

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

March 11, 1983

The forty-fifth meeting of the Senate State Administration Committee was called to order by Senator Pete Story, Chairman, on March 11, 1983 at 10:00 a.m. in room 331 of the State Capitol Building, Helena, Montana.

ROLL CALL: All members of the committee were present.

The meeting was called to hear H.B.887 and H.J.R.26 and to have executive session on bills that have been heard.

CONSIDERATION OF HOUSE BILL 887:

"AN ACT CLARIFYING WHICH DISTRICTS MUST BE USED TO ALLOCATE VOTERS TO CERTIFY A BALLOT ISSUE FOLLOWING A REAPPORTIONMENT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

REPRESENTATIVE BOB MARKS, District 80, introduced H.B.887 and stated that this is a very late introduced bill. He said his question is how are they going to determine which district to gather signatures from, the districts as they are now or as they will be in the plan submitted or to complicate things more, there is a suit filed in the federal district court on the plan. There seems to be a need for clarification. He said that when he drafted the bill at first, he talked to the staff of the legislative council who said that the clerk and recorders would find it easier to use the new redistricting but after hearing from a number of the county clerks it seems it would be simpler to use the old one. In the first year they will have to use the old districts and keep the records of registered voters in those districts and use them to qualify for signature's in 1984 election. They will have to keep those records for awhile, until after the next general election and then they can toss them. This question will not come up again until 1993 when reapportionment takes place again.

REPRESENTATIVE MARKS recommended amending the bill to change the language as Mr. Cogley has it written up in EXHIBIT 1.

PROPOSERS:

BILL ROMINE, representing the Clerk and Recorders, said either way is cumbersome. When you start splitting precinct boundaries and district boundaries, how do you determine who was in what district for the purposes of reapportionment for a new position if you are going to use a new district. He stated if there is a suit and they were suppose to use the new plan, they couldn't do it. He supported this bill as amended.

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OPPONENTS: None.

QUESTIONS OF THE COMMITTEE: None.

The hearing closed on H.B. 887.

The author of HJR 26 was not present at this time so action was considered on H.B. 35.

ACTION ON HOUSE BILL 35:

SENATOR MARBUT MOVED AMENDMENT, PAGE 2, line 12, Strike 5 and put in 2.
MOTION PASSED.

SENATOR MARBUT presented Senator Towe's amendment to strike all the new language on page 2. On page 4, Senator Towe wishes to change "and administrator" and put in "a substitutive rule". Senator marbut said that this is a limitative factor. He said that they agree that the language starting with "if" on page 4, line 13 should be struck.

SENATOR MARBUT MOVED THE FOLLOWING AMENDMENT:

Page 4, line 13
Following: "amended."

Strike: remainder of lines 13 through 16 in its entirety.
MOTION PASSED.

DAVE COGLEY stated that he was in error with his information and the reference was correct, therefore the first amendment should be recalled.

SENATOR MARBUT MOVED TO CORRECT THE FIRST AMENDMENT TO:

Strike 2
Insert 5.

MOTION PASSED.

(this put it back in its original form)

SENATOR MARBUT MOVED THAT HOUSE BILL 35 BE CONCURRED IN AS AMENDED.

MOTION PASSED. Senator Stimatz will carry this bill.

CONSIDERATION OF HOUSE JOINT RESOLUTION 26.

"A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE UNITED STATES CONGRESS TO ADOPT RULES LIMITING AMENDMENTS TO BILLS, TO THE SUBJECT MATTER REFLECTED IN THE TITLE OF THE BILL.

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REPRESENTATIVE GENE ERNST, District 47, introduced this bill by saying it was a request to congress not to have underamendments to their bills. He said that people in his area brought this to his attention. Those especially in the trucking industry that didn't know what was happening.

PROPOSERS: None

OPPOSERS: None

QUESTIONS OF THE COMMITTEE: None

ACTION ON HOUSE JOINT RESOLUTION 26:
SENATOR LEE MOVED H.J.R.26 BE CONCURRED IN.
MOTION PASSED.

EXECUTIVE ACTION:

ACTION ON HOUSE BILL 83: (Election Polls)
SENATOR MANNING MOVED AN AMENDMENT to strike "100" on line 13 and put in "300".
MOTION PASSED.

SENATOR MARBUT MOVED H.B.83 BE CONCURRED IN AS AMENDED.
MOTION PASSED. Senator Marbut will carry this bill. (Manning-No)

ACTION ON HOUSE BILL 169: (Compensation for teachers)

Discussion was held on this bill and there was a concern about those that would try to boost their retirement in the last few years. Dave Cogley said that he talked to Mr. Johnson who said he would rather not mess with this for fear of drawing attention to it and that it has not been a problem here.

SENATOR MARBUT MOVED THE AMENDMENTS presented by Irving Dayton to strike "UP TO A MAXIMUM OF \$150 A MONTH"
MOTION PASSED.

SENATOR MANNING MOVED SENATOR TOWE's AMENDMENTS (EXHIBIT 2)
MOTION PASSED.

SENATOR MANNING MOVED THE PERS AMENDMENTS presented by Bob Johnson. (See EXHIBIT 2)
MOTION PASSED

SENATOR HAMMOND MOVED THAT HOUSE BILL 169 BE CONCURRED IN AS AMENDED.
MOTION PASSED. Senator Manning voted "no". Senator Hammond will carry this bill.

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ACTION ON HOUSE BILL 313:

SENATOR STORY asked for a motion to table this bill as the Indians do not want this position moved.
SENATOR HAMMOND MOVED H.B.313 BE TABLED.
MOTION PASSED.

ACTION ON HOUSE BILL 427: (data processing)

SENATOR LEE MOVED AMENDMENT 1 (EXHIBIT 3)
MOTION PASSED.
SENATOR LEE MOVED AMENDMENT 2 (EXHIBIT 3)
MOTION PASSED.
SENATOR MANNING MOVED H.B.427 BE CONCURRED IN AS AMENDED.
MOTION PASSED. Senator Manning will carry this bill.

ACTION ON HOUSE BILL 514: (accruing leave)

A discussion was held on this bill and the possibility of an amendment.
SENATOR LEE MOVED H.B.514 BE CONCURRED.
Roll call vote, EXHIBIT 4.
MOTION PASSED. Senator Lee will carry this bill.

ACTION ON HOUSE BILL 626:

SENATOR MARBUT MOVED H.B.262 BE CONCURRED IN.
MOTION PASSED. Senator Manning will carry this bill.

ACTION ON HOUSE BILL 231: (firefighters retirement)

SENATOR MARBUT MOVED THAT H.B.231 DO NOT PASS.
A discussion was held. Mr. Nachtsheim, representing the Department of Administration presented the committee with EXHIBIT 5. Senator Towe remarked that they cannot dis-incorporate unless they make their debts known and how they are taking care of them.
SENATOR MANNING MADE A SUBSTITUTE MOTION THAT H.B.231 DO PASS.
Dave Cogley stated that there is a technical error. 19-3-704 1(B) should be 19-13-704 1(b) on page 6, line 21.
SENATOR TOWE MOVED THE ABOVE AMENDMENT.
MOTION PASSED.
SENATOR MANNING MOVED H.B.231 BE CONCURRED IN AS AMENDED.
Roll call vote. Motion failed on a tie vote.
EXHIBIT 6.
MOTION FAILED.

ACTION ON HOUSE BILL 691: (board of athletics)

There was a discussion on this bill and the former wrestler, Sonny O'Day and the fact that we do not have a commission and regulations in the state. Senator Story asked his intern, Dan Crowley to talk to Mrs. Garrett because his concern was in reinstituting it they did not broaden their powers.

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DAN CROWLEY said that she said that the only thing that was broadened was that they were given statutory power to appoint someone to act in their place if they did not go to a wrestling match where before it was just a rulemaking. Now the stands will have to be brought up to date. He stated there are also some amendments. SENATOR STORY stated that he proposed an amendment because they found some of the people have been serving on the board forever. Sonny O'Day has served through 9 governors. Senator Towe said that he missed one governor because his name isn't really Sonny O'Day and the governor didn't know who he really was. This amendment limits serving beyond 12 years.

SENATOR MANNING MOVED THAT SENATOR STORY'S AMENDMENT BE ADOPTED to limit serving beyond 12 years. (H.B.691) EXHIBIT 7.
SENATOR TOWE MADE A SUBSTITUTE MOTION to add the word "consecutive".
MOTION PASSED.

Dave Cogley presented Jim Nugent's amendment, which is a repealer and effective date.

SENATOR TOWE MOVED THE NUGENT AMENDMENT TO H.B. 691 as follows.
Page 8, following line 24.
Insert: "Section 14, Repealer. Sec 7-21-4212, MCA, is repealed.
Section 15. Effective date. This act is effective on passage and approval.
Title, line 9.
Following: "EVENTS"
Insert: ";REPEALING SECTION 7-21-4212, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

MOTION PASSED

SENATOR MANNING MOVED THAT HOUSE BILL 691 BE CONCURRED IN AS AMENDED.

MOTION PASSED. Senator Story will carry this bill.

HOUSE BILL 231 was RECALLED WITH A MOTION BY SENATOR MANNING.

MOTION PASSED. Discussion resumed on this bill.

SENATOR MANNING MOVED THAT HOUSE BILL 231 BE CONCURRED IN AS AMENDED.

MOTION PASSED. See roll call vote, EXHIBIT 8. Senator Manning will carry this bill.

ACTION ON HOUSE BILL 490: (architects)

SENATOR LEE presented his amendments, EXHIBIT 9, and MOVED THEY DO PASS.

MOTION PASSED

Senator Towe questioned compensation pay and the fiscal note.

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SENATOR TOWE MOVED THE FOLLOWING AMENDMENT TO H.B.490.

Page 4, line 22.

Strike: "of \$25 a day"

Insert: "provided in 37-1-133"

SENATOR LEE MOVED THAT HOUSE BILL 490 BE CONCURRED IN AS AMENDED.

MOTION PASSED. Senator Marbut will carry this bill.

ACTION ON HOUSE BILL 873:(office of aging)

A discussion was held on this bill. Senator Marbut presented his amendments to the committee. EXHIBIT 11.

SENATOR MARBUT MOVED THE ADOPTION OF HIS AMENDMENTS.

He explained his amendment by saying that amendment 2 is a guideline for the character of the council. Amendment 3 is to change the language from "FROM RECOMMENDATION FROM" to "after consultation with". Then there is the title amendments. The mechanical problem was addressed. He said that the coordinator being 60 years or older is a controversy but that he likes the idea of using the senior citizen.

SENATOR TOWE MOVED THAT H.B.873 BE CONCURRED IN AS AMENDED.
MOTION PASSED.

ACTION ON HOUSE BILL 776: (board of aeronautics)

This bill was discussed and it was brought out that Mr. Kelleher has expressed in his testimony and the handouts of this morning EXHIBITS 12, 13 and 14 the importance of Montana Airport Management Association (MAMA) having a representative on the board. The question of a 9th member was discussed and also the appointment of a licensed attorney. The attorney was considered by the committee and mentioned that it might be that another member would be an attorney. It was also remarked that a nine member board does not necessarily mean a quorum and Senator Lee and Senator Hammond objected to a nine member board saying "more members, more money". Senator Lee said that aviation law is a specialty.

SENATOR TOWE presented his amendments to the committee.

SENATOR TOWE MOVED AMENDMENT 1,

Page 6.

Strike: line 20 and 21

Insert: "one member of the Montana Airport Management Association.

Page 6, line 15.

Strike: line 15 in its entirety.

MOTION PASSED.

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SENATOR TOWE MOVED AMENDMENT 2.

Page 6, line 16.

Following: "member"

Insert: "of the Montana League of Cities and Towns"

SENATOR HAMMOND MADE A SUBSTITUTE MOTION TO LEAVE SUBSECTION (c) AS IT IS.

MOTION PASSED.

SENATOR MARBUT MOVED THE FOLLOWING AMENDMENT:

Page 14, line 15, 16 and wherever it may state this in the bill. Including the title.

MOTION PASSED.

It was the decision of the chairman to hold this bill until Monday when the amendments could be compiled and presented in order.

ACTION of H.B.776 - HOLD.

SENATOR MANNING INTERTAIN A MOTION TO REVERT BACK TO HOUSE BILL 873.

MOTION PASSED.

SENATOR MANNING MOVED THE FOLLOWING AMENDMENT:

1. Title, line 11.

Insert: "PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2

Following: line 9

Insert: "Section 3. Effective date. This act is effective on passage and approval."

MOTION PASSED.

SENATOR MANNING MOVED H.B.776 BE CONCURRED IN AS AMENDED.

MOTION PASSED.

ACTION ON HOUSE BILL 721: Referring to EXHIBIT 15.

SENATOR TOWE MOVED AMENDMENT TO Insert "public or" after "any" on page 3, line 20. MOTION PASSED.

SENATOR TOWE MOVED TO STRIKE all lines 4 through 14 on page 4
MOTION PASSED.

SENATOR TOWE MOVED TO STRIKE "BY A HEALTH INSTITUTION" on page 5, line 25 and page 6, line 1.

MOTION PASSED

SENATOR TOWE MOVED TO STRIKE "facility" on page 12, line 16, and insert participating health institution.

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MOTION PASSED.

SENATOR TOWE MOVED Page 14, line 16, put a "." after the word "PERIOD" and strike the remainder of line 16 through them on page 15, line 1.
MOTION PASSED.

SENATOR TOWE MOVED page 16, line 15, strike "eligible" and add "participating" and strike "facility" and insert "institution"; and on Page 21, line 5, strike "FACILITY" and add "institution".
MOTION PASSED.

SENATOR TOWE MOVED THE HOUSE BILL 721 BE CONCURRED AS AMENDED.
MOTION PASSED.

The meeting adjourned at 12:20 p.m.



CHAIRMAN, Senator Pete Story

ROLL CALL

STATE ADMINISTRATION

COMMITTEE

47th LEGISLATIVE SESSION -- 1983

Date 3/11/83

SENATE
SEAT

[illegible]

Each day attach to minutes.

DATE March 11, 1983

COMMITTEE ON _____

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

Amendment to H.B.887 Third Reading Copy

For Rep. Marks

1. Page 1, line 16
Following: "5-1-111"
Insert: "and before members of the house of representatives
have been elected and qualified under the plan"
2. Page 1, line 17
Strike: "involved"
Insert: "among which the signature must be allocated"
3. Page 1, line 18.
Strike: "established in the plan"
Insert: "in existence when the plan was filed"

1. Page 3, line 22.

Following: "agreement"

Insert: "to a
tax sheltered annuity or deferred compensa-
tion program, "

2. Page 3, line 24.

Strike: "UP TO A MAXIMUM OF \$150 A MONTH"

3. Page 4, line 1.

Strike: "The"

Insert: "Except for amounts paid under a
salary reduction agreement or the
value of housing provided in this subsection,
the "

3. Page 4, line 11.

Following: "year"

Insert: ", except that any termination pay,
as defined in subsection (5)(b), received
by the member is limited to the
amount actually paid, and is not
the amount he would have earned
had he completed the full year."

AMENDMENTS TO HB 427 - THIRD READING COPY

EXHIBIT 3
State Admin.
3/11/83

1. Page 2, line 3.

Strike: "The"

Insert: "(1) Except as provided in subsection (2), the"

Renumber: subsequent subsections

2. Page 2.

Following: line 25

Insert: "(2) The responsibilities of the director under this section do not apply to the offices of the ~~secretary of state, attorney general,~~ superintendent of public instruction, or auditor, and those offices are exempt from the requirements of this section."

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

EXHIBIT 4
State Admin.
3/11/83

Date March 11, 1983 Bill No. 514 Time 10:00

NAME		Sick Prohibiting Pub. Empl. from Accruing Leave & Annual (YES)	NO
SENATOR H.W. HAMMOND		X	
SENATOR REED MARBUTT			X
SENATOR LARRY TVEIT		X	
SENATOR R. MANNING			X
SENATOR LAWRENCE STIMATZ			X
SENATOR THOMAS TOWE		X	
SENATOR PETE STORY		X	
Senator Gary Lee		X	

Leona Williams
Secretary, Leona Williams

Pete Story
Chairman, SENATOR PETE STORY

Motion: MOTION MADE BY SENATOR LEE.

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

RECEIVED

SEP 27 1982

DEPT. OF ADMINISTRATION
DIRECTORS OFFICE

EXHIBIT 5

OPINION NO. 72 State Admin.
3/11/83

VOLUME NO. 39

FIREFIGHTERS - Interpretation of Firefighters' Unified
Retirement System;

RETIREMENT SYSTEMS - Firefighters' Unified Retirement
System;

STATE AGENCIES - State Auditor's function with regard to
Firefighters' Unified Retirement System;

MONTANA CODE ANNOTATED - Sections 19-11-606, 19-11-606(1),
19-13-1006;

OPINIONS OF THE ATTORNEY GENERAL - 37 Op. Att'y Gen. No. 77
(1977);

1979 LAWS OF MONTANA - Chapter 14, section 13, chapter 457,
section 2.

FIELD: Section 19-13-1006, MCA, permits the payment of
supplemental benefits to the recipients based on
the monthly salary paid that same fiscal year to a
confirmed active firefighter of the city that last
employed him. The funds distributed to PERD for
this purpose in subsection (2) should therefore be
used to reimburse PERD for the payments made to
the recipients in the previous fiscal year.

17 September 1982

M. Valencia Lane, Associate Counsel
Insurance and Legal Division
Department of Administration
Mitchell Building
Helena, Montana 59620

Dear M's. Lane:

You have requested an opinion concerning interpretation of
section 19-13-1006, MCA, which provides:

Supplement to certain retirement allowances. The
plan shall pay to each firefighter retired before
July 1, 1973, or his surviving spouse and children
a monthly retirement allowance of not less than
one-half the regular monthly salary paid to a
confirmed active firefighter of the city that last
employed him as a firefighter, as provided each
year in the budget of that city. In the case of
volunteer firefighters, the retirement allowance

may not exceed \$75 per month. Distribution of the funds provided for this purpose under 19-11-606(1) shall be made as follows:

(1) At the beginning of each fiscal year the administrator shall request and the state auditor shall issue from the earmarked revenue fund and deliver to the administrator an amount certified to be equal to the total annual dollar difference between what the retirees or their surviving spouses and children received from the fund and one-half of the salary paid by the respective city or town to a confirmed active firefighter for the fiscal year just preceding.

(2) The administrator shall use the funds to increase the monthly retirement allowances of the retirees or their surviving spouses and children to an amount equal to one-half of the salary that was paid to a confirmed active firefighter in the respective city or town for the preceding year.

This section is part of the Firefighters' Unified Retirement System, Title 19, chapter 13, which was enacted in 1981. This system is administered by the Public Employees' Retirement Division (PERD) and it applies to first- and second-class cities with full-paid firefighters on a compulsory basis, and to other cities on a voluntary basis. The remaining cities participate in the old Firefighters' Retirement system, Title 19, chapter 11, FCA, which is administered by the relief associations of the individual cities.

Section 19-13-1006, FCA, is substantially the same as, and its language was in fact taken from, section 19-11-606, FCA, the corresponding provision in the old retirement system. The only difference is that under the old system, the money for the supplemental benefits is transferred by the State Auditor from the earmarked revenue fund to the individual cities and towns to be administered by their respective relief associations; under the new system, the money is transferred to PERD. Section 19-11-606, FCA, was enacted in 1975 and since that time has been administered as follows: The retiree's supplement is calculated according to the monthly salary paid to a confirmed active firefighter that same fiscal year. Thus when the firefighter's salary increases during any given month, the retiree's benefits increase accordingly at the same time. The money to pay for those increases will not have been received from the earmarked fund, however, because the statutory formula which establishes the amount to be received each year from the earmarked fund is calculated based on salaries and benefits received by a confirmed active firefighter in the preceding fiscal year and does not take into account anticipated increases for the coming year. As a result, the relief associations have administered the program by covering current year increases from their own funds and then reimbursing their funds from the revenue received from the earmarked fund at the beginning of the new fiscal year.

I have been informed by PERD, and there appears to be no dispute, that the Firefighters' Unified Retirement System intended to continue the supplemental benefits under section 19-11-606, FCA, for firefighters transferring to the new system, including the manner in which the benefits were computed and administered. The same statutory language was adopted to ensure that continuity. However, PERD, in interpreting section 19-13-1006, FCA, did not agree that the

statute authorized the supplemental benefits to be computed and distributed in the manner they had been under the old system. PERD believes that the statute requires the following application: At the beginning of each fiscal year, the State Auditor transfers to PERD an amount based on salaries and benefits received in the previous fiscal year; the amount of supplemental benefits to be received by the retirees is based on the regular monthly salary a confirmed active firefighter received in the previous fiscal year. Thus when a confirmed active firefighter receives a raise in salary, it will be reflected in the retiree's benefits in the following fiscal year. PERD reasons that subsection (2) of section 19-13-1006, MCA, provides that the money used for the supplemental benefits is given to PERD, not to "reimburse" PERD's retirement fund, but to supplement the benefits being received by the retirees, the amount of the supplement being "equal to one-half of the salary that was paid to a confirmed active firefighter in the respective city or town for the preceding year." In other words, the money for the supplemental benefits is not given to the retiree until it is received by PERD. The difference in interpretation affects the timing of an increase in benefits. Under the firefighters' interpretation, the retiree receives an increase in benefits at the same time the confirmed active firefighter receives a raise in salary. Under PERD's interpretation, the retiree's benefits will not reflect the raise until the next fiscal year.

Section 19-13-1006, MCA, has a dual purpose. The first paragraph is substantive and describes the supplemental benefits to which the eligible recipients are entitled. The remainder of the section provides the procedure for its administration. The ambiguity lies in the wording of the first sentence of the substantive section: "The plan shall pay...a monthly retirement allowance of not less than one-half the regular monthly salary paid to a confirmed active firefighter of the city that last employed him as a firefighter, as provided each year in the budget of that city." (Emphasis added.) This language does not clearly express which year's salary is to be the basis of the retiree's allowance. The drafters of the new provisions intended that a recipient's allowance increase simultaneously with a confirmed active firefighter's salary increase. The relief associations adopted an interpretation of the administrative portion of the statute which permitted this simultaneous increase in benefits by advancing the funds needed for the increases and then reimbursing their own funds at the beginning of each fiscal year.

It is a fundamental rule of statutory construction that the intent of the legislature controls. State Bar of Montana v. Krivec, 38 St. Reptr. 1322, 632 P.2d 707 (1981). "A statute should not be interpreted to defeat the legislature's object or purpose." Doull v. Wohlschlager, 141 Mont. 354, 377 P.2d 758 (1963). Furthermore, the legislature, in enacting section 19-13-1006, is presumed to have acted with full knowledge of the construction given to the predecessor statute, section 19-11-606, from which the wording of the present statute was adopted, and in enacting the new law is presumed to have adopted such construction. Helena Valley Irr. District v. State Highway Commission v. West Farm Co., 142 Mont. 239, 384 P.2d 277 (1963).

All subsections of the statute should be construed in harmony to effect the intent of the legislature when possible. Montana Auto Ass'n v. Greely, 38 St. Reptr. 1174, 632 P.2d

309 (1991)). Section 19-13-1006 can be so construed and the administrative section can be construed in harmony with the substantive portion. The reenactment of the wording of the old statute is also an adoption of the construction placed on that section by the agencies and associations administering it. State ex rel. Lewis and Clark County v. State Board of Public Welfare, 141 Mont. 209, 376 P.2d 1002 (1962).

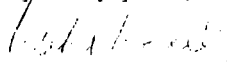
The need for corrective legislation is evident. Legislation authorizing the release of additional amounts of money from the earmarked revenue fund, which reflect estimated anticipated raises in salaries of the confirmed active firefighters for the coming year, might be considered.

Similar problems arose with the Police Retirement system, Title 19, chapter 9, MCA. See 37 Op. Att'y Gen. No. 77 (1977). The problems inherent in those statutes were corrected through legislation. See 1979 Mont. Laws, chapter 14, § 13, chapter 457, § 2. Similar legislation might be appropriate here.

THEREFORE, IT IS MY OPINION:

Section 19-13-1006, MCA, permits the payment of supplemental benefits to the recipients based on the monthly salary paid that same fiscal year to a confirmed active firefighter of the city that last employed him. The funds distributed to PERD for this purpose in subsection (2) should therefore be used to reimburse PERD for the payments made to the recipients in the previous fiscal year.

Very truly yours,


MIKE GRILLY
Attorney General

MG/DMC/KR

ROLL CALL VOTE

EXHIBIT 6

SENATE COMMITTEE STATE ADMINISTRATION

(TIE VOTE)

Date March 11, 1983 House Bill No. 23 Time 10:00

NAME STATE ADMINISTRATION COMMITTEE	4 YES	4 NO
SENATOR H.W. HAMMOND		X
SENATOR REED MARBIT		X
SENATOR LARRY TVEIT		X
SENATOR R. MANNING	X	
SENATOR LAWRENCE STIMATZ	X	
SENATOR THOMAS TOWE	X	
SENATOR PETE STORY		X
	X	

Fails (FAILS)

Leona Williams
Secretary, Leona Williams

Pete Story
Chairman, SENATOR PETE STORY

Motion: Senator Manning moved, BE CONCURRED IN AS AMENDED
Tie vote--failed

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

State Administration
Ammendment to HB 691

EXHIBIT 7
March 11, 1983

State Admin.

1. P. 1, line 16.

Following: "years"

Insert: ", and no member shall serve for more than 4 terms"

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

Date March 11, 1983 House Bill No. 231 Time 10:00

STATE ADMINISTRATION COMMITTEE		
NAME	(YES)	NO
SENATOR H.W. HAMMOND		X
SENATOR REED MARBUT	X	
SENATOR LARRY TVEIT		X
SENATOR R. MANNING	X	
SENATOR LAWRENCE STIMATZ	X	
SENATOR THOMAS TOWE	X	
SENATOR PETE STORY		X
SENATOR GARY LEE	X	

Secretary, Leona Williams Chairman SENATOR PETE STORY

Motion: SENATOR MANNING RECALLED HB231 MOTION BE CONCURRED IN
MOTION PASSED

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

1. Title, line 9.
Strike: "37-65-103,"

2. Page 2.
Following: line 16
Insert: "(6) 'Public building' means any building which the
state or any political subdivision thereof maintains for the
use of the public."

3. Page 2, line 17 through page 4, line 17.
Strike: section 2 in its entirety
Re-number: subsequent sections

4. Page 10, line 8.
Strike: "10"
Insert: "9"

5. Page 10, line 9.
Strike: "10"
Insert: "9"

HB 873

Amend HB 873, third reading copy, as follows:

1. Title, line 11.
Following: "AGING"
Insert: "AND REQUIRING THE GOVERNOR TO APPOINT AN ADVISORY
COUNCIL ON AGING AND A COORDINATOR ON AGING"
2. Page 1, line 17.
Following: line 16
Insert: "(2) The governor shall appoint an advisory council
on aging. The council is composed of 11 members, a majority
of whom must be 60 years of age or older. Members shall
serve for 3-year terms. Vacancies shall be filled by appoint-
ment for the unexpired term. The council is allocated to
the governor's office for administrative purposes only."
Renumber: subsequent subsections
3. Page 1, line 18.
Strike: "FROM RECOMMENDATIONS FROM"
Insert: "after consultation with"
4. Page 1, line 20.
Following: line 19
Strike: subsection (3) in its entirety
Insert: "(4) The advisory council on aging shall act as the
advisory board to the coordinator on aging."
5. Page 1, line 25.
Following: "shall"
Insert: ", with the advice and consent of the advisory council
on aging,"

AIRPORT MANAGER WANTED

EXHIBIT 12
State Admin.
3/11/83

Must have extensive background in aviation—must not be too old or too young—as someone said, “Old enough to know better and young enough to enjoy it.”

Must have engineering experience and practical know-how in all phases of building roads, runways, taxiways, hangars, fuel installations, including jet fuel, electrical systems, sewer systems, drainage systems, water systems, gas line systems, and all other utility systems.

Must be familiar with laws pertaining to zoning, taxes, aviation, fire codes, electrical codes, water, plumbing and gas codes, real estate leases, easements, civil service, civil rights, Federal aid to airports, State aid to airports, budgets, bond issues, (general obligation and revenue), traffic, financing in general, and investments.

Must know psychology, insurance, labor mediation, public relations, public speaking, farming, mechanics, politics, horticulture, and pest eradication.

Must be able to understand Township Assessors and Supervisors, Township Road Commissioner, Township Health Commissioner, the Mayor, City Council members, City Manager, City Street Superintendent, City Water Superintendent, City Health Department, City Building inspectors, the Sheriff, Chief of Police, State Police, State Roads and Highways Department, County Highway Department, County and City Zoning Officers, State Aeronautics Commission, Federal District Airport Engineer, FAA Regional Director and his staff, FAA Washington office, including the heads of all the divisions in FAA. He is not required to like these people; just be able to get along with them.

Should be well and favorably known to the Governor, the Congressman, Senators, State Representatives and State Senators, all local newspaper editors, and at least one National Aviation Editor, preferably George Haddaway.

Must be willing to work under a low budget and with little or no job security and be available 24 hours a day, seven days a week—should be able to go without sleep for several days at a time during snow storms, floods, hurricanes, and VIP visits.

Must have FBI clearance and possess visionary and prophetic powers concerning the future of helicopters, VTOL, air traffic, land use, noise abatement, next year's TSOs, FAA's policy decisions next week and next month on flight service stations, weather stations, tall structures, towers, general aviation, and air lines—and be able to predict snow storms accurately.

Must be a first rate housekeeper and landscape man; must know paints, painting and color requirements, tree raising, seeding, fencing, garbage disposal and sanitary landfill techniques and procedures.

Should be able to see his airport and its future from the point of view of the community, the taxpayer, the pilot, the aircraft owner, the passengers and users, and the Airport Commission.

Must be familiar with the prevailing contract and lease terms and prices for landing fees, floor space, parking space, fuel flowage fees, car rentals, restaurant operation, liquor concession, clean towel and window-washing service and the non-discriminatory provisions required in all contracts by FAA.

Must have good basic knowledge of and be able to operate a police department and fire department, and know about wages, salaries, fire and police equipment, including crash procedures off and on the field.

Must be skilled in obtaining surplus equipment for nothing and be able to rebuild and rehabilitate such equipment without cost.

Must have basic knowledge of accounting, particularly cost accounting and its application to airports, and know about insurance plans for employees.

Must be able to conduct a constant program of education, designed to convince everyone of the necessity for and the value of the airport to each man, woman, child and business within the taxing boundaries.

Must be diplomatic in dealing with all local organizations that request use of the runway as drag strips, free land for pistol range, dog and horse shows, dog pound, tennis courts, trap shooting, ball diamonds, sports car rallies, picnics, and free gravel.

Must be patient with representatives of drum and bugle corps, policeman's ball, sheriff's ball, fireman's ball, Boy Scouts, Girl Scouts, Red Cross, Salvation Army, childrens homes, Foundation for Arthritis, cancer, muscular distrophy, heart, mental diseases, polio, home for wayward girls, and church conventions.

Above all he must have a sense of humor and a recommendation from AAAE.

Preference may be given to a Democrat from Texas and we may also consider as trainee, a Socialist from Minnesota.

Write Box 13 and do not contact present manager—he doesn't know he's leaving.

(“Airport Manager Wanted” was included in the talk given by Foster Smith, Chairman, Rockford Airport Authority at the AAAE Annual Conference in Fort Worth, April 27, 1965, and is distributed to AAAE members in response to the many requests for copies.)

HALE SURVEYS

MONTANA
AIRPORT
MANAGEMENT
ASSOCIATION

EXHIBIT 13
State Admin.
3/11/83

pg 1

MARCH 8, 1983

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE: I AM HUGH KELLEHER, EXECUTIVE SECRETARY FOR THE MONTANA AIRPORT MANAGEMENT ASSOCIATION (MAMA), AND AIRPORT MANAGER OF THE HELENA REGIONAL AIRPORT, HELENA.

THE MONTANA AIRPORT MANAGEMENT ASSOCIATION REPRESENTS A MAJORITY OF THE FULL-TIME AND PART-TIME MANAGERS WHO ARE MANAGING ONE OF THE MOST IMPORTANT INDUSTRIES TO MONTANA. MAMA IS COMMITTED TO THEIR COMMUNITIES IN PROVIDING MONTANA WITH THE BEST AIRPORT MANAGEMENT TO OBTAIN THE FINEST AIRPORT FACILITIES. LIKE ANY OTHER PROFESSION, MAMA MEMBERS ARE AFFILIATED WITH THE AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES SO WE CAN BE KEPT FULLY AWARE OF THE LATEST METHODS AND EVENTS IN THE AIRPORT AND AVIATION INDUSTRIES. WE FEEL THAT WE HAVE THE KNOWLEDGE AND ABILITY TO PROVIDE A SERVICE TO THE STATE AS A REPRESENTATIVE OF THE DIVISION OF AERONAUTICS BOARD.

IN HB 776, PAGE 6, LINE 17, WE ARE ASKING THAT IT BE AMENDED TO READ "MONTANA AIRPORT MANAGEMENT ASSOCIATION." IT PRESENTLY STATES "MONTANA AIRPORT OPERATORS." WE FEEL THAT THE WORD "OPERATORS" IS TOO BROAD. THERE ARE MANY DIFFERENT TYPES OF OPERATORS ON AND AROUND AIRPORTS. WE FEEL THAT OTHER ORGANIZATIONS SUCH AS THE MONTANA PILOT'S ASSOCIATION, COMMERCIAL AIRLINE OPERATORS AND THE FIXED BASE

OPERATOR'S ASSOCIATION ARE NOW DESIGNATED TO SIT ON THE DIVISION OF AERONAUTICS BOARD AND WE FEEL THAT AIRPORTS ARE BECOMING SO COMPLEX AND SO IMPORTANT TO MONTANA THAT THE AIRPORTS, MORE SPECIFICALLY MAMA, SHOULD BE A PART OF THE DIVISION OF AERONAUTICS BOARD.

MONTANA
AIRPORT
MANAGEMENT
ASSOCIATION

EXHIBIT 14
State Admin.
3/11/83

March 11, 1983

Senate State Administration Committee
Montana State Capitol
Helena, Montana 59601

Dear Senators:

Please accept my thanks and the thanks of the Montana Airport Management Association regarding our testimony on House Bill 776.

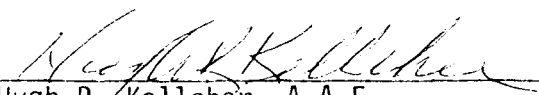
As you will remember, the Montana Airport Management Association is asking that an amendment be made to page 6, line 17 where it presently states "Montana Airport Operators." We are asking that it be changed to read "Montana Airport Management." We would prefer that "Association" be included, but if this is not possible, the wording "Montana Airport Management" would suffice.

Please find enclosed copy of a speech that was given before the American Association of Airport Executives way back in 1965. It holds pretty true even in these modern times, although now I feel that there are more job requirements for the Airport Manager.

We appreciate your consideration and hope that you see it our way.

Yours truly,

MONTANA AIRPORT MANAGEMENT ASSOCIATION



Hugh R. Kelleher, A.A.E.
Executive Secretary

Enclosure
HRK/d

AMENDMENTS TO HOUSE BILL 721

EXHIBIT 15
State Admin.
3/11/83

MR. CHAIRMAN:

I move to amend House Bill 721 by making the following changes:

1. On page 3, Section 2(4), line 20, delete the word "private";
on lines 21 and 22, following the first "or" on line 21, delete the words
"institution or public hospital or institution" and substitute in their place
"other organization".
2. On pages 5 and 6, Section 4, line 25 of page 5 and line 1 of page 6,
place a period (.) after "Health Facility" on line 25 and delete the words
"BY A HEALTH INSTITUTION".
3. On page 4, delete subsection (6) in its entirety, beginning on line
4 and ending on line 14.
4. On page 4, line 15, change "(7)" to "(6)".
5. On page 12, Section 8(2), line 16, delete "Facility" and replace with
"participating health institution".
6. On page 14, Section 13, place a period (.) after the word PERIOD
on line 16 and delete all language beginning on line 16 with the word "including"
and all language on lines 16 through 25 on page 14 and on line 1 of page 15.
7. On page 16, Section 14(2)(a) on line 15 delete the word "eligible"
and replace it with "participating" and delete the word "facility" and replace
it with the word "institution".
8. On page 21, Section 18, line 5, delete the word "FACILITY" and replace
it with "institution".

STANDING COMMITTEE REPORT

MARCH 11 19 83

PRESIDENT
MR.

STATE ADMINISTRATION
We, your committee on

HOUSE
having had under consideration Bill No. 887

MARKS (HAMMOND)

HOUSE
Respectfully report as follows: That Bill No. 887

third reading, be amended as follows:

1. Page 1, line 16.
Following: "5-1-111"
Insert: "and before members of the house of representatives
have been elected and qualified under the plan"
2. Page 1, line 17.
Strike: "involved"
Insert: "among which the signatures must be allocated"
3. Page 1, line 18.
Strike: "established in the plan"
Insert: "in existence when the plan was filed"

And, as so amended
BE CONCURRED IN

~~XXX PASS~~

STANDING COMMITTEE REPORT

MARCH 11 19 83

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 35

DAILY (STIMATZ)

Respectfully report as follows: That HOUSE Bill No. 35

third reading, be amended as follows:

1. Page 4, line 13.
Following: "amended."
Strike: remainder of lines 13 through 16
in their entirety.

And, as so amended

BE CONCURRED IN
~~DO PASS~~

STANDING COMMITTEE REPORT

MARCH 11 1983

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 626

BARDANOUVE (MANNING)

Respectfully report as follows: That HOUSE Bill No. 626

BE CONCURRED IN

XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

STANDING COMMITTEE REPORT

MARCH 11

1983

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE JOINT RESOLUTION ~~XXXX~~ No. 26

ERNEST (LEE)

Respectfully report as follows: That HOUSE JOINT RESOLUTION ~~XXXX~~ No. 26

BE CONCURRED IN

~~XXXXXX~~

STANDING COMMITTEE REPORT

MARCH 11

19 83

PRESIDENT

MR.

STATE ADMINISTRATION

We, your committee on

HOUSE

having had under consideration Bill No. **514**

SPAETH (LEE)

HOUSE

Respectfully report as follows: That Bill No. **514**

BE CONCURRED IN

~~xx~~ ~~OR~~ ~~RASS~~

STANDING COMMITTEE REPORT

MARCH 11

19 83

PRESIDENT

MR.

STATE ADMINISTRATION

We, your committee on

HOUSE

having had under consideration Bill No. 169

Dudaily (Hammond)

HOUSE

Respectfully report as follows: That Bill No. 169

third reading, be amended as follows:

1. Page 3, line 22.
Following: "agreement"
Insert: "to a tax sheltered annuity or deferred
compensation program,"
2. Page 3, line 24.
Strike: "UP TO A MAXIMUM OF \$150 A MONTH"
3. Page 4, line 11.
Following: 'year"
Insert: ", except that any termination pay, as
defined in subsection (5)(b), received by
the member is limited to the amount actually
paid, and is not the amount he would have
earned had he completed the full year"

And, as so amended

BE CONCURRED IN

~~XXXXXX~~

STANDING COMMITTEE REPORT

MARCH 11 19 83

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 83

Hemstad (Marbut)

Respectfully report as follows: That HOUSE Bill No. 83

third reading, be amended as follows:

1. Page 1, line 13.
Strike: "100"
Insert: "300"

And, as so amended
BE CONCURRED IN

XXXXXX

STANDING COMMITTEE REPORT

March 11

19 83

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration House Bill 490 Bill No.

ubrega (Lee)

Respectfully report as follows: That House 490 Bill No.

3rd Reading bill (Blue Copy) be amended as follows:

1. Title, line 9.

Strike: "37-65-103,"

2. Page 2.

Following: line 16

Insert: "(6) 'Public building' means any building which the state or any political subdivision thereof maintains for the use of the public."

3. Page 2, line 17 through page 4, line 17.

Strike: section 2 in its entirety

Renumber: subsequent sections

4. Page 4, line 22

Strike: "of \$25 a day"

Insert: "provided in 37-1-133"

XXXXXX

CONTINUED..

Committee on State Administration
Page 2
H.B. 490

March 11

83

19

5. Page 10, line 8.
Strike: "10"
Insert: "9"

6. Page 10, line 9.
Strike: "10"
Insert: "9"

And, as so amended,
BE CONCURRED IN

STANDING COMMITTEE REPORT

March 11

19 83

MR. **PRESIDENT**

STATE ADMINISTRATION

We, your committee on

having had under consideration **HOUSE** Bill No. **691**

Brand (R.E. Manning)

Respectfully report as follows: That **HOUSE** Bill No. **691**

Third reading bill (blue copy) be amended as follows:

1. Title, line 9.
Following: "EVENTS"
Insert: "; REPEALING SECTION 7-21-4212, MCA; AND PROVIDING
AN IMMEDIATE EFFECTIVE DATE"
2. Page 1, line 16.
Following: "years"
Insert: "and no member shall serve for more than 4
consecutive terms"
3. Page 8.
Following: line 24
Insert: "Section 14. Repealer. Section 7-21-4212, MCA, is
repealed.
Section 15. Effective date. This act is effective
on passage and approval."

~~XXXXXX~~
And, as so amended,
BE CONCURRED IN

STANDING COMMITTEE REPORT

March 11, 1933

MR. PRESIDENT:

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 427

REP. HOLLIDAY (SEN. RICHARD MANNING)

Respectfully report as follows: That HOUSE Bill No. 427,
Third Reading bill (blue copy), be amended as follows:

1. Page 2, line 3.
Strike: "The"
Insert: "(1) Except as provided in subsection (2), the"
Renumber: subsequent subsections as (a) through (d)
2. Page 2.
Following: line 25
Insert: "(2) The responsibilities of the director under this section do not apply to the office of the superintendent of public instruction, and that office is exempt from the requirements of this section."

And, as so amended,
BE CONCURRED IN

~~XXXXXX~~

STANDING COMMITTEE REPORT

..... March 11 19 83.

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE BILL Bill No. 873

J. Brown (Marbut)

Respectfully report as follows: That House Bill Bill No. 873

Third reading bill (blue copy) be amended as follows:

1. Title, line 11.
Following: "AGING"
Insert: "AND REQUIRING THE GOVERNOR TO APPOINT AN ADVISORY COUNCIL
ON AGING AND A COORDINATOR ON AGING; PROVIDING AN IMMEDIATE
EFFECTIVE DATE"
2. Page 1, line 17.
Following: line 16
Insert: "(2) The governor shall appoint an advisory council on
aging. The council is composed of 11 members, a majority of
whom must be 60 years of age or older. Members shall serve for
3-year terms. Vacancies shall be filled by appointment for the
unexpired term. The council is allocated to the governor's office
for administrative purposes only."
Renumber: subsequent subsections

3
XXXXXX

(CONTINUED)

Committee on State Administration
Page 2
House Bill 873

3. Page 1, line 18.
Strike: "FROM RECOMMENDATIONS FROM"
Insert: "after consultation with"
4. Page 1, line 20.
Following: line 19
Strike: subsection (3) in its entirety
Insert: "(4) The advisory council on aging shall act as the advisory board to the coordinator on aging."
5. Page 1, line 25.
Following: "shall"
Insert: ",with the advice and consent of the advisory council on aging,"
6. Page 2
Following: line 9
Insert: "Section 3. Effective date. This act is effective on passage and approval."

And, as so amended,
BE CONCURRED IN

STANDING COMMITTEE REPORT

March 11

19 83

MR. **PRESIDENT**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **HOUSE** Bill No. **721**

Wallin

Respectfully report as follows: That **HOUSE** Bill No. **721**

Third reading bill (blue copy) be amended as follows:

1. Page 3, line 20.
Following: "any"
Insert: "public or"
2. Page 3, lines 21 and 22.
Strike: "institution or public hospital or institution"
Insert: "other organization"
3. Page 4, lines 4 through 14.
Strike: subsection (6) in its entirety
Renummer: subsequent subsection
4. Page 5, line 25 and page 6, line 1.
Strike: "BY A HEALTH INSTITUTION"

~~XXXXXX~~

(CONTINUED)

HC

5. Page 12, line 16.
Strike: "facility"
Insert: "participating health institution"
6. Page 14, line 7.
Strike: "covenants"
Insert: "covenants"
7. Page 14, line 16.
Following: "PERIOD"
Strike: remainder of line 16 through "them" on page 15, line 1.
8. Page 16, line 15.
Strike: "eligible"
Insert: "participating"
Strike: "facility"
Insert: "institution"
9. Page 21, line 5.
Strike: "FACILITY"
Insert: "institution"

And, as so amended,
BE CONCURRED IN

STANDING COMMITTEE REPORT

March 11, 19 83

MR. PRESIDENT:

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 231

REP. BRAND (SEN. RICHARD MANNING)

Respectfully report as follows: That HOUSE Bill No. 231,
3rd Reading bill (blue copy) be amended as follows:

1. Page 6, line 21
Strike: "19-3-704 (1) (B) "
Insert: "19-13-704 (1) (b) "

And, as so amended,
BE CONCURRED IN

~~XXXXXX~~