

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

February 19, 1987

The meeting of the State Administration Committee was called to order by Chairman Sales on February 19, 1987, at 9:00 a.m. in Room 437 of the State Capitol.

ROLL CALL: Reps. Moore and DeMars were excused. All other committee members were present.

CONSIDERATION OF HOUSE BILL NO. 747: Rep. Gould, House District #61 and sponsor of the bill, stated HB 747 is probably one of the very important bills in this session. Those of us who have to work extra hard in election campaigns and knock on every door are always disturbed by one point and which is that actually only 1/2 of the people in Montana are voting. The sole purpose of HB 747 is to give accessibility to the elderly and the handicapped to facilitate their voting.

PROPOSERS: Larry Akey, Chief Deputy to Secretary of State Jim Waltermire, stated the bill before you today incorporates the federal language on voting accessibility for the elderly and the handicapped into Montana statutes. This bill also contains a couple of categories of accessibility not currently contained in the federal law. Currently, under federal law, polling places in Montana must be categorized as accessible or inaccessible. Under HB 747, polling places would be categorized as: 1) accessible to the elderly and the physically challenged; 2) inaccessible to the elderly and the physically challenged; 3) technically inaccessible; or 4) rural precincts establishing an accessible polling place.

Rich Brown, representing the Montana Disabled American Veterans which has over 4,000 members, said his organization would like to see that wounds received while protecting the right to vote do not forbid a person from continuing to have the right to vote here in Montana. We would appreciate your favorable recommendation to HB 747.

George Poston, representing the United Veterans Committee of Montana, stated we should allow and assure that all disabled people can be in the process and get access to the polls. He asked for support of this bill.

Tom Ryan, representing senior citizens, stated accessibility is a very important matter.

Mary Ryan, a Helena citizen, and member of the task force that spent three months of this year surveying polling places, said the results were that some polls were completely inaccessible; doors were non-negotiable for the physically handicapped; parking was horrendous; stairs prevented those with braces, wheel chairs and crutches from reasonably gaining access; and poorly placed or light colored obstacles were very dangerous for the blind or partially blind. Her written testimony is included as Exhibit #1.

Greg Jackson, representing the Clerk and Recorders Association, stated support for HB 747. In Section 3, page 2, beginning with line 22, however, it states that the "Secretary of State shall assure that all polling places are accessible to handicapped and elderly electors on election day." Under Public Law 98-43-5, it states that each political subdivision is responsible to assure that all polling places for federal elections are accessible for handicapped and elderly voters. In order to protect the liability at the local level, he thought it's important that the federal language be inserted in this section or that it is made clear the clerks and recorders are responsible on a local level to make sure these polling places are accessible.

Kim Wilson, representing Common Cause/Montana, stated his agreement with the previous proponents. Common Cause supports HB 747.

OPPONENTS: None

DISCUSSION OF HOUSE BILL NO. 747: Rep. Nelson stated during the last legislative session, a bill was passed which would provide for election judges to bring the ballots to the automobiles for those who could not navigate in and out of the polling places. There have been no problems with this procedure to his knowledge, and the ballot is accessible to handicapped and elderly citizens. Rep. Peterson acknowledged the ballot is accessible, but the right to enter the polling place is not accessible and that is what is being addressed in HB 747. Rep. Nelson asked what the county was supposed to do if a survey determines inaccessibility to a polling place. Mr. Jackson replied he was not aware of any of the specific cases at any of the polling places. Larry Akey interjected if a survey determines inaccessibility, there are several options available under both the federal law and the bill before the committee today. The clerks and recorders can move the polling place to one that is accessible for those with accessibility requirements; they can make the polling place accessible through physical alternations, etc. A third alternative is to assign handicapped individuals to polling places that are more accessible for their needs. Rep. Sales stated this bill does not state you

absolutely have to provide an accessible polling place. Larry Akey responded to Rep. Sales' concern and acknowledged the bill does not do that. He went on to explain if you have an inaccessible polling place, you absolutely must provide the right for an elector to vote in a polling place on Election Day. That is federal law, and arrangements have to be made. Rep. Pistoria stated his support for the bill and acknowledged it is needed.

Discussion on HB 747 was closed by Rep. Gould who requested the committee's favorable recommendation.

CONSIDERATION OF HOUSE JOINT RESOLUTION NO. 29: Rep. Harper, House District #44 and primary sponsor of the bill, stated HJR 29 addresses the current economic and trade policies of the U.S. and some of the problems this legislature is now facing which is a lack of money and a lack of jobs. In November of this year, Montana had the 10th highest unemployment in the nation. If this resolution passes, it would be sent to the Congress and to the President. The world economy is now in a state of major flux and change. Whatever happens in this world largely springs from the actions of the U.S. There is only one way to balance the budget in this state. The basic root of the problem has to be addressed.

PROPOSERS: Jim Murry, Executive Secretary, Montana AFL-CIO, stated support for HJR 29. We feel strongly that HJR 29 sends a clear and decisive message to the President and to the Congress that we must reverse our failed economic and trade policies immediately. His written testimony is included as Exhibit #2. The U.S. economy is in worse shape than at anytime in recent history. Montana is on the brink of economic collapse. Montana's crumbling economy will not improve significantly until there is a drastic change in our national economic and trade policies. It is high-time the Montana legislature sends a clear signal to Washington that we must turn the course.

OPPOSERS: None

DISCUSSION OF HOUSE JOINT RESOLUTION NO. 29: Rep. Roth asked Rep. Harper if there are any trade policies this country has that are good, and he replied, "there must be some, but we don't see much evidence". Rep. Jenkins asked Jim Murry about the protectionistic bills of the 1920's and 1930's. Mr. Murry responded some comparisons can be made. However, there has been a dramatic change in trade policies in the world since that time. Rep. Sales stated the intent of HJR 29, as he sees it, is fair trade rather than free trade. Rep. Harper stated that was an accurate assessment.

Discussion on HJR 29 was closed by Rep. Harper.

CONSIDERATION OF HOUSE BILL NO. 755: Rep. Gould, House District #1, presented the bill to the committee members on behalf of Rep. Cobb who had been unavoidably detained at another hearing. In 1981, he had brought the original bill to this committee which made the 10% incentive bonus for state employees. That has probably been the most worthwhile thing he had done in the legislature. This bill makes a good program a little bit better.

PROPOSERS: Debbie Flentie, Program Coordinator for the State Employers Incentive Program, stated support for HB 755. She distributed a handout to all committee members (Exhibit #3) outlining miscellaneous statistical information regarding the program since its inception in April, 1982. Over 400 suggestions have been received from employees, and 11% of these suggestions have been award worthy.

Rep. Jenkins wished to be noted as a proponent.

OPPOSERS: None

DISCUSSION OF HOUSE BILL NO. 755: Rep. Peterson asked Ms. Flentie if there was any danger in an employee getting an award and not applying for a patent for the devise or plan where a lot of money could be made. Ms. Flentie replied the employee would in no way be prevented from applying for a patent if she/he so desired. Rep. Phillips confirmed with Ms. Flentie that the awards which are given are taken from the particular agency's budget. She said "yes".

Discussion on HB 755 was closed by Rep. Gould who stated it is pretty sick when an employee receives a \$500.00 award for an idea that saves the state \$175,000.00. It's so ludicrous that it does not give employees an incentive to make a savings suggestion.

CONSIDERATION OF HOUSE BILL NO. 29: Rep. Cody, House District #20 and sponsor of the bill, stated the original bill has been amended and a new section has been added. The amendments were discussed with the Department of Fish, Wildlife, and Parks, the Legislative Auditor's Office, the Highway Department, and the Department of State Lands. Currently, certain records regarding state ownership of land are held by the Secretary of State. This bill requires the Secretary of State to transfer these records to the Department of State Lands by November 1, 1987. It further requires the Department of Highways for highway rights-of-way and maintenance to that department. Finally, the bill requires the Department of State Lands to transfer any remaining ownership records, other than those of state

lands, to the state agency administering the interest or property described in such records. The legislature intends that the Department of State Lands be the sole repository for records of all state lands owned by virtue of fee simple title, grant, or deed. A statement of intent and the proposed amendments are included here as Exhibit #4.

PROPOSERS: Dennis Hemmer, representing the Department of State Lands, stated his department will not solve this problem in the next year or two. However, we will go forward as time and money permit. We are agreeable to the bill as amended.

OPPOSERS: None

DISCUSSION OF HOUSE BILL NO. 29: Rep. Peterson clarified that all state lands records would be found at the Department of State Lands; highway lands records would be transferred to the Department of Highways. Dennis Hemmer further clarified that records of any highway land with a building on it would be found at the Department of State Lands. If there is a highway running through the land, the Highway Department will have the records. Rep. Jenkins noted that some cost is involved in abstracting the titles to state institutions.

Rep. Cody closed the discussion on HB 29 and stated this is the best way to go, and she urged the committee's support.

The committee recessed at 10:20 a.m. and reconvened for executive action at 10:30 a.m.

DISPOSITION OF HOUSE BILL NO. 747: A DO PASS WITH STATEMENT OF INTENT motion was made by Rep. Campbell, seconded by Rep. Peterson. Rep. Nelson stated the bill was superfluous, that the handicapped and elderly voters can get to the ballot the way the law is now written. The motion carried 14-1, Rep. Nelson voting no.

DISPOSITION OF HOUSE BILL NO. 755: Rep. Cody made a DO PASS motion, seconded by Rep. Campbell. The motion carried by unanimous voice vote.

DISPOSITION OF HOUSE JOINT RESOLUTION NO. 29: A DO NOT PASS motion was made by Rep. Phillips, seconded by Rep. Hayne. A substitute DO PASS motion was made by Rep. O'Connell, seconded by Rep. Pistoria. Rep. Roth stated Rep. Harper has some good ideas in this bill. There are some very serious problems with our trade situation that need to be addressed. Rep. Whalen stated that HJR 29 along with HJR 10 would be a good balance. On a roll call vote, the DO PASS motion FAILED 7-10. The vote was reversed for a DO NOT PASS 10-7.

DISPOSITION OF HOUSE BILL NO. 29: Rep. Jenkins moved the amendments, seconded by Rep. Cody. The Jenkins' motion carried unanimously. Rep. Cody made a DO PASS AS AMENDED WITH STATEMENT OF INTENT motion, seconded by Rep. Peterson. A voice vote was unanimous in favor of the Cody motion.

DISPOSITION OF HOUSE BILL NO. 559: Rep. Jenkins stated this bill would allow agency stores to operate differently than state stores, i.e. open on different days etc. Rep. Cody asked if the existing laws remain the same if none of the liquor store bills pass or does the Department of Revenue dictate the rules. Rep. Phillips stated the plan is to move toward agency stores. Rep. O'Connell expressed her dissatisfaction with the way the liquor bills have been handled in the Taxation Committee. Rep. Fritz made a motion TO MOVE THIS BILL FROM THE TABLE, seconded by Rep. Campbell. The motion FAILED on a roll call vote 7-9. HB 559 remains ON THE TABLE.

DISCUSSION OF HOUSE BILL NO. 300: Rep. Sales stated if it is the wish of the committee, he will make a motion on the floor to have HB 300 brought back to the committee for the purpose of amendment. David Senn stated there is a problem with the way the bill has been amended. The amendments that the Teachers' Retirement Board received on February 11 are essentially different from the amendments given out by the committee on February 13 when the bill was heard. He submitted a handout to committee members addressing the Board's concerns (Exhibit #5). In responding to David Senn's concerns, Les Loble stated the 1990 or 1991 date concerning the actuarial valuation is absolutely immaterial to him. It would be easy to draft floor amendment to require the retirement board to do an actuarial valuation for 1990. This is a very simple matter. He thought the bill was fine the way it was. It has never been the position of TIAA-CREF or the university system that a study would result in a change in the percentage amounts contributed to the Teachers' Retirement System. The study is simply to show the dollar sums the university system, if at all, is behind and then the university system is supposed to come up with that dollar sum.

David Evanson with the Montana University System was present at the discussion and stated he wanted to emphasize that the Board of Regents has an interest in this bill because it is an advantage for them. The concern about the money, we believe, is not substantial. We are committed to pay the difference if one should occur.

DISCUSSION OF HOUSE BILL NO. 306: Rep. Sales stated perhaps the sheriffs could use the same type of retirement program that the highway patrolmen have. Currently under the

Sheriffs' Retirement System, a member can get early retirement with a 2% per year reduction. The retirement age would be either 60 or 55. Rep. O'Connell made a motion to RECONSIDER the committee's actions; seconded by Rep. Pistoria. The motion failed and HB 306 REMAINED ON THE TABLE.

ADJOURNMENT: There being no further business to come before the committee, the hearing was adjourned at 11:15 a.m.



Walter R. Sales, Chairman

DAILY ROLL CALL

State Administration

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date

4/19/87

NAME	PRESENT	ABSENT	EXCUSED
Walt Sales	✓		
John Phillips	✓		
Bud Campbell	✓		
Dorothy Cody	✓		
Duane Compton	✓		
Gene DeMars	✓		
Harry Fritz	✓		
Harriet Hayne	✓		
Gay Holliday	✓		
Loren Jenkins	✓		
Janet Moore			
Richard Nelson	✓		
Helen O'Connell	✓		
Mary Lou Peterson	✓		
Paul Pistoria	✓		
Rande Roth	✓		
Tonia Stratford	✓		
Timothy Whalen	✓		

Mary Ryan

Montana Senior Citizens Assn., Inc.

WITH AFFILIATED CHAPTERS THROUGHOUT THE STATE

P.O. BOX 423 - HELENA, MONTANA 59624



DATE 2/19/87
747

(406) 443-5341

HB 747
FEBRUARY 19, 1987
STATE ADMINISTRATION COMMITTEE

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE. MY NAME IS MARY RYAN, I LIVE IN HELENA. AS A MEMBER OF THE MONTANA SENIOR CITIZENS ASSOCIATION AND AS A HANDICAPPED PARTICIPANT OF MONTANA'S VOTING POPULACE, I WOULD LIKE TO SHARE WITH YOU MY EXPERIENCE AS A MEMBER OF THE TASK FORCE THAT SPENT NOVEMBER AND DECEMBER OF 1986 AND JANUARY OF THIS YEAR, CONDUCTING A SURVEY OF THE HELENA AREA POLLING PLACES. THE TASK FORCE WAS COMPRISED OF THE BLIND, PARTIALLY BLIND, PARTIALLY HANDICAPPED, AND MYSELF. THE PURPOSE OF THE SURVEY, WHICH WAS INITIATED BY LEWIS AND CLARK CO. , WAS TO ESTABLISH THE ACCESSIBILITY OF THE HELENA AREA POLLING PLACES. WE FOUND THAT SOME POLLS WERE COMPLETELY INACCESSIBLE;-DOORS WERE NON-NEGOTIABLE FOR THE PHYSICALLY HANDICAPPED

-PARKING WAS HORRENDOUS

-STAIRS, PREVENTED THOSE WITH BRACES, WHEEL CHAIRS, AND CRUTCHES
FROM REASONABLY GAINING ACCESS

-POORLY PLACED OR LIGHT COLORED OBSTACLES WERE VERY DANGEROUS
FOR THE BLIND OR PARTIALLY BLIND.

ANYONE WHO ISN'T DISABLED- CAN'T COMPLETELY UNDERSTAND THE HARDSHIP THOSE OF US WITH DISABILITIES MUST FACE DAILY WITH ACCESSIBILITY TO PUBLIC PLACES IN GENERAL. I WOULD HOPE THAT OUR OWN STATE LEGISLATORS WOULD DO EVERYTHING WITHIN THEIR POWER TO ASSURE AND PROMOTE PARTICIPATION IN THE ELECTORAL PROCESS - BY COMPLYING WITH THE FEDERAL REGULATIONS TO ASSURE ACCESSIBILITY OR PROVIDING ALTERNATIVE MEANS OF CASTING A BALLOT. I STRONGLY URGE THIS COMMITTEE TO SUPPORT HOUSE BILL 747. THANKYOU FOR YOUR CONSIDERATION AND TIME.



EXHIBIT #2
2/19/87
HJR 29

Box 1176, Helena, Montana

JAMES W. MURRY
EXECUTIVE SECRETARY

ZIP CODE 59624
406/442-1708

TESTIMONY OF JIM MURRY BEFORE THE HOUSE STATE ADMINISTRATION COMMITTEE ON
HJR 29 on February 19, 1987

Mr. Chairman, members of the committee, for the record my name is Jim Murry and I am the Executive Secretary of the Montana State AFL-CIO. Members of the committee, our organization believes that HJR 29 sends a clear and decisive message to the President and the Congress of the United States And that message is: we must reverse our failed economic and trade policies immediately!

If we continue on our current course of: record budget deficits ... chronically high unemployment ... poverty wage jobs ... record farm foreclosures and staggering trade deficits ... we are headed for an economic disaster no less devastating than the Great Depression.

The hemorrhage of American jobs and dollars overseas has been astronomical. In 1982, the trade deficit was \$42.7 billion ... a record. In 1983, the trade deficit was \$67.4 billion ... again a record. In 1984, the trade deficit skyrocketed to \$123.3 billion ... setting a new record. In 1985, the trade deficit hit \$148.5 billion ... another record. And in 1986, the trade deficit hit a staggering \$170.0 billion (\$169.8) billion dollars ... an all-time record.

This translates into massive jobs losses for American workers. For every \$1 billion dollars in the trade deficit, it is estimated that approximately 25,000 jobs are lost. In 1986 alone, 2.5 million jobs were directly and indirectly lost because of our massive trade deficits.

Clearly, the "FREE TRADE" of the national administration is a patent failure ... and must be drastically changed.

Combined with our back-breaking trade deficits come soaring budget deficits. In the last six years, the national debt has skyrocketed from \$935 billion to 2.1 trillion dollars. And by 1988, the national debt will have exceeded \$2.5 trillion dollars!

The debt incurred since 1981 has left our children and grandchildren with a burden far greater than the combined national debts incurred by every U.S. President from George Washington through Jimmy Carter.

These statistics have a dimension in human suffering that is almost incomprehensible. Nationally, U.S. unemployment has been stuck at the chronically high 7 percent level with approximately 8 million men and women out of work. In Montana, January's unemployment rate increased to 9.7 percent leaving 39,000 Montanans out of work.

February 19, 1987

HOUSE STATE ADMINISTRATION COMMITTEE - HJR 29

Sadly, more than 33 million Americans are poor with another 20 to 30 million people listed as needy. According to a recent study conducted by a Joint Economic Committee of Congress, more than one-half of the eight million new jobs created in our country paid less than \$7,000 per year. That is well below the federal poverty level for a family of four which is set at \$10,989 a year. It's clear --- you cannot support a family on minimum wage work!

Rural America is also plagued by this economic crisis. Family farms, which are the foundation of rural America, are locked in a desperate struggle for survival. Staggering low commodities prices, combined with price-busting grain surpluses and unfair foreign subsidies have caused 170,000 American farms to go out of business in the last three years. If these disturbing trends continue, rural America as we know it today, will cease to exist.

The U.S. economy is in worse shape than at anytime in recent history. Montana, along with thirty other states, holding half of the population of this country are on the brink of economic collapse.

It is our organization's firm belief that Montanas crumbling economy, along with thirty other states, will not improve significantly until there is a drastic change in our national economic and trade policies.

We believe that it is high-time that the Montana legislature sends a clear signal to Washington that we must turn the course. HJR 29 states emphatically that the direction our nation's economy is headed in will lead us down the road to ruin. Therefore, we must change paths and pursue economic policies which enhance our industrial base and promote full employment. In the pursuit of economic survival ... we have no other choice.

#3
2/19/87
755

REPORT TO THE 50th LEGISLATURE

EMPLOYEE
INCENTIVE
AWARDS
PROGRAM

Laurie Ekanger
Administrator

State Personnel Division
Department of Administration

February 19, 1987

Prepared by:
Debi Flentie
Program Coordinator

STATE EMPLOYEE
INCENTIVE AWARDS PROGRAM
LEGISLATIVE REPORT
AS OF 1/31/87

The State Employee Incentive Awards Program has been in operation since April, 1982. In this time, state employees have submitted 410 suggestion applications. 372 of these have been fully evaluated. There have been 326 denied awards for various reasons and 44 successful suggestions resulting in an estimated \$487,877 first year savings. 36 applications are still in various stages of the evaluation process. The figures reported are cumulative totals since program inception.

S U G G E S T I O N A P P L I C A T I O N S

Number Received	Number Approved	Number Denied	Number Pending	Number being Tested/Awaiting Legislation
410	44	327	36	3

Suggestions are being received by employees of various state agencies with the larger agencies generating the greatest number of ideas. (Highways, S.R.S., and Revenue.)

The ideas being submitted tend to impact various state agencies. One in six ideas submitted impacts more than one state agency. 119 ideas were submitted which require judgment or implementation by the Department of Administration. Many of these also impact more than one state agency.

410 Suggestions Submitted

Agency of Suggestor:

- Legislative Council (4)
- Supreme Court (1)
- Governor's Office (3)
- State Auditor's Office (4)
- Office of Public Instruction (3)
- Secretary of State (1)
- Justice (14)
- State Universities (3)
- Historical Society (1)
- Fish, Wildlife and Parks (20)
- Health and Environmental Sciences (12)
- Agriculture (1)
- Highways (83)
- Livestock (1)

Agency of Suggestor (continued):

- State Lands (5)
- Natural Resources and Conservation (7)
- Revenue (49)
- Administration (25)
- Institutions (44)
- Commerce (10)
- Labor and Industry (42)
- Social and Rehabilitation Services (77)

Agency of Potential Impact:

- Secretary of State (1)
- Legislative Auditor (1)
- Legislative Council (2)
- Governor's Office (1)
- State Auditor's Office (11)
- Office of Public Instruction (1)
- Justice (10)
- State Universities (2)
- Fish, Wildlife, and Parks (16)
- Health and Environmental Sciences (3)
- Highways (74)
- Livestock (1)
- State Lands (3)
- Revenue (19)
- Administration (119)
- Institutions (24)
- Commerce (2)
- Labor and Industry (28)
- Social and Rehabilitation Services (56)
- More than one agency (66)

Stage of Evaluation:

- Pending Agency evaluation (21)
- Pending Advisory Council evaluation (15)
- Pending possible legislation (3)
- Completely evaluated (371)

Since the program began in April, 1982, Governor Schwinden has presented awards to 49 different employees for 44 award-winning ideas (5 were shared). In total, \$11,369 was awarded, which averages \$232 per recipient. 11.9% of those ideas evaluated have resulted in awards and, more importantly, cost savings to the state.

The total amount of first year savings generated by these 44 ideas has been estimated at \$486,677. Average savings per evaluated suggestion is \$1,308, while average savings per award-winning suggestion is \$11,060. Despite these benefits, costs to administer the program are relatively negligible (10% of cumulative costs savings). Award amounts represented only 2.3% of cumulative cost savings.

P R O G R A M C O S T S / S A V I N G S E V A L U A T I O N

First Year Savings From Suggestions	Award Costs	Administrative Costs - State Personnel Division/Advisory Council*	Administrative Costs* Agencies	Net Savings First Year
\$487,877	\$11,369	\$22,000	\$25,935	\$428,573

* Costs include personal service, printing, and mailing costs which were absorbed by respective agency budgets.

All costs have been absorbed by the respective agency budgets. Personnel service costs include salaries and benefits. Operating costs mainly consist of travel, printing, and mailing expenses. It is expected that future personal services costs will depend on the number of suggestions evaluated and also on the increases to salaries and benefits.

The cumulative savings realized in the first year (\$487,877) less all absorbed program costs (\$59,304) represent the net benefit of the program to date (\$428,573).

* * * * *

MEMBERS OF THE INCENTIVE AWARDS ADVISORY COUNCIL

Renee Erdman, Licensing Bureau, State Auditor's Office.

Jim Adams, Director of Field Services, Montana Public Employees Association.

Janet Myren, Administrative Assistant, Department of Social and Rehabilitation Services.

Russell G. McDonald, Administrator, Personnel Division, Department of Highways.

Lois A. Menzies, Research Division, Legislative Council.

John H. Noble, Deputy Commissioner for Management and Fiscal Affairs, University System.

William R. Palmer, Assistant Administrator, Workers' Compensation Division, Department of Labor and Industry.

Laurie Ekanger, (Chairperson), Administrator, State Personnel Division, Department of Administration.

Debi Flentie, Program Coordinator
Violet Pigman, Administrative Assistant

EXHIBIT 74
DATE 2/19/87
HB 29

STATEMENT OF INTENT
House Bill No. 29

A statement of intent is required for this bill because it grants rulemaking authority to the department of state lands to implement and administer the transfer and filing of ownership records of state lands.

Currently, certain records regarding state ownership of land are held by the secretary of state. This bill requires the secretary of state to transfer these records to the department of state lands by November 1, 1987. It further requires the department of state lands to transfer records of land held or administered by the department of highways for highway rights-of-way and maintenance to that department. Finally, the bill requires the department of state lands to transfer any remaining ownership records, other than those of state lands, to the state agency administering the interest or property described in such records.

The legislature intends that the department of states lands be the sole repository for records of all state lands owned by virtue of fee simple title, grant, or deed except for land specifically excluded under the bill. State land with buildings attached to it and used by the department of highways for maintenance must be recorded on records maintained by the department of state lands.

It is intended that the department of state lands may adopt rules to specify which records will be kept by the department and which records will be transferred to other agencies, including records of lesser interests such as leases. In addition, it is intended that the rules clarify which records must be filed in the future with the department of state lands and specify the format that the records must follow to ensure a reliable and uniform body of records and index as required under section 5.

7033a/CNCL87

Subcommittee amendments to HB 29:

1. Title, line 4.

Following: "TRANSFERRING"

Insert: "STATE"

2. Title, line 5.

Following: "RECORDS"

Strike: "OF" through "LANDS"

3. Title, lines 5 and 6.

Strike: "AND" on line 5 through "AGENCIES" on line 6

4. Title, line 7.

Strike: "TRANSFERRING"

Insert: "REQUIRING THE DEPARTMENT OF STATE LANDS TO TRANSFER"

5. Title, lines 7 and 8.

Strike: "FROM" on line 7 through "OF STATE" on line 8

6. Title, lines 11 and 12.

Strike: "PROVIDING" on line 11 through "FILING" on line 12

Insert: "REQUIRING STATE AGENCIES TO FILE"

7. Title, line 13.

Following: ";

Insert: "GRANTING RULEMAKING AUTHORITY TO THE DEPARTMENT OF STATE LANDS"

8. Page 1, lines 21 through 23.

Strike: subsection (1) in its entirety

Re-number: subsequent subsections

9. Page 1, line 25.

Following: "signifying"

Insert: "state"

10. Page 1, line 25 through line 1, page 2.

Strike: "of" on line 25, page 1 through "land" on line 1, page 2

Insert: "or other interest in real property"

11. Page 2, line 5.

Following: "of"

Insert: "fee simple"

12. Page 2, line 14.

Strike: ":

13. Page 2, line 15.

Strike: "(1)"

Insert: "all"

Strike: "of state lands"

Insert: "on file in his office"

14. Page 2, line 16.

Strike: ";"

Insert: "."

15. Page 2, line 17.

Strike: "(2)"

Insert: "The department of state lands shall further transfer
the"

16. Page 2, line 18.

Strike: "or" through "construction"

Insert: "rights-of-way and maintenance"

17. Page 2, line 19.

Strike: ";"

18. Page 2, line 20.

Strike: "(3)"

Strike: "conveyance"

Insert: "ownership"

Following: "records"

Insert: ", other than those of state lands,"

19. Page 2, line 22.

Strike: "the conveyance"

Insert: "such records"

20. Page 2, lines 23 through 24.

Strike: "Acquisition" on line 23 through "department" on line 24

Insert: "Filing of ownership records"

21. Page 3, line 1.

Following: "records"

Insert: "of state lands"

22. Page 3, lines 1 through 4.

Strike: "Acquisition" on line 1 through "." on line 4

23. Page 3, line 10.

Following: "."

Insert: "(1)"

Strike: ":"

24. Page 3, line 11.

Strike: "(1)"

25. Page 3, line 18.

Following: "(2)"

Insert: "To the extent feasible within available funding and
personnel, the department shall:
(a)"

26. Page 3, line 20.

Strike: "(3)"

Insert: "(b) "

27. Page 3, line 24.

Strike: "or" through "construction"

Insert: "rights-of-way and maintenance"

28. Page 4, line 1.

Strike: "on" through "basis"

Insert: "for administrative purposes"

29. Page 4.

Following: line 1

Insert: "NEW SECTION. Section 7. Rules. The department of state
lands may adopt rules for implementing and administering
[sections 1 through 6] concerning transfer and filing of
ownership records."

Renumber: subsequent sections

30. Page 8, line 19.

Strike: "6"

Insert: "7"

31. Page 8, line 21.

Strike: "6"

Insert: "7"

7033b/CNCL 87

DISCUSSION OF HOUSE BILL 300

DATE 2/19/87
HB 300

prepared by
David L. Senn, Administrator (444-3134)
Teachers' Retirement Division

The Teachers' Retirement Board has thoroughly reviewed and discussed the impact of House Bill 300, as amended, with the system's Actuary. The Actuary and the Board believe that this legislation will have an adverse effect on the Teachers' Retirement System. The Teachers' Retirement Board is opposed to House Bill 300 for the following reasons:

1. ADVERSE SELECTION AGAINST THE SYSTEM WILL INCREASE THE UNFUNDED LIABILITIES, THEREFORE, INCREASING THE FUNDING REQUIREMENTS OF THE UNIVERSITY SYSTEM.

Under the optional retirement program only those members who find it to their financial advantage will tend to join the Teachers' Retirement System. Other employees, such as younger members and those anticipating termination within five years, will tend to join the optional retirement plan. Retirement systems cannot stay actuarially funded when membership in the system is optional. If employees are granted an option to join the Teachers' Retirement System, the result will be a financial burden to the system.

2. THE TEACHERS' RETIREMENT SYSTEM IS REQUIRED TO PROVIDE FUNDING FOR A PRIVATE RETIREMENT PLAN (TIAA-CREF).

House Bill 300 only affects the employees of the university system, if this option were offered to all 15,000 members of the Teachers' Retirement System, the system could not support the financial burden unless funding were increased substantially. While this bill provides a portion of the funding required, complete funding is postponed until 1991. In other words, the Teachers' Retirement System funds the option for the university system for the next four years. If they can not afford to pay the full cost today, how are they going to afford to pay the cost in four years?

3. THIS BILL WILL REDUCE THE FUNDING OF THE TEACHERS' RETIREMENT SYSTEM OVER THE NEXT FOUR YEARS BY APPROXIMATELY \$600,000.

The university system's portion of the current unfunded liabilities must be funded. This would require that the university contribute an amount of 5.8% for all members who are eligible for the Teachers' Retirement System regardless of whether they elect participation in the optional retirement program. This legislation contains a funding proposal of 4.472% of salary, instead of 5.8%.

The cost to fund the option for the university system will vary with actual experience. The actuary has estimated that it may vary one or two tenths of one percent, but it will not vary the 1.3% that this bill is short.

In closing, the Teachers' Retirement Board asks that you consider the possible long-range impact as well as the short-term solution offered by this bill. They ask that you do not make changes which could risk the future funding of the Teachers' Retirement System.

STANDING COMMITTEE REPORT

February 19, 19 37

STATE ADMINISTRATION

Mr. Speaker: We, the committee on

report HB 29

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☒ as amended
☒ statement of intent attached

Chairman

1. Title, line 4.

Following: "TRANSPERRING"

Insert: "STATE"

2. Title, line 5.

Following: "RECORDS"

Strike: "OF" through "LANDS"

3. Title, lines 5 and 6.

Strike: "AND" on line 5 through "AGENCIES" on line 6

4. Title, line 7.

Strike: "TRANSFERRING"

Insert: "REQUIRING THE DEPARTMENT OF STATE LANDS TO TRANSFER"

5. Title, lines 7 and 8.

Strike: "FROM" on line 7 through "OF STATE" on line 8

6. Title, lines 11 and 12.

Strike: "PROVIDING" on line 11 through "FILING" on line 12

Insert: "REQUIRING STATE AGENCIES TO FILE"

7. Title, line 13.

Following: ";

Insert: "GRANTING RULEMAKING AUTHORITY TO THE DEPARTMENT OF STATE LANDS;"

8. Page 1, lines 21 through 23.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

9. Page 1, line 25.

Following: "signifying"

Insert: "state"

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10. Page 1, line 25 through line 1, page 2.

Strike: "of" on line 25, page 1 through "land" on line 1, page 2

Insert: "or other interest in real property"

11. Page 2, line 5.

Following: "of"

Insert: "fee simple"

12. Page 2, line 14.

Strike: ";

13. Page 2, line 15.

Strike: "(1)"

Insert: "all"

Strike: "of state lands"

Insert: "on file in his office"

14. Page 2, line 16.

Strike: ";

Insert: ".

15. Page 2, line 17.

Strike: "(2)"

Insert: "The department of state lands shall further transfer
the"

16. Page 2, line 18.

Strike: "or" through "construction"

Insert: "rights-of-way and maintenance"

17. Page 2, line 19.

Strike: ";

18. Page 2, line 20.

Strike: "(3)"

Strike: "conveyance"

Insert: "ownership"

Following: "records"

Insert: ", other than those of state lands,"

19. Page 2, line 22.

Strike: "the conveyance"

Insert: "such records"

20. Page 2, lines 23 through 24.

Strike: "Acquisition" on line 23 through "department" on line 24

Insert: "Filing of ownership records"

21. Page 3, line 1.

Following: "records"

Insert: "of state lands"

22. Page 3, lines 1 through 4.

Strike: "Acquisition" on line 1 through "." on line 4

23. Page 3, line 10.

Following: "."

Insert: "(1)"

Strike: ":"

24. Page 3, line 11.

Strike: "(1)"

25. Page 3, line 18.

Following: "(2)"

Insert: "To the extent feasible within available funding and
personnel, the department shall:
(a)"

26. Page 3, line 20.

Strike: "(3)"

Insert: "(b)"

27. Page 3, line 24.

Strike: "or" through "construction"

Insert: "rights-of-way and maintenance"

28. Page 4, line 1.

Strike: "on" through "basis"

Insert: "for administrative purposes"

29. Page 4.

Following: line 1

Insert: "NEW SECTION. Section 7. Rules. The department of state
lands may adopt rules for implementing and administering
[sections 1 through 6] concerning transfer and filing of
ownership records."

Renumber: subsequent sections

30. Page 8, line 19.

Strike: "6"

Insert: "7"

31. Page 8, line 21.

Strike: "6"

Insert: "7"

7/8

STATEMENT OF INTENT
House Bill No. 29

A statement of intent is required for this bill because it grants rulemaking authority to the department of state lands to implement and administer the transfer and filing of ownership records of state lands.

Currently, certain records regarding state ownership of land are held by the secretary of state. This bill requires the secretary of state to transfer these records to the department of state lands by November 1, 1987. It further requires the department of state lands to transfer records of land held or administered by the department of highways for highway rights-of-way and maintenance to that department. Finally, the bill requires the department of state lands to transfer any remaining ownership records, other than those of state lands, to the state agency administering the interest or property described in such records.

The legislature intends that the department of state lands be the sole repository for records of all state lands owned by virtue of fee simple title, grant, or deed except for land specifically excluded under the bill. State land with buildings attached to it and used by the department of highways for maintenance must be recorded on records maintained by the department of state lands.

It is intended that the department of state lands may adopt rules to specify which records will be kept by the department and which records will be transferred to other agencies, including records of lesser interests such as leases. In addition, it is intended that the rules clarify which records must be filed in the future with the department of state lands and specify the format that the records must follow to ensure a reliable and uniform body of records and index as required under section 5.

7033a/CKCL87



STANDING COMMITTEE REPORT

February 19

19 87

Mr. Speaker: We, the committee on STATE ADMINISTRATION

report HB 747

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☐ as amended
☒ statement of intent attached

Chairman

Provide voting accessibility for the handicapped and elderly

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STATEMENT OF INTENT

House Bill No. 747

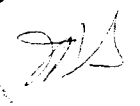
A statement of intent is required for this bill because it grants the secretary of state authority to adopt rules to assure accessibility at the polling place for handicapped and elderly voters. Such rules must be adopted under the Montana Administrative Procedure Act and must be consistent with the provisions of this act.

It is the intent of the legislature that the secretary of state adopt rules to establish standards that a polling place must meet in order to be designated accessible under this act. Wherever possible, these standards should be consistent with the standards established by the American National Standards Institute and the Uniform Federal Accessibility Standards.

In addition, it is intended that the secretary of state establish polling place classifications and survey procedures to determine whether polling places are accessible to handicapped and elderly voters. The secretary of state should also define the basis for an emergency exemption under section 8, which allows an election administrator to relocate an established polling place within 10 days prior to an election.

Finally, it is contemplated that the secretary of state establish procedures to allow an elector to vote on election day by alternative means if he is prevented from voting at his assigned polling place because it is inaccessible.

7050c/L:JEA\WP:jj



STANDING COMMITTEE REPORT

February 19

19 87

Mr. Speaker: We, the committee on STATE ADMINISTRATION

report ILTR 29

☐ do pass
☒ do not pass

☐ be concurred in
☐ be not concurred in

☐ as amended
☐ statement of intent attached

Chairman

Resolution asking ~~reversal~~ reversal of national economic and trade policies

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STANDING COMMITTEE REPORT

February 19

19 87

Mr. Speaker: We, the committee on STATE ADMINISTRATION

report HB 755

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☐ as amended
☐ statement of intent attached

Chairman

Permanently allow employee incentive awards up to \$3,000 maximum

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ROLL CALL VOTE

State Administration

COMMITTEE

DATE

2/19/87

BILL NO.

HR 29

NUMBER

NAME	AYE	NAY
Walt Sales		✓
John Phillips		✓
Bud Campbell		✓
Dorothy Cody	✓	
Duane Compton		✓
Gene DeMars		
Harry Fritz	✓	
Harriet Hayne		✓
Gay Holliday	✓	
Loren Jenkins		✓
Janet Moore	✓	
Richard Nelson		✓
Helen O'Connell	✓	
Mary Lou Peterson		✓
Paul Pistoria	✓	
Rande Roth		✓
Tonia Stratford		✓
Timothy Whalen	✓	

TALLY

17

10

Secretary

Chairman

MOTION:

Off Table

ROLL CALL VOTE

State Administration

COMMITTEE

DATE _____ BILL NO. 559 NUMBER _____

NAME	AYE	NAY
Walt Sales	✓	
John Phillips		✓
Bud Campbell	✓	
Dorothy Cody	✓	
Duane Compton		✓
Gene DeMars		
Harry Fritz	✓	
Harriet Hayne		✓
Gay Holliday		✓
Loren Jenkins	✓	
Janet Moore		
Richard Nelson		✓
Helen O'Connell		✓
Mary Lou Peterson	✓	
Paul Pistoria		✓
Rande Roth		✓
Tonia Stratford	✓	
Timothy Whalen		✓

TALLY

7 9

Secretary

Chairman

MOTION: _____

VISITORS' REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO. 747

DATE 1/19/87

SPONSOR *Gould*

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IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO. 755

DATE 1/19/87

SPONSOR Capt

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

STATE ADMINISTRATION

COMMITTEE

~~BILL~~ NO.

DATE _____

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.