

MINUTES OF THE MEETING  
STATE ADMINISTRATION COMMITTEE  
MONTANA STATE SENATE

March 3, 1983

The thirty-ninth meeting of the Senate State Administration Committee was called to order by Senator Pete Story, Chairman on March 2, 1983 at 10:00 a.m. in room 331 of the State Capitol Building in Helena, Montana.

ROLL CALL: Senator Tveit and Senator Marbut were absent.

CONSIDERATION OF HOUSE BILL 169:

"AN ACT CLARIFYING AND REVISING THE DEFINITION OF EARNED COMPENSATION FOR THE TEACHERS' RETIREMENT SYSTEM: AMENDING SECTION..."

REPRESENTATIVE SCHULTZ introduced this bill for the sponsor REPRESENTATIVE EUDAILY who was called away because of family illness. The introduction to this bill is shown as EXHIBIT 1. He presented an amendment, EXHIBIT 2.

PROPOSERS:

BOB JOHNSON with the teacher's retirement system testified that currently when a member is disabled during a school year he is allowed to use a total salary pay or compensation received had he completed the whole school year. This has always been interpreted to be limited to the salary plus any vacation or sick leave that was paid by the employer at the time of the disability. We have had a dispute with an employee who claimed sick leave and stated that they do not know how much sick leave he would have claimed because the employer said he had taken no sick leave or vacation. They submitted it to the attorney general and were under the opinion it would be ruled in their favor but under the discretion of the attorney general's office we find it probably will not be so therefore they are planning to take action.

IRV DAYTON, Commissioner of Higher Education, spoke as a proponent to this bill as introduced in the House. He said that it cleans up the problems, however, we are asking for the deletion of "up to the maximum of \$150 a month" on page 3, line 24, and if this cannot be done we are asking the bill be killed and start over again. The reason for this is that the subject was never discussed in the hearing in the House but came up in the work session and the amendment was added. This seems to point at a particular university professor but they do not know the impact. There are about 900 employees that would feel the impact.

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Irv Dayton did express the fact that each campus has a president's house that the president must live in. This does not leave the president a choice of homes; if they have sold their home, they are stuck with a tax problem. They do get some advantages, it is rent free, utilities paid, normally partially furnished and provides a place to do whatever is necessary to do in respect to the job. Besides the first mentioned disadvantages, there is the wear and tear of personal belongings due to a much visited home that is almost public with the presidents wife as a free hostess.

He stated that this has a fiscal impact and if the amendment stays in, you are reducing the retirement pay. Some of the other presidents are very marketable and he would not like to give them message that their work in the state of Montana is not appreciated.

JEFF MORRISON, representing the Board of Regents, stated that when they interviewed these people they offered them certain benefits and to do something retroactive is something we would not like to do.

OPPONENTS: None

QUESTIONS OF THE COMMITTEE:

SENATOR TOWE does earned compensation mean. full compensation pay or salary paid to a member and reported to a retirement system, including amount paid under a salary reduction agreement.

BOB JOHNSON said that this means they have simply signed up for a tax shelter which means a certain percent of their income would still be required on the gross amount of their salary rather than their salary reduced rate. He said they do not like to have the value of a car included.

SENATOR TOWE said that he takes it that that does not counter-man the negotiated salary reduction, and suggested that he put in an amendment..that he does not think it helps his car situation. We should start out that sentence by saying "except housing and negotiated salary reduction provided in the previous sentence" is not included. Senator Towe asked what they are talking about in terms of "allocation".

IRV DAYTON said that they upgrade that every year and try to adjust that to the market.. it ranges from \$650 at the two university, \$600 Eastern, \$550 Tech, \$500 at Northern and Western.

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SENATOR TOWE asked if that is adjusted to what you would say is an off-set for public use.

IRV DAYTON said that was certainly part of it. If someone came in & bought a private resident or rented something and thought they were expected to entertain, they would be paying at least this much money.

SENATOR HAMMOND asked for verification if it is on that amount that they pay into teacher's retirement.

IRV DAYTON said it was, right from the day of employment, and the employer pays. Actuarially there is no impact.

REPRESENTED SCHULTZ closed and said that he cannot give the history of how that amendment got in.

CONSIDERATION OF HOUSE BILL 78:

"AN ACT AMENDING SECTION 2-15-1009, MCA, TO ADD A RETIRED PUBLIC EMPLOYEE TO THE PUBLIC EMPLOYEES' RETIREMENT BOARD; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

REPRESENTATIVE HARPER, District 30, introduced H.B.78 by saying that the public employees' retirement board is a quasi-judicial board composed of five members which oversees seven retirement systems administered by the PERS and the Department of Administration. The board is now composed of three public employee members and two members at large. There is no requirement in the law that any member be a member of a retirement system and that does not seem to make sense. They must look at disabilities to see if they are justified, review the laws of the system, review proposed legislation and propose legislation themselves and most important, they are public relations people.

PROPONENTS:

JOE ROBERTS, representing the Association of Montana Retired Public Employees and representing Montana Public Employees Association for Tom Schneider who could not be here today. Mr. Roberts said he would emphasize the nature of the board is advisory. The system is set by legislation. It does make sense that some member from the people currently receiving the benefits. There was some concern about the six members being an even number but the board is pretty much advisory.

JOHN HALE, a member and first vice president of the association, stated they would like to be represented and they would not like to be caught like social security is.

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OPPONENTS: None.

QUESTIONS OF THE COMMITTEE: None

ACTION ON HOUSE BILL 78:

SENATOR TOWE MOVED HOUSE BILL 78 BE CONCURRED IN.  
MOTION PASSED. Senator Story will carry this bill.

CONSIDERATION OF HOUSE BILL 559:

"AN ACT TO REMOVE THE STATUTORY SPECIFICATIONS CONCERNING ENVELOPES IN WHICH BALLOTS ARE MAILED TO ELECTORS IN THE UNITED STATES SERVICE; PROVIDING THAT SUCH SPECIFICATIONS BE PRESCRIBED BY THE SECRETARY OF STATE CONSISTENT WITH FEDERAL REGULATIONS; AMENDING SECTION 13-13-214, MCA."

REPRESENTATIVE PHILLIPS, District 49, introduced H.B.559 and said that it is a request of the Secretary of State and actually a cleanup bill. In the codes right now there is a long drawn up production of how you draw up absentee ballot envelopes. The federal postal authority changes that from time to time. A letter from Jim Waltermire, Secretary of State, was presented as EXHIBIT 2 with the description of envelopes desired.

PROPOSERS:

BOB MC CUE with the Secretary of States Office, stated that this bill as mentioned, is a cleanup bill. They have some inconsistency in the past in color and size and this will give some regulations to go by.

BILL ROMINE, representing the clerk and recorders, testified in favor of the cleanup of language and said it will not cost them to send the new envelopes out. EXHIBIT 3.

OPPONENTS: None

QUESTIONS OF THE COMMITTEE:

SENATOR TOWE asked why they take the last sentence out lines 20 through 24.

BOB MC CUE said because those instructions change from time to time.

SENATOR MARBUT stated that this is a smaller envelope so will you have to change the size of the ballot?

BOB MC CUE said that this bill will allow them to if they must.

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ACTION ON HOUSE BILL 559:

SENATOR TOWE MOVED HOUSE BILL 559 BE CONCURRED IN.  
MOTION PASSED. Senator Story will carry this bill.

CONSIDERATION OF HOUSE BILL 266:

"AN ACT TO CHANGE THE ELIGIBILITY CRITERIA FOR ADMISSION TO THE MONTANA VETERANS' HOME; ELIMINATING CONVICTION OF A FELONY, CONVICTION OF A CRIME OF MORAL TURPITUDE, OR ALCOHOLISM AS-DISQUALIFICATIONS,--ADDING-A-REQUIREMENT-REGARDING-MONTANA RESIDENCY-AT-THE-TIME-OF-SERVICE, RESIDENCY REQUIREMENTS, AND DISABILITY REQUIREMENTS: AUTHORIZING THE DEPARTMENT OF INSTITUTIONS TO ESTABLISH ADDITIONAL ADMISSION REQUIREMENTS; AMENDING SECTION 10-2-403, MCA."

REPRESENTATIVE CONNELLY, District 15, introduced this bill and stated that it is a bill to change the eligibility of those entering the V.A. Hospital in Columbia Falls, making reference to the language "felony" and "alcoholism". Representative Connelly reviewed each subsection and stated why they were eliminated or added.

CURT CHISHOLM, representing the Department of Institutions, stated that this bill is a result of a cleanup of statutory problems. He said that the Hospital was built with partial money from the Veterans Administration and is being supported by them to this day. The language being stricken is because the rules at the present time is discriminatory. Mr. Chisholm said that they asked that their statement of intent say what the department would do with the rule making authority. The hospital is accepting of the fact that this needs to be changed, but very carefully. Accepting an invilad now makes them in violation he said, and the rules of the house would be able to be enforced when a problem creates a problem in the hospital when they are there.

The committee agreed that the title needed to be clearer.

OPPONENTS: None.

QUESTIONS OF THE COMMITTEE:

SENATOR MARBUT asked why they need lines 19 and 20 on page 2.

CURT CHISHOLM said in the event that other issue service that require the admission requirements consistent with this and the statement of intent they have articulated the law itself.

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SENATOR MARBUT asked if they need the words "as well as others". He said that it leaves it neverending.

MR. CHISHOLM said that it is not necessary.

The hearing closed on House Bill 266.

CONSIDERATION OF HOUSE BILL 231:

"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 CERTAIN FIREFIGHTERS WHOSE EMPLOYMENT IS INVOLUNTARILY 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 CITY NO LONGER EMPLOYING A NEWLY CONFIRMED FULL-PAID FIREFIGHTER; AMENDING.."

REPRESENTATIVE BRAND, District 28, introduced H.B.231 due to a situation where a fire department was not going to stay in existence, although it probably will now. This is still good legislation. When a fire department goes out of existence there is no way they can take that retirement because it is based on the contracts signed in that fire department. This bill allows all the fire departments to be based on their average throughout the state. Another thing is if it did go out of existence there should be protection for the employee that put some time in. One of the criteria in this bill would say if you had 10 years of service you can take vested right now and you would get the pension and increases would go to that firefighter. There is a slight cost factor for joining that. That would be an option. There is also some housecleaning

PROPOSERS:

LARRY NACHTHEIM, representing the Public Employees' Retirement Division, addressed the sections as shown in his testimony shown as EXHIBIT 4.

RAY GLENN of the Montana State Firemen's Association spoke as a supporter of this bill.

OPPOSERS: None.

QUESTIONS OF THE COMMITTEE:

SENATOR TOWE asked what it is going to do when they base it on a statewide figure and is there a discrepancy between fire departments and will there be an impact.

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REPRESENTATIVE BRAND said it does vary between fire departments. The highest structure is in the city of Anaconda.

SENATOR MARBUT asked if the fire department no longer exists who picks up that obligation.

MR. NATCHTHEIM said that they assume a city that would go out of business would also have the fire department go with them and we would have to have some type of legislation. All the systems administered by the state are the obligation of the state of Montana.

SENATOR TOWE asked about the first section stating "funding for the city".

LARRY NACHTHEIM stated this was an amendment to the bill, that a city could voluntarily decide not to have a paid fire department.

The hearing closed on H.B.231.

ACTION ON HOUSE BILL 231: HELD..

CHAIRMAN STORY SUBCOMMITTED THIS BILL.

SENATOR MARBUT and SENATOR MANNING.

CONSIDERATION OF HOUSE BILL 303:

"AN ACT ELIMINATING THE PROVISION ALLOWING MONTANA NATIONAL GUARDSMEN TO PARTICIPATE IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM; AMENDING SECTION....."

REPRESENTATIVE MULLER, District 21, introduced this bill as a request of the Public Employees Retirement Board, is an elimination of the national guard participation in PERS. This bill eliminates the participation of those currently federally employed in the guard participating in the federal retirement system. State employees and guardsmen are eligible for military retirement at age 60. This bill does not change this. The purpose of the bill is to eliminate a windfall situation. Benefits are only to guard personnel who are already members of PERS. Today the majority of guard personnel participating in PERS have been primarily officers. Money has never been appropriated to fund the employer contribution. Those that only can afford both become members. They are trying to close up some loopholes where these windfalls occur. The bill will only apply to individuals who become participants in the guard after July 1, 1983. Anyone currently intending to use his guard participation to enhance his PERS retirement may do so. Any guardsmen currently a member will have the right to participate until July 1st. The present law shifts the cost of this windfall to other state agencies increasing an unfair encumbrance on the retirement system and tax payers.

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PROPOSERS:

LARRY NACHTSHEIM spoke as a proposer and gave an example where they had one person retire in 1980 who purchased two years of military service under this provision and it increased his retirement benefits from \$250 to \$397 per month, and it will take him about seven years to get his money back. This was an option for him and his wife. He was 60 years old but his wife was 50 years old. Another person purchased three years of service at a cost of \$4,851.00, he had 34 years of service, and it increased his benefit approximately \$800 a month. He bought his reserve time. SEE EXHIBIT 5.

OPPOSERS: None.

QUESTIONS OF THE COMMITTEE:

SENATOR MARBUT stated that it looks like the language stricken is the one that allows them to join. .

The answer was that they want to stop allowing this.

SENATOR MARBUT asked why the title change from eliminating to restricting.

MR. NACHTSHEIM said that they are eliminating after July 1983.

SENATOR MARBUT referred to the request of placing section 2 back in but amended it with the words "for service preformed prior to June 30, 1983". Would that accomplish the same thing?

MR. NACHTSHEIM said that there are people who are in the national guard who didn't elect to participate in PERS but want the door left open so they might at a later date.

SENATOR TOWE said the problem would not exist if the amount had been an actuarial contribution because it would not effect the system at all if they did or didn't come in, but apparently that is not the case.

MR. NACHTSHEIM said the system that allows them to buy time does not allow them to charge what should be charged for that agency.

SENATOR TOWE asked how the system works. He used the example of going to work for the department of revenue after being in the national guard for ten years and have worked for the state for two years, do you add them together?

MR. NACHTSHEIM said they are not going to get full benefit



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from the national guard, evenings and in-training, but it would be about 40% of the year.

REPRESENTATIVE MUELLER closed by stating he does not believe in windfalls to anyone.

The hearing closed on House Bill 303.

ACTION ON HOUSE BILL 303:

SENATOR HAMMOND MOVED THAT HOUSE BILL 303 BE CONCURRED IN MOTION PASSED. Senator Hammond will carry this bill.

CONSIDERATION OF HOUSE BILL 304:

"AN ACT CLARIFYING STUDENT EXCLUSION FROM MEMBERSHIP IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM; AMENDING SECTION.."

REPRESENTATIVE MUELLER presented this bill stating that this bill allows university students to participate in the PERS. This bill clarifies the exclusion provision of full time students employed in public school. These students are excluded under the premise that they are primarily in school as a learning rather than a vocation process. Most are supplementing income in college. Those that become state employees after school, there is a provision to buy it back. This provision limits the students who are employed in the schools they are attending.

PROPONENTS:

LARRY NACHTSHEIM, Administrator of PERS, testified and submitted EXHIBIT 6.

QUESTIONS OF THE COMMITTEE:

SENATOR MARBUT asked if they would have to go to work in the place he was before or could he go to work in the department of labor.

MR. NACHTSHEIM said any level of government would be covered.

SENATOR TOWE stated he is not so sure it is going to do that. The bill says "the same".

MR. NACHTSHEIM said their is a definition of employer.

The hearing closed on House Bill 303.

ACTION ON HOUSE BILL 304:

SENATOR TOWE MOVED THAT H.B.304 BE CONCURRED IN. MOTION PASSED. Senator Hammond will carry this bill.

CONSIDERATION OF HOUSE BILL 313:

"AN ACT TO GENERALLY REVISE THE LAWS RELATING TO THE OFFICE OF THE STATE COORDINATOR OF INDIAN AFFAIRS; AMENDING SECTIONS 2-15-1813 and 90-11-101, MCA; AND PROVIDING AN EFFECTIVE DATE."

REPRESENTATIVE ADDY presented this bill and stated that H.B.313 has a long history. It was developed on two tracks, one the budget and one legislative dealing with the office, which this bill does in assigning it in the office of the governor and the tribe is here in an ambiguous situation. The question is whether the office of the state coordinator of indian affairs shall remain in the department of commerce as a three person office or there will be a condition of a coordinator in the governor's office. When this was originally purposed it was the office of the governor's views that the position being in the governor's office would give it more clout and allow better communication and better access to the governor. It was also thought their secretarial pool could absorb the work and eliminate that additional secretarial position. The tribes want to maintain that same clout through the state government they have now but they also want to have someone in the office at all times so tribal leaders or chairman could get in contact with the coordinator. It is the tribes position that if the two positions cannot be retained, the coordinator and assistant coordinator then they want to remain where they are with the three staff members. Depending on how the budget matters go, they may ask this bill to be tabled.

PROPOSERS:

DAVE WANZENRIED of the Governor's Office said the goals have been pretty much summarized. The division is now in the Department of State Commerce and doesn't have the access to important decision every day by state government that affect the reservation. The coordinator serves at the pleasure of the governor currently.

OPPOSERS:

EDWARD AZURE, tribal chairman of the tribal council at Fort Belknap, stated they have support for the office of the coordinator of Indian Affairs. SEE EXHIBIT 7 and 8. He stated that the way they feel is that the state is operating on X number of dollars and whatever the amount is they feel is the position of the state and governor on what type of problem they pose to the state. If there is inadequate funding and staffing it is your position and they will deal with it from there. He said it is their prerogative to use that office, they don't have to and if the governor and state puts them in that position they may not exercise that right. They would like to work for the state but if there is no support for that office it is

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meaningless.

BILL YELLOWTAIL, director for the Montana Inter-tribal Policy Board, spoke on behalf of five tribes unable to be represented today, the Crow, Ft. Peck, Rocky Boy, Flathead and Blackfeet tribes who asked him to relay on to the committee their opposition to H.B.313 as it is. He submitted EXHIBITS 10 and 11, letters from two tribes. The tribes are very supportive of the coordinator's position. The tribe is not objecting to enhancing the prestige of the coordinator's position and placing him in the governor's office offers him some advantages but the budget amendment proposed reduces the staff. He called attention to page 1, line 13 where it deletes "and office of" which suggests the kind of staff they are talking about, this reduces it from an office of an coordinator to a coordinator (a person). The tribes feel this office should be strengthened not reduced. They wish the office to remain in the Department of Commerce.

KARA SPOTTED ELK, representing the Northern Cheyenne Tribe, stated she would like to echo Mr. Yellowtail's comments and to state that her tribe feels it is necessary to retain the office of state coordinator as a separate entity. They are therefore opposed to House Bill 313. One person cannot be affective for a tribe. There are always special issues, especially with water rights. There are over 50 thousand indians in the state of Montana and the most rapidly growing ethnic group. Indian people only have one way of getting access to state government and they feel strongly about retaining the three people. The primary reason for the coordinator is to act as a spokesman for the tribe rather than visa-versa.

REPRESENTATIVE ROLAND KENNERLY, District 14, said that when the coordinator of Indian Affairs first started in 1950s his dad was one of the members that talked to the governor to have the office established. There has been seven coordinators in the past thirty years and three in the past two years so there is a problem somewhere. He also asked that this bill be tabled.

EXHIBITS 12 and 13 are additional letters from tribes showing opposition to H.B.313.

There were no other opponents. SENATOR ADDY closed.

QUESTIONS OF THE COMMITTEE:

SENATOR TOWE asked about the implication that the office of the governor by use of this bill will down grade the position.

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MR. WANZENREID stated that the bill was circulated to all the tribes and there was no intention to suggest that they were downgrading in any way. He said there would be better communication thought. The only thing they heard from the tribe when they asked for the position change was that they wanted to help choose the person.

MR. WANZENREID stated that by the time the present coordinator was appointed the budget was pretty much put to bed.

SENATOR TOWE asked Mr. Claybourn how much authority does he have over the budget and who is his assistant and staff.

MR. CLAYBOURN said the budget was pretty much put to bed when he went in. The real major contention is the budget amendment and what will take place. He said he did hire his own staff.

REPRESENTATIVE ADDY closed. The original language in the bill said the coordinator shall be appointed by the Governor and the committee put in "from a list of five qualified applicants agreed upon by tribal council".

It was the decision of the committee to hold this bill at this time.

CONSIDERATION OF HOUSE BILL 199:

"AN ACT TO GENERALLY REVISE THE LAWS RELATING TO MILITARY AFFAIRS AND DISASTER AND EMERGENCY SERVICES; AMENDING SECTIONS...  
..., MCA; REPEALING SECTION 10-1-504, MCA; AND PROVIDING AN EFFECTIVE DATE."

SENATOR STORY, Chairman of the Committee, stated that since Representative was not able to be here on the day this bill was scheduled he would be given the opportunity to present it in an informal way now. He opened up the meeting to questions of the committee but stated that Representative Addy may first present his introduction.

REPRESENTATIVE ADDY said that this is a bill that he is carrying at the request of the Department of Military Affairs. He reviewed the bill section by section.

Section 1 would provide that everyone on the Adjutant General's staff is under his control for disciplinary purpose. There are certain numbers on the staff who, through their status or not, are under disciplinary control and that would change that.

SENATOR STORY asked who that might be.

REPRESENTATIVE ADDY asked General Duffy to respond to that.

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GENERAL DUFFY, Department Director, said what they have had the past few years is that their technicians were all civil service technicians and in recent years they have picked up active duty people and they go in active duty under title 32 and some under title N. and when they went under title N the disciplinary action had to be done by the acting army man in the state. The title 32 people are in the same position as that. If they pass a state law then he said it puts him in control and he administers military justice.

SENATOR MARBUT asked if they were to use the guard for any purpose in the state and if there were a conflict between you and the governor...

GENERAL DUFFY said that there would not be a conflict between the governor and himself but between him and the acting Senate House. The commander at headquarters of the Sixth Army would administer through the senior advisor here.

SENATOR MARBUT said it appears to him that this places under federal regulations, federal control, justice, etc., those people who would be on active duty in the national guard.

GENERAL DUFFY said that is not what it says. Anybody the governor calls to state active duty would be under the control of the governor.

SENATOR TOWE said that it says in effect that federal laws and regulations apply in government military forces in the state, and you say including all members in the national guard on active duty within the state. Why is it necessary to include that, are these people on active duty not with the military of this state.

GENERAL DUFFY said "yes they are". What they are talking about is if you don't have a state law governing then federal regulations will govern.

SENATOR TOWE asked what "in so far as they are applicable" and what does that mean.

GENERAL DUFFY it applies to federal law. The civil service technicians are not paid as civil service people when on active duty, they get all the benefits as the others in active duty. The question is whether to apply him to the sixth army or to apply to him a member of the military forces.

REPRESENTATIVE ADDY said that Section 2 defines who they administer the oath of office to. Section 3 currently says that whenever a member of the guard is injured or disabled

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in any way the legislature is the insurance agent. By striking the subsection they are allowing workers compensation to administer this.

SENATOR STORY asked how this language does that.

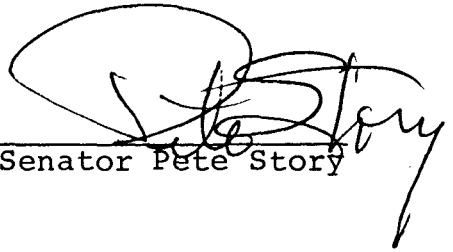
CAPTAIN KEN COTTRILL said under the present law it says when injured in the service to the state, the individual would be taken care of the same as if on federal active duty which would be to go to a military hospital and it would determine the extent of your injury and the disability. The department of Military Affairs does not have a military hospital and we have no way of access to one when people are injured. We have thus had a group of doctors decide and then we come to the legislature with their conclusion and ask to have disability pensions funded... we are asking that you strike this language and show that they come under Workmens Compensation.

SENATOR STORY asked where it says that.

CAPTAIN COTTRILL said that it does not say it here but does under the workmens compensation laws.

There was continued discussion regarding this bill between General Duffy, Captain Cottrill and a few members of the committee.

The meeting adjourned at 12:30 p.m.

  
CHAIRMAN, Senator Pete Story

## ROLL CALL

STATE ADMINISTRATION

COMMITTEE

47th LEGISLATIVE SESSION -- 1983

Date 3/3/83

SENATE  
SEAT #

[illegible]

Each day attach to minutes.

DATE March 3, 1983

COMMITTEE ON

## VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)



AS THE TITLE OF THE BILL INDICATES, HOUSE BILL 169 IS INTENDED TO MORE CLEARLY DEFINE WHAT IS EARNED COMPENSATION AND, MORE IMPORTANTLY, TO DISCOURAGE EMPLOYERS FROM INFLATING A MEMBER'S SALARY DURING THREE HIGH CONSECUTIVE YEARS, SINCE THE AVERAGE OF THE THREE <sup>Highest</sup> CONSECUTIVE YEARS IS UTILIZED IN THE CALCULATION OF RETIREMENT BENEFITS.

THE CURRENT LAW IS VERY BROAD AND CONTAINS SUCH LANGUAGE AS ANY FORM OF IRREGULAR REMUNERATION, AMOUNTS PAID FOR SPECIAL DUTY AND AMOUNTS PAID IN KIND, PAGE 3 AND 4, SUBSECTION (8). SOME EXAMPLES OF WHAT MIGHT BE INCLUDED IN THE ABOVE DEFINITIONS WOULD BE THE USE OF AN AUTOMOBILE FOR SCHOOL BUSINESS THAT CAN ALSO BE USED FOR PRIVATE USE. THE INDIVIDUAL CAN USE THE VALUE OF THE PRIVATE USE OF THE AUTOMOBILE AS EARNED COMPENSATION. THIS WOULD BE CONSIDERED AN IRREGULAR FORM OF REMUNERATION. A PRACTICE WHICH HAS BECOME OF SIGNIFICANCE IS THAT OF AN EMPLOYER PROVIDING GROUP LIFE INSURANCE FOR SOME OR ALL OF ITS EMPLOYEES. THE INTERNAL REVENUE SERVICE HAS RULED THAT ANY LIFE INSURANCE PROVIDED IN EXCESS OF \$50,000, AND THE EMPLOYER PAYS ALL OR PART OF THE PREMIUM, A FORMULA MUST BE APPLIED TO COMPUTE THE IMPUTED TAXABLE INCOME OF THE LIFE INSURANCE AND THE EMPLOYEE MUST PAY FEDERAL INCOME TAX ON IT. OUR ATTORNEY HAS RULED THAT THIS WOULD QUALIFY AS EARNED COMPENSATION EITHER AS AN IRREGULAR FORM OF REMUNERATION OR AS WAGES IN KIND. THE IMPUTED VALUE RISES DRAMATICALLY WITH AN INDIVIDUAL'S AGE AND, THEREFORE, CAN ADD AS MUCH AS \$1,800 PER YEAR TO THEIR SALARY. AT AGE 60. AN AMOUNT OF THIS KIND CAN ARTIFICIALLY INFLATE A MEMBER'S BENEFIT AND CREATE A SOURCE OF UNFUNDED LIABILITY

*To The Teacher's Retirement System.*

~~TEACHERS' RETIREMENT SYSTEM.~~

*Close*  
HOUSE BILL 169 IS INTENDED TO REMOVE SOME LANGUAGE FROM THE DEFINITION OF EARNED COMPENSATION TO PREVENT EMPLOYERS OR MEMBERS FROM INFLATING A MEMBER'S SALARY DURING THE LAST THREE YEARS OF MEMBERSHIP IN ORDER TO ENHANCE AN INDIVIDUAL'S RETIREMENT BENEFIT.

WE ARE SIMPLY TRYING TO CORRECT A PROBLEM WHICH COULD RESULT IN AN INCREASE IN THE AMORTIZATION PERIOD OF THE UNFUNDED LIABILITY WHICH HAS INCREASED FROM 41 YEARS IN 1973 TO 48.5 YEARS IN 1981. THE CURRENT DEFINITION OF EARNED COMPENSATION LENDS ITSELF TO EMPLOYERS TAKING ADVANTAGE OF THE DEFINITION.

THE PROPOSED BILL WOULD REMOVE THE LANGUAGE, "IRREGULAR FORMS OF REMUNERATION," "SPECIAL DUTY" AND "AMOUNTS PAID IN KIND."

*I urge you to give HB169 a "Do Pass" recommendation.*  
FOR EXAMPLE, A MEMBER MAY HAVE BEEN PROVIDED AN AUTOMOBILE, BUT DURING THE EARLY YEARS OF HIS MEMBERSHIP IT WAS STRICTLY FOR SCHOOL BUSINESS USE AND, THEREFORE, NOT CONSIDERED AS EARNED COMPENSATION NOR SUBJECT TO CONTRIBUTIONS. DURING HIS LAST THREE YEARS, HE NEGOTIATES WITH THE BOARD TO ALLOW HIM TO USE THE AUTOMOBILE FOR PERSONAL USE, THE VALUE OF WHICH WOULD BE A PART OF HIS CONTRACT SALARY, AND THEREFORE, CONSIDERED AS EARNED COMPENSATION IN THE TEACHERS' RETIREMENT SYSTEM. THE BOARD OF TRUSTEES PLACES A PERSONAL USE VALUE OF \$100.00 PER MONTH ON THE AUTOMOBILE AND INCLUDES THIS AS PART OF THE CONTRACT. THIS ALLOWS HIM TO INCREASE HIS EARNED

*\* file*

RALPH H. EUDAILY

-3-

COMPENSATION BY \$1,200 PER YEAR FOR EACH OF THE LAST THREE YEARS.

THE TRS WOULD RECEIVE EMPLOYEE-EMPLOYER CONTRIBUTIONS ON

\$3,600 OF \$455.40 ( $12.65\% \times \$3,600$ ). THE ADDITIONAL \$3,600

WILL INCREASE HIS RETIREMENT BENEFIT \$50.00 PER MONTH OR

\$600.00 PER YEAR ( $30/60 \times \$1,200 = \$600.00$ ). ASSUMING THE

MEMBER IS AGE 60 WHEN HE RETIRES, HIS LIFE EXPECTANCY IS

18.6 YEARS. HE WILL RECEIVE ADDITIONAL BENEFITS OF \$11,256.00

OVER HIS LIFE EXPECTANCY AT A COST TO HIM AND HIS EMPLOYER OF

\$455.40. THE COST TO THE SYSTEM IS SIGNIFICANT.

SUCH THINGS AS IRREGULAR FORMS OF REMUNERATION, AMOUNTS PAID

FOR SPECIAL DUTY, AND WAGES PAID IN KIND, DO NOT HAVE TO BE

CONSIDERED AS EARNED COMPENSATION UNLESS THEY ARE NEGOTIATED

AS PART OF THE CONTRACT SALARY. NORMALLY, MEMBERS DO NOT

WANT THIS AS PART OF THEIR CONTRACT UNTIL THEIR LAST THREE

YEARS OF MEMBERSHIP. THIS BILL WOULD ELIMINATE THOSE KINDS OF

THINGS FROM THE DEFINITION OF EARNED COMPENSATION.

I URGE YOUR SUPPORT FOR HOUSE BILL 169.

RALPH S. EUDAILY

RSE/MAC

HOUSE BILL 169 IS INTENDED TO REMOVE SOME LANGUAGE FROM THE DEFINITION OF EARNED COMPENSATION TO PREVENT EMPLOYERS OR MEMBERS FROM INFLATING A MEMBER'S SALARY DURING THE LAST THREE YEARS OF MEMBERSHIP IN ORDER TO ENHANCE AN INDIVIDUAL'S RETIREMENT BENEFIT.

WE ARE SIMPLY TRYING TO CORRECT A PROBLEM WHICH COULD RESULT IN AN INCREASE IN THE AMORTIZATION PERIOD OF THE UNFUNDED LIABILITY WHICH HAS INCREASED FROM 41 YEARS IN 1973 TO 48.5 YEARS IN 1981. THE CURRENT DEFINITION OF EARNED COMPENSATION LENDS ITSELF TO EMPLOYERS TAKING ADVANTAGE OF THE DEFINITION.

THE PROPOSED BILL WOULD REMOVE THE LANGUAGE, "IRREGULAR FORMS OF REMUNERATION", "SPECIAL DUTY" AND "AMOUNTS PAID IN KIND".

HOUSE BILL 169

1. Amend page 4, section 8, line 11.

Following: "year"

Insert: If the earned compensation of a member who is awarded a disability retirement includes termination pay as defined in 5(b) the amount shall be limited to the actual amount of termination pay paid to the member, not the termination pay he would have earned if he completed the full year.



FEDERAL VOTING ASSISTANCE PROGRAM  
OFFICE OF THE SECRETARY OF DEFENSE  
WASHINGTON, D.C. 20301

RECEIVED  
MAY 17 11 12 AM '83

EXHIBIT 2 pg  
State Admin.  
3/3/83

May 18, 1982  
SEC 1

The Honorable Jim Waltermire  
Secretary of State  
Capitol Building  
Helena, Montana 59601

Dear Mr. Waltermire:

It has been brought to my attention by the Postal Service that some areas are not using proper markings on their envelopes to transmit election materials. My March 1979 letter to you outlined the specifications required by the Postal Service for expeditious transmittal of election materials including ballots. We suggested at that time that upon depletion of current stocks of envelopes all future envelopes should meet the enclosed specifications to insure compatibility with the automatic mechanization program of the Postal Service and proper accounting of franked mail.

The main violation which has been noted by the Postal Service is the continued use of the term "Free of U.S. Postage" or "Postage Free" on the envelopes instead of the now required term "U.S. Postage Paid, 42 U.S.C. 1973 dd." The main problem occurs in international mailings. Foreign post offices will not accept mail with the term "Free of U.S. Postage" or "Postage Free". Therefore mail with these obsolete terms addressed to a foreign country may be returned or not handled by the foreign postal officials.

I would appreciate your assistance in stressing the importance of each area adopting the format of the envelopes at enclosures (1) and (2). Our 1980 Post-Election Survey indicated that mail delays were a significant barrier for many absentee voters. Anything we can do to help the Postal Service will improve this situation.

Enclosure (1) contains a sample of the envelope design to send election material to citizens covered by the Federal Voting Assistance Act or the Overseas Citizens Voting Rights Act. Enclosure (2) contains a sample of the return envelope design for use by citizens in returning the ballot. The envelope dimensions are indicated on the enclosures. Enclosure (3) is a sample of the color ink, Pantone 193U, which is recommended. This color ink will meet the print reflectance specifications when used on light colored or white paper. If a dark paper stock is used, you may have to use a darker shade of red ink. If this is the case, check with your local Post Office to be sure you meet the print reflectance specifications.

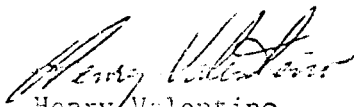
The Postal Service has instituted a system of Facing Identification Marks (FIM) which consists of a bar pattern printable by conventional processes. The FIM pattern is placed at the top and near the right hand corner of mailpieces to enable automatic detection of the indicia and facing of the mail. This pattern must be used on franked mail. The horizontal distance from the first bar to the right edge of the mailpiece should be two inches, plus or minus 1/8 inch.

You may obtain this information from your local post office by requesting a copy of the envelope specifications and the film negative used for franked or postage paid mail.

The Postal Service has indicated they will still handle envelopes with the obsolete markings for domestic or APO/FPO addresses only. If you cannot use the required indicia on international mail, you must affix (pay) postage for international airmail on these mailings. I urge all election administrators to check their election transmittal envelopes to be sure they are in compliance with the requirements. We would appreciate it if you would make this information known to all appropriate officials in your jurisdiction.

Thank you for your assistance. If we can be of any assistance, please let me know.

Sincerely,

  
Henry Valentino  
Director

Enclosures

MAX

Height  
Length

6 1/8 inches  
11 1/2 inches

MIN

Height  
Length

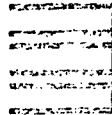
3 1/2 inches  
5 inches

(Use red ink  
Pantone 193U)

BALLOT TRANSMISSION ENVELOPE

(SAMPLE)

U.S. Postage Paid  
42 USC 1073dd



PAR AVION

SECRETARY OF STATE OF MARYLAND  
Montgomery County Elections Court  
Montgomery County Court House  
1234 Main Street  
Anywhere, USA 00000

OFFICIAL ELECTION BALLOTING MATERIAL--VIA AIR MAIL

To:

.....  
.....  
.....



ENCLOSURE (2)

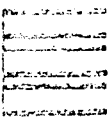
Expedited Handling: Envelope dimensions and format

MAX	
Height	6 1/8 inches
Length	11 1/2 inches
MIN	
Height	3 1/2 inches
Length	5 inches

# BALLOT RETURN ENVELOPE

(If mailed in non U.S. Postal System - Voter must pay postage)

Name and complete address



U.S. Postage Paid  
#2 USC 1070dd

PAN AVON

## OFFICIAL ELECTION BALLOTING MATERIAL—VIA AIR MAIL

SECRETARY OF STATE OF MARYLAND  
 Montgomery County Elections Board  
 Montgomery County Court House  
 1204 Main Street  
 Anywhere, USA 00000

PANTONE  
193U

WITNESS STATEMENT

Name Bill Ramise Committee On State Ad  
Address Helena Date 3-3-83  
Representing Clerks & Recorders Support X  
Bill No. H.R. 559 Oppose \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. *this bill is necessary ~~therefore~~ because the present envelopes used in Absentee ballot by do not conform to federal mailing laws & some of the statements concerning postage are not accepted by some foreign governments*

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

HOUSE BILL 231 - COST-OF-LIVING CALCULATIONS UNIFIED FIREFIGHTERS' SYSTEM - Brand 3/3/83

This bill was requested by the Public Employees' Retirement Division as a result of an Attorney General's Opinion concerning the supplemental payments made to retired firefighters under 19-13-1006 and the allowance adjustments under 19-13-1007. The date of these supplemental payments and procedures for collecting reimbursement for supplemental payments from the Auditor's office after PERD had made the payments was not clear in the current statute; also, those eligible for the allowance adjustments, was not clearly defined. These clarifications found in sections 2 and 3, does not change the current payments being made under the authorities of the Attorney General's Opinion.

Section 1 of the bill provides the retirement fund the authority to make payments to firefighters who are terminated in any city that dissolves its fire department. In addition to the clarification of the Attorney General's Opinion, section 3 provides an alternative method of calculating supplemental pensions and adjustments for retirees of any city which dissolves their fire department.

None of these provisions provide for any increase in the retirement benefits to any individual. They simply provide the administrative procedures to continue current benefits granted by statute.

NOTE: (1) Supplemental pensions and pension adjustments are currently based on one-half the pay of the newly confirmed firefighters in the city from which a firefighter has retired. Quite obviously, if a fire department has dissolved, there could be no newly confirmed firefighters' salary and retirees would lose benefits to which they are currently entitled.

*Larry Nachtman*

*PERD*

*Administrator*

*3-3-83*

*Payment*

This bill eliminates the participation of members in the National Guard in the PERS. Currently, federal employees of the National Guard participate in the federal civil service retirement. State employees in the PERS and guardsmen or women are eligible for a military retirement at age 60 if they complete 20 years in the guard.

This bill changes none of these.

The purpose of the bill is to eliminate windfall benefits that accrue only to guard personnel who are already members of PERS. To date, a majority of guard personnel participating in PERS have been primarily the officers. Money has never been appropriated to fund the required employer contributions so only those individuals who are willing to pay both the employer and employee contributions have elected to become members.

Since there is already a taxpayer supported retirement system for all employees and guard personnel, the Public Employees' Retirement Board supports the provision to deny continuing windfall benefits to a select few.

This bill will only apply to individuals who become participants in the guard after July 1, 1983. Any individual currently planning to use his guard participation to enhance his PERS retirement, has this right protected by law and will be permitted to do so as long as he elects to secure his guard time while he is a member of the PERS. Any National Guardsmen currently a member in the guard, will have the right to elect participation in the PERS until July 1, 1983, the effective date of the bill. If such an election is made he can qualify all guard service after July 1, 1983.

*Larry Nachtsheim*  
*Administrator*

*PEND*

*3/3/83*

*Prep ment*

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*Larry Nachtsheim*  
*Administrator*

*PEND*

*3/3/83*

*Prep ment*

TO: Senate State Administration Committee

RE: H.B. 313

On behalf of Mr. Henry Brockie, Tribal Chairman, Fort Belknap Indian Community

The Fort Belknap Indian Community had originally pledged support for the Office of the State Coordinator of Indian Affairs which was proposed in House Bill 313. We believed that the original intent of H.B. 313 would have proven to be a very meaningful vehicle to allow for a concerted effort by the Governor, State Legislature and the Indian people to deal with mutual issues and problems.

The basis for the support of House Bill 313 was that perhaps through the Office of the State Coordinator of Indian Affairs we could resolve conflicts by the Tribes and State through communication, information dissemination and quite possibly workable agreements. We had felt that the development of a rapport and a mutual understanding of Indian concerns could be addressed by the Coordinator's Office.

However, in order to accomplish the expected goals, there would have to be a financially supported staff, and a reasonable degree of autonomy by the Coordinator.

At present, H.B. 313 with its amendments and proposed amendments, could not offer any foreseeable support to the parties involved. Thus, I would have to ask this Committee's indulgence to respectfully table House Bill 313.

This suggested action does not mean that Fort Belknap will not continue working with and through the Coordinator of Indian Affairs Office, but will continue to maintain our expectations and activities. The mere fact that hopefully this Bill will be tabled does not resolve any of our pressing issues, problems and concerns. However, by continuing to meet with the State Legislature and its Committee we hope that there may be changes and therefore possibly address mutual problems.

The Northern Cheyenne Tribe feels stongly that it is necessary to keep intact within State Government and Office of the State Coordinator of Indian Affairs. The Tribe urges the Senate Committee on State Administration to consider the following points while deliberating HB 313:

- . Past experience has shown that a single coordinator of Indian Affairs cannot handle the communications and liason work necessary for effective relationships between State Government and Tribes. It is imperative to provide for the position of an assistant coordinator if the State wishes to build good communications with Tribes.
- . State and Tribal relationships will be increasing sharply in the next few years due to Federal block grant funding; juristictional issues; resource development and resource related issues. If the State of Montana is interested in using communications and negotiations as the first approach to dealing with these areas, the Office of the State Coordinator of Indian Affairs should be increased rather than decreased. The significant budget and staff reductions prompted by the passage of HB 313 have caused the Northern Cheyenne Tribe to question the States commitment to good faith negotiations and communications.
- . Keeping the Office of the State Coordinator of Indian Affairs as a separate and automous entity will ensure the continuity of the Coordinators staff and budget from one legislative session to the next.
- . The State Coordinator of Indian Affairs primary role is to act as a spokesman for the the Tribes to the State Government and the Govenor. The Northern Cheyenne Tribe feels that the Office of the State Coordinator of Indian Affairs should be a separate entity in order to preclude possible conflict of interest for the Coordinator.

Therefore, the Northern Cheyenne Tribe is opposed to HB 313 and urges the Senate Committe on State Administration to exercise it's influence to retain the Office of the State Coordinator of Indian Affairs as a separate entity with staff and budget adequate to ensure the Office's effectiveness.



# The Chippewa Cree Tribe of the Rocky Boy's Reservation

Phone 395-4478 or 395-4727 · Rocky Boy Route · Box Elder, Montana 59521

## R E S O L U T I O N

NO. 20-83

### TO OPPOSE PROPOSED FUNDING CUTS FOR THE STATE COORDINATOR OF INDIAN AFFAIRS OFFICE

WHEREAS, THE CHIPPEWA CREE TRIBAL BUSINESS COMMITTEE IS THE GOVERNING BODY OF THE CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S INDIAN RESERVATION BY THE AUTHORITY OF THE CONSTITUTION AND BY-LAWS OF THE CHIPPEWA CREE TRIBE, APPROVED ON THE 23RD DAY OF NOVEMBER, 1935, AND,

WHEREAS, pursuant to the Constitution and By-Laws of the Chippewa Cree Tribe, the Chippewa Cree Tribal Business Committee is charged with the duty of protecting the health, education security and general welfare of the Chippewa Cree Tribe, and,

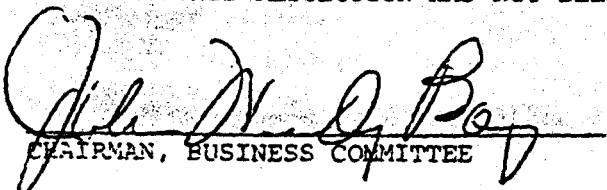
WHEREAS, the Office of the State Coordinator of Indian Affairs has become increasingly important to the Indian people of Montana, considering the recent change in the Federal Government's policy toward funding programs that affect the Indian Tribes. Tribes must now compete for State Block Grant monies to replace federal cuts. Cooperation between the state of Montana and Indian tribal governments in natural resource development, water rights, and other mutual concerns mandates an ever-increasing role of the State Coordinator of Indian Affairs Office, and,

WHEREAS, the language of House Bill 313, designed to move the State Coordinator of Indian Affairs Office into the Governor's Office does not propose to legislate a reduction in staff from three personnel to one. The subtle change of a few words which state, "There is a state coordinator of Indian Affairs in the Governor's Office...." The bill does not say "an office of" a State Coordinator of Indian Affairs, and,

THEREFORE BE IT RESOLVED, the Chippewa Cree Business Committee opposes the proposed funding cuts for the State Coordinator, Donald L. Clayborn, of Indian Affairs Office.

## C E R T I F I C A T I O N

I, THE UNDERSIGNED, AS SECRETARY OF THE BUSINESS COMMITTEE OF THE CHIPPEWA CREE TRIBE, HEREBY CERTIFY THAT THE BUSINESS COMMITTEE IS COMPOSED OF NINE MEMBERS, OF WHOM 9 MEMBERS CONSTITUTING A QUORUM, WERE PRESENT AT A MEETING, DULY AND REGULARLY CALLED, NOTICED, CONVENED, AND HELD THIS 23rd DAY OF FEBRUARY, 1983, AND THAT THE FOREGOING RESOLUTION WAS DULY ADOPTED, AT SUCH MEETING, BY THE AFFIRMATIVE VOTE OF 8 MEMBERS AND 0 MEMBERS AGAINST, AND THAT THIS RESOLUTION HAS NOT BEEN RESCINDED OR AMENDED IN ANY WAY.

  
CHAIRMAN, BUSINESS COMMITTEE

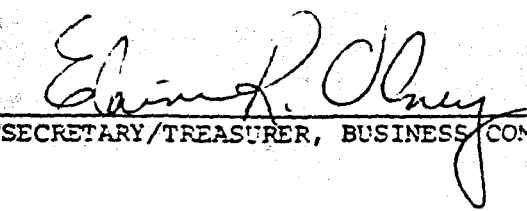
  
SECRETARY/TREASURER, BUSINESS COMMITTEE

EXHIBIT 11  
State Admin.  
3/3/83

State Senate Administration Committee

House Bill #313

The Blackfeet Tribal Business Council hereby requests that  
House Bill No. 313 be formally tabled until Montana Tribes  
can fully discuss the bill.

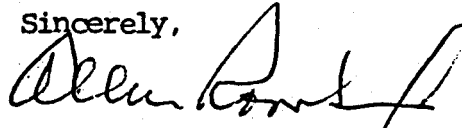
EXHIBIT 13  
State Admin  
3/3/83

Letter regarding HB 313  
page two

For these reasons, the Northern Cheyenne Tribe is opposed to HB 313, and will be offering testimony against it. We will also go on record in opposition to proposed funding for the Indian Jurisdictional Project. If you would like to discuss this matter in person, Tribal delegates will be in Helena on March 3, 1983 to testify at the State Administrative subcommittee hearing and would welcome an opportunity to meet with you.

The Northern Cheyenne Tribe has always pursued negotiation and good faith communications as the desirable method of resolving State and Tribal issues. For example, we have been pleased with the Busby-Kirby road project and are on target with our part of the water rights negotiations. We hate to think that these and future communications may be jeopardized by the direction your administration is pursuing with Tribal governments.

Sincerely,



Allen Rowland  
President  
Northern Cheyenne Tribe

cc: State Coordinator of Indian Affairs  
Roland Kennerly  
Chairman-Senate State Administrative Committee  
President of the Senate  
Chairman-House of Representative

AR/CSE/rwm



- WOHEHIV -  
The Morning Star

**NORTHERN CHEYENNE TRIBE**  
INCORPORATED

P.O. Box 128

LAME DEER, MONTANA 59043

February 28, 1983



- WOHEHIV -  
The Morning Star

EXHIBIT 12  
State Admin  
3/3/83

The Honorable Ted Schwinden  
The Governor's Office  
Capital Station  
Helena, MT 59604

Dear Govenor Schwinden:

The purpose of this letter is to voice strong opposition to a proposed amendment to the Executive Budget which recommends significant reductions in the staff and budget of the Office of the State Coordinator of Indian Affairs. We understand that the budget amendment, contingent upon passage of HB 313, would rife the assistant Coordinator's position, delete a line-item of approximately \$2,000 for Tribal legal research contracting, and place the coordinator's secretary in the Governor's secretarial pool. These changes would reduce the effectiveness of the State Coordinator of Indian Affairs, transforming his role from a liason to an errand boy. If the intent is to whittle away at the Coordinator's office, gradually reducing its effectiveness, why not do away with it, thereby making your stance towards Indian Tribes clear?

We are also aware that the Executive Budget includes a recommendation for increasing the budget of the Indian Jurisdictional Project to approximately \$650,000 for the next biannum. Unfortunately, the proposal to move that project from the office of the Govenor to the office of Attorney General negates any possible direct role for the Coordinator of Indian Affairs with the Indian Jurisdictional Project, a foreboding move. Since the Indian Jurisdictional Project will benefit the State of Montana rather than Indian people, it seems particularly inequitable to delete the token amount of the Coordinator's budget for Tribal legal research.

These two recommendations force us to seriously question the attitudes of the Schwinden administration towards Indian people. It seems that the emphasis has shifted from communication and liason work to litigation.

In light of increasing emphasis upon State and Tribal relationships in areas such as Federal Block grants, water rights and allocations, natural resource developments etc., it would seem logical to increase rather than decrease the role of the State Coordinator of Indian Affairs. While we understand that reductions in the Governor's staff should be across the board, a cut in the Coordinator's staff would actually be very inequitable. Montanans in general have several advocates and communications links within State bureaucracy. Indian people have only one, and stand to suffer much more from staff cuts.

# Fort Belknap Community Council



(406) 353-2205  
P.O. Box 249  
Fort Belknap Agency  
Harlem, Montana 59526

EXHIBIT 13  
State Admin.  
3/3/83

Fort Belknap Indian Community  
(Tribal Govt.)  
Fort Belknap Indian Community  
(Elected to administer the affairs of the community  
and to represent the Assiniboine and the Gros  
Ventre Tribes of the Fort Belknap Indian  
Reservation)

March 1, 1983

DATE

Senate State Administration Committee  
Pete Story, Chairman  
Room 331  
State Capitol Building  
Helena, MT 59620

Dear Mr. Story,

I would like to thank you for the opportunity to present testimony on House Bill No. 313. This very important piece of Legislation may have provided an opportunity to have the Indians of the State to provide input to the State Legislature, Governor, and Department Heads.

Our primary concerns were:

1. Accessibility - to meet with the State Indian issues and problems;
2. information dissemination - on Indian concerns with opportunities to address potential pitfalls and problems of State actions; and,
3. an opportunity to develop a rapport to provide for forums of mutual concerns in order to resolve mutual problems.

However, House Bill 313 may be taken out of context. I fear that the move of the State Coordinator of Indian Affairs to the Governor's office may cause mutual problems.

From the Indian prospective, the Coordinator may not have the autonomy to express concern and act as the State's Indian Advocate.

With possible budget reductions, the incumbent may not be able to provide for Tribal needs, expectations and perform necessary functions for the Indians and the Governor. It is simply unfair to ask any employee to conduct business with inadequate financial support.

The expectations of House Bill 313 were formulated with true intent by my office to confront problems and issues of mutual concern but that may not be possible at this time.

Therefore, I would respectfully request this Committee to table House Bill No. 313.

Sincerely,

*Henry Brockie, Sr.*  
Henry Brockie, Sr.  
Chairman

MARCH 3 19 83

MR. **PRESIDENT**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **HOUSE** Bill No. **303**

Respectfully report as follows: That **HOUSE** Bill No. **303**

be concurred in

xxxxxxx  
DO PASS

*4/1/83*

# STANDING COMMITTEE REPORT

MARCH 3

83

..... 19 .....

**PRESIDENT**

MR. ....

**STATE ADMINISTRATION**

We, your committee on .....

**HOUSE**

**559**

having had under consideration ..... Bill No. ....

**HOUSE**

**559**

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

BE CONCURRED IN

~~XXXXXXXX~~

*HC*

# STANDING COMMITTEE REPORT

MARCH 3

19 83

PRESIDENT

MR. ....

STATE ADMINISTRATION

We, your committee on .....

HOUSE

78

having had under consideration ..... Bill No. ....

HOUSE

78

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

BE CONCURRED IN

~~XXXXXX~~

416



MARCH 3

83

19

**PRESIDENT**

MR. ....

**STATE ADMINISTRATION**

We, your committee on .....

**HOUSE**

**304**

having had under consideration ..... Bill No. ....

**HOUSE**

**304**

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

BE CONCURRED IN

XXXXXX  
XXXXXX