABLE SERVICE</u>	<u>DATE RETIRED</u>	<u>AVERAGE FINAL COMPENSATION</u>	<u>ANNUAL BENEFIT</u>	<u>EARNINGS LIMITATION</u>	<u>TOTAL INCOME</u>
MEMBER A	27	7-1-73	\$10,261.67	\$3,284.00	\$ 6,977.00	\$10,261.67
MEMBER B	17	7-1-80	21,880.00	5,244.00	16,636.00	21,880.00

PROPOSED LAW

	<u>AVERAGE FINAL COMPENSATION</u>	or	<u>MEDIAN SALARY</u>	less	<u>ANNUAL BENEFIT</u>	<u>EARNINGS LIMITATION</u>	<u>TOTAL INCOME ALLOWED</u>
MEMBER A	\$10,261.67		\$20,111.00		\$3,284.00	\$16,827.00	\$20,111.00
MEMBER B	21,880.00		20,111.00		5,244.00	16,636.00	21,880.00

VISITORS' REGISTER

HOUSE STATE ADMINISTRATION

COMMITTEE

BILL SENATE BILL 302

Date MARCH 10, 1983

SPONSOR SENATOR HAMMOND

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

POSSIBLE AMENDMENTS TO SB 319 (Longevity allowance for probation officers) :

1. Page 3, line 8.

Following: "officer"

Insert: "excluding longevity payments provided in
41-5-704"

2. Page 3.

Following: line 16

Insert: "NEW SECTION. Section 3. No retroactive application.

This act does not apply retroactively, and no person is
entitled to receive a longevity allowance under this
act of more than 1% in any year."

Renumber: subsequent section