MINUTES OF THE MEETING STATE ADMINISTRATION COMMITTEE MONTANA STATE SENATE

January 30, 1987

The sixteenth meeting of the State Administration Committee was called to order by Chairman Jack Haffey on January 16, 1987 at 10:00 a.m. in Room 331 of the State Capitol.

ROLL CALL: All committee members were present.

The hearing was opened on Senate Bill 230.

CONSIDERATION OF SENATE BILL 230: Senator Matt Himsl, Senate District 3, Kalispell, was the sponsor of this bill entitled, "AN ACT PROVIDING A FORMULA FOR ALLOCATING MONTANA'S UNIFIED VOLUME CAP FOR BONDS AMONG THE GOVERNMENTAL UNITS IN THE STATE HAVING AUTHORITY TO ISSUE SUCH BONDS; REPEALING SECTIONS 17-5-1201, 17-5-1202, AND 17-5-1211 THROUGH 17-5-1220, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE." This bill would provide a new formula for allocating Montana's unified volume cap for bonds among governmental units and place into statute what now exists under the Governor's executive order. (EXHIBIT 1) He urged support for the best interest's of the public because it would provide careful regulation in the issuance of industrial development bonds. The bill had been requested by the Department of Administration.

PROPONENTS: Marvin Eicholtz, from the Department of Administration, noted the bill had been drafted by the Capitol Finance Advisory Council for the Department of Administration. The main purpose was to allocate Montana's volume cap and allow state and local bond issuers to receive an allocation based on state and local needs of government. David Hunter, Director of the Office of Budget and Planning, offered an amendment that would add a provision to make it clear that issuers of bonds would be responsible to pay into the general fund \$0.30 per thousand dollars worth of bonds to help pay for the statewide financial report and for the costs of the legislative auditor to do this report. He noted similar language was put into the appropriations bill and they felt this should also be codified into the statutes also. (EXHIBIT 2)

QUESTIONS ON SENATE BILL 230: There were none.

The hearing was CLOSED by Sen. Himsl by stating this was an effort to put a cap on Montana's share of tax free industrial bonds.

EXECUTIVE ACTION ON SENATE BILL 230: Senator Lynch MOVED TO ADOPT THE AMENDMENT proposed by the Budget office. Senator Vaughn seconded the motion. The motion carried unanimously. Senate State Administration January 30, 1987 Page Two

Senator Lynch then MOVED SENATE BILL 230 DO PASS AS AMENDED. Senator Harding seconded the motion. The motion carried unanimously.

The hearing was opened on House Bill 109.

CONSIDERATION OF HOUSE BILL 109: Representative Charles Swysgood, House District 73, Dillon, was chief sponsor of this bill entitled, "AN ACT PERMITTING A BOARD OF COUNTY CANVASSERS TO PETITION FOR A RECOUNT IF THE BOARD FINDS AN ERROR AFFECTING THE ACCURACY OF VOTE TOTALS; AND AMENDING SECTIONS 13-15-403, 13-16-201, AND 13-16-204, MCA." As the law currently stands if there is an error there is no direction to pursue other than obtaining a court order and this would just enable the districts to have a means of petitioning the election administrators for a recount.

<u>PROPONENTS</u>: Larry Akey, Chief Deputy to the Secretary of State, stated the bill would allow the county canvassers to petition for a recount. Currently they have to go through a court order which is costly and time consuming. This is an elective procedure on the part of the county canvassers and not a mandate.

OPPONENTS: There were none.

QUESTIONS ON HOUSE BILL 109: Senator Anderson wondered who the election administrator was considered to be and was told the county election administrators. Senator Rasmussen wondered who would be petitioned and was told the recount board of the county. Senator Hofman asked if the Secretary of State's office had a problem with the wording "may" instead of "shall". Larry Akey stated the original draft did make it mandatory but in the interests of being more practical they felt it was better to word it so that it was a permissive procedure rather than mandatory. Making it mandatory would possibly put an additional financial burden on the counties.

In CLOSING, Representative Swysgood stated he felt this would lend integrity to the election administrators to do a recount if they deemed it necessary. The hearing was closed on House Bill 109.

EXECUTIVE ACTION ON HOUSE BILL 109: Senator Farrell MOVED that HB 109 BE CONCURRED IN. Senator Anderson seconded the motion. The motion carried unanimously. Senator Anderson will carry the bill on the Senate floor.

The hearing was opened on House Bill 181.

Senate State Administration January 30, 1987 Page Three

CONSIDERATION OF HOUSE BILL 181: Representative Richard Nelson, House District 6, Kalispell, was the chief sponsor of this bill entitled, "AN ACT ALLOWING THE TEACHERS' RETIREMENT SYSTEM TO WITHHOLD GROUP INSURANCE PREMIUMS FROM A RETIRED MEMBER'S RE-TIREMENT ALLOWANCE; AND PROVIDING AN EFFECTIVE DATE." This bill had been requested by the Teachers' Retirement Board and deals with allowing health benefits to be deducted from the teacher's retirement allowance rather than billing the people directly. (EXHIBIT 3)

PROPONENTS: David Senn, Administrator of the Teachers' Retirement Division, stated they had requested this proposal because they already have this ability to perform this on their system already and it would cost very little to do. (EXHIBIT 4) David Evanson, with the Montana University System, stated many of their retired members have requested this benefit and they urged support. Julie Burke, with the Montana Education Association, also urged support.

OPPONENTS: There were none.

QUESTIONS ON HOUSE BILL 181: Senator Lynch asked if this type of benefit was already being done by the Public Employees' Retirement Service already and was told this was correct. Senator Anderson asked if it would be an optional service and was told this was also true.

Rep. Nelson then CLOSED on House Bill 181.

EXECUTIVE ACTION ON HOUSE BILL 181: Senator Farrell MOVED that HOUSE BILL 181 BE CONCURRED IN. Senator Lynch seconded the motion. The motion carried unanimously. Senator Hirsch will carry the bill on the Senate floor.

The hearing was opened on House Bill 227.

CONSIDERATION OF HOUSE BILL 227: Representative Richard Nelson, House District 6, Kalispell, is the chief sponsor of this bill entitled, "AN ACT TO DELETE REFERENCES TO "MEDICAL BOARD" IN THE STATE TEACHERS' RETIREMENT SYSTEM; TO CLARIFY MEDICAL EXAMINATION REQUIREMENTS; AMENDING SECTIONS 19-4-203, 19-4-903, AND 19-4-904, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." This bill was also at the request of the Teachers' Retirement Board. He noted the medical board has not existed for many years as the functions of this board have been assumed by the retirement board. It is basically just a housekeeping bill to remove this language from statute. (EXHIBIT 5)

PROPONENTS: David Senn, Administrator of the Teachers' Retirement Board, testified the medical board as such has not existed Senate State Administration January 30, 1987 Page Four

for a number of years. He urged passage of this proposal. (EXHIBIT 6)

QUESTIONS ON HOUSE BILL 227: There were none.

Rep. Nelson CLOSED on HB 227.

EXECUTIVE ACTION ON HOUSE BILL 227: Senator Lynch MOVED that HOUSE BILL 227 BE CONCURRED IN. Senator Farrell seconded the motion. The motion carried unanimously. Senator Hirsch will carry the bill on the Senate floor.

The hearing was opened on House Bill 190.

CONSIDERATION OF HOUSE BILL 190: Representative Richard Nelson, House District 6, Kalispell, is the chief sponsor of this bill entitled, "AN ACT INCREASING FROM \$20 TO \$25 THE AMOUNT ALLOWED IN A PETTY CASH FUND FOR CERTAIN CANDIDATES AND POLITICAL COMMITTEES; PERMITTING THE FUND TO BE SPENT ON CERTAIN ITEMS IN AN ACCOUNT OF LESS THAN \$25; AND AMENDING SECTION 13-37-215, MCA." He noted this request was due to items costing more than the \$20 amount which is currently all that can be in a petty cash fund. It would be for such items as postage stamps, office supplies, etc. (EXHIBIT 7)

PROPONENTS: Dolores Colburg, Commissioner of Political Practices had testified in the House hearing but was unable to be present today and she urged support.

OPPONENTS: There were none.

QUESTIONS ON HOUSE BILL 190: Senator Vaughn MOVED that HOUSE BILL 190 BE CONCURRED IN. Senator Hofman seconded the motion. The motion carried unanimously. The bill will be carried on the Senate floor by Senator Farrell.

The hearing was opened on House Bill 215.

CONSIDERATION OF HOUSE BILL 215: Representative Dick Corne', Bozeman, House District 77, was chief sponsor of this bill en¹ titled, "AN ACT DEFINING MEMBERSHIP ELIGIBILITY UNDER THE TEACHERS' RETIREMENT SYSTEM FOR SUBSTITUTE TEACHERS; AMENDING SECTION 19-4-302, MCA; AND PROVIDING AN EFFECTIVE DATE." He said this bill corrects an existing problem concerning substitute teachers. Currently they are treated as part time employees and must be employed for 30 days in a year to be eligible for membership in the retirement plan. This bill would just establish a new group of employees, substitute teachers, and let them have the option of electing membership on their first day of employment if they desire. After the 31st day it is mandatory and no longer optional. Senate State Administration January 30, 1987 Page Five

PROPONENTS: John Campbell, representing the Montana School Business Officials, stated this would just standardize the procedures regarding substitute teachers and the withholding of their PERS benefits from their salaries. Eric Feaver, Montana Education Association, spoke in favor of the measure because it would be more convenient for the school business officials and also be advantageous to the substitute teachers because they could elect to have this withdrawn from their salaries if they wished.

OPPONENTS: There were none.

QUESTIONS ON HOUSE BILL 215: Senator Harding asked if substitute teachers currently must have this withdrawn from their salaries and was told by Mr. Feaver that in some school districts they do and others do not. Senator Haffey asked if it was mandatory after the 31st day to become an active member and was told this was so.

Rep. Corne' then CLOSED on House Bill 215.

EXECUTIVE ACTION ON HOUSE BILL 215: Senator Lynch MOVED that HOUSE BILL 215 BE CONCURRED IN. Senator Harding seconded the motion. The motion passed unanimously. Senator Abrams will carry the bill on the Senate floor.

The hearing was opened on House Bill 226.

CONSIDERATION OF HOUSE BILL 226: Representative Gary Spaeth, House District 84, introduced this bill at the request of the Public Employees' Retirement System, which is entitled, "AN ACT ALLOWING THE PUBLIC EMPLOYEES' RETIREMENT BOARD TO MODIFY CERTAIN DISABILITY RETIREMENTS; AMENDING SECTION 19-3-1103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." This would address a problem that arises due to inflation regarding disability benefits and payments that are received. The benefits received are based on the salary earned at the time of the disability. There was a limit set on how much outside income you could receive and receive your disability. This measure would allow PERS to be able to adjust this limit so that outside income would not cut into the benefits received. It would also allow PERS to transfer the disability benefits into the regular retirement pension after the age of 60. There are no restrictions after retirement age. Rep. Spaeth noted it would help some people and have no cost effect on PERS.

PROPONENTS: Beda Lovitt, representing PERS, urged passage of this proposal. She submitted written testimony from Linda King, PERS representative. (EXHIBIT 8) Senate State Administration January 30, 1987 Page Six

OPPONENTS: There were none.

QUESTIONS ON HOUSE BILL 226: Senator Lynch asked if at the age of 60, the disability benefits could be converted into a regular retirement plan and was told this was correct.

Rep. Spaeth then CLOSED on House Bill 226.

EXECUTIVE ACTION ON HOUSE BILL 226: Senator Hirsch MOVED that HOUSE BILL 226 BE CONCURRED IN. Senator Lynch seconded the motion. The motion carried unanimously. Senator Harding will carry the bill on the Senate floor.

The meeting was adjourned at 10:55 a.m.

SENATOR JACK HAFFEY, Chairman

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ROLL CALL

SENATE STATE ADMINISTRATION COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 1/30/87

EXCUSED	ABSENT	PRESENT	NAME
		X	SENATOR JACK HAFFEY
		X	SENATOR WILLIAM FARRELL
		X	SENATOR LES HIRSCH
		χ	SENATOR JOHN ANDERSON
		Х	SENATOR J. D. LYNCH
		Χ.,	SENATOR ETHEL HARDING
		X	ENATOR ELEANOR VAUGHN
		Х	ENATOR SAM HOFMAN
		<u> </u>	ENATOR HUBERT ABRAMS
		Х	ENATOR TOM RASMUSSEN

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Each day attach to minutes.

DATE JANUARY 30, 1987

COMMITTEE ON _____ SENATE STATE ADMINISTRATION

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(Please leave prepared statement with Secretary)

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SENATE BILL 230

No.

SENATOR HIMSL

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ALLOCATING BOND CAPS

Senate Bill 230 would provide a new formula for allocating Montana's unified volume cap for bonds among governmental units and would place in statute what now exists under the Governor's executive order.

When the Congress passed the Tax Reform Act of 1986, it established new tests for tax-exempt interest on state and local government bonds replacing the present law concept of industrial development bonds (IDB's) with more restrictive private activity bonds, some of which will be taxable unless they meet certain uses.

For the balance of 1986 and 1987 the annual volume ceiling for Montana will be \$250,000,000. After 1987 the annual volume ceiling for Montana will be \$150,000,000. This bill reserves 70% of the volume for state agencies and 30% for local governments. If there is an **char** of portion of the allowance remaining after the first Monday of September of any calendar year, the balance becomes a "pool" to be allocated on a first come basis.

Similar legislation was passed in 1985. This bill replaces that formula because of the new federal law but the allocation concept worked well and has the endorsement of the Capital Finance Advisory Council. Senate Bill 230 Allocating Bond Caps Page 2

Section 2: of the bill defines terms.

Section 3: allocates the 150,000,000 volume cap: \$105 million for state agencies and \$45 million for local governments.

Section 4: Explains the allocation to state agencies.

Section 5: Explains the allocation to issuers and provides that no more than \$20 million of the local portion can be allocated to a single project:

Section 6: Provides for any carry-forward balances.

Section 7: Designates the Dept. of Administration as the administering agency.

Subsequent sections deal with administering procedures and Section 13 repeals the now outdated regulations of the 1985 act.

Section 14 requests an effective date of January 1988 since the Executive order has been issued which allocates the \$250 million available for the calendar year of 1987.

I respectfully request your approval and support for Senate Bill 230 in the best public interest of providing some prudent regulation in the issuance of industrial development bonds.

CENTE OF	ATE ADMIN.
EXHIBIT NO	
DATE	1-30-87
BILL NO	53230

PROPOSED AMENDMENT TO 58230

1. TITLE, lines 8. FOLLOWING: "such INSERT: "to e

"such bonds;" "to establish a fee to fund a portion of the comprehensive annual financial report audit;"

2. PAGE <u>3</u> FOLLOWING: Line <u>9</u> INSERT: "As a cor

"As a condition of receiving an allocation, each state issuer shall pay \$.30 per thousand of bonds upon issuance of the bonds to be deposited in the state general fund for the purpose of funding a portion of the comprehensive annual financial report audit."

3. PAGE____

FOLLOWING: Line _____. INSERT: "NEW SECTION. Section 13. Fee for issuance of bonds. Each state bond issuer except issuers of general obligation bonds which are payable soley by general fund revenues, shall pay \$.30 per thousand of bonds upon issuance of the bonds to be deposited in the state general fund for the purpose of funding a portion of the comprehensive annual financial report audit."

RENUMBER: subsequent sections.

HB 181

STATE ADAM.	
EALIBIT NO. 3	
DATE 1-30-87	
BILL NO. #B 181	

TESTIMONY

TITLE

An act to allow the teachers' retirement system to withhold group insurance premiums from the retirement benefit and providing an effective date.

PURPOSE

This bill is proposed to provide additional services to retired teachers by allowing the Teachers' Retirement System to withhold insurance premiums.

DESCRIPTION OF THE BILL

This bill allows a retiree who is a participant of an employee group insurance plan the option of having the Teachers' Retirement System withhold the monthly premium from his benefit. Individual policies would not be covered. In effect, this would be an additional service offered to retirees at little or no additional administrative expense.

SUMMARY

The bill would give retirees the convenience of having their monthly insurance premiums withheld automatically from their monthly benefits. Teachers' Retirement System is able to provide this service through its newly developed DP system without the need for additional funding.

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	1-30-87
	<u>HB181</u>

January 30, 1987

TESTIMONY Teachers' Retirement Division David L. Senn, Administrator

This bill allows a retiree who is a participant of an employer group insurance plan the option of having the Teachers' Retirement System withhold the monthly premium from his benefit. The Division has not been able to offer this service in the past because of an outmoded computer system, however, with the implementation of the new computer system which is currently being phased in, the capacity is now there.

This legislative change is required before the Teachers' Retirement Division can fully utilize the total capabilities of the new computer system. This is an additional service we are able to offer to retirees at little or no additional administrative expense.

DLS:dlh

HB 227

TESTIMONY

ENTER STATE - Mal. COMENT NO. 5 DATE 1-30-87 ENIL NO. 48221

TITLE

An act to delete and clarify all references to medical board in the Teachers' Retirement Act. Amending sections 19-4-903 and 19-4-904 MCA.

PURPOSE

The purpose of this bill is to clarify the law on disability retirement in the Teachers' Retirement Act. References to medical board are no longer valid or necessary since such a board does not exist nor is there any statutory authority for its existence.

DESCRIPTION OF THE BILL

Section 1 deletes the references to medical board and clarifies that a physician or physicians will be designated by the Retirement Board.

Section 2 deletes the references to medical board.

SUMMARY

This bill is part of a basic house keeping package supported this session by the Teachers' Retirement Board. A medical board has not existed for many years and the functions of such a board have been assumed by the Retirement Board who, after all, is the final authority on all benefits.

SENATE STATE ADMIN. allia No___ 1-30-87 HB 227

House Bill 227

January 30, 1987

TESTIMONY by David L. Senn, Administrator Teachers' Retirement System

The purpose of this bill is to clarify the law on disability retirement in the Teachers' Retirement Act. References to "medical board" are no longer valid or necessary. When a claim for disability benefits is in question, the Board will request the opinion of a qualified physician. Using physicians on an as need basis is more cost effective then retaining a medical board to review all disability applications.

This bill also includes a technical correction found on page 2, section 2, under the current statute subsection (2) requiring disability reviews each year is inconsistent with the requirements for disability reviews in subsection (1), therefore, the correction on line 23 to read "as required in subsection (1)".

A medical board has not existed for many years and the functions of such a board have been assumed by the Retirement Board, who is the final authority on all benefits. When the Board needs assistance, they have the authority and often do call on competent medical physicians to assist them.

DLS:dlh

SENATE STATE ADMIN.

HB190

A modest adjustment in the election laws regarding expenses for small items covered by the petty cash provisions. Currently a candidate is allowed \$20 per week in petty cash expenditures for items of less than \$10. Most such items are now in excess of \$10--a staple gun for yard signs is in the \$17.50 range, a roll of stamps is \$22, envelopes are \$11 or \$12 per box, etc.

The bill allows \$25 per week in petty cash expenditures and covers items up to \$25 each, including postage. This merely simplifies expense reporting and brings the figures more in line with present day costs. TESTIMONY ON HB 226

EXHIBIT (D) 8 DATE 1-30-87

GEMATE STATE ASSAULT

Presented by: BLL 20 <u>HBJJC</u> Linda King Assistant Administrator Public Employees' Retirement Division

HB 226, which provides for the modification of certain PERS Disability Retirement benefits is being requested by the Public Employees' Retirement Board.

Currently, the outside income of anyone receiving a PERS disability retirement is limited. The limit is based on the employee's compensation at the time he became disabled. Combined outside earnings and PERS disability benefits may not exceed the member's compensation at the time of disability retirement.

In many cases, the high rate of inflation during the 1970's has placed an unanticipated limit on those outside earnings.

This bill would allow anyone who has been receiving a disability retirement allowance for at least 3 years to request that the board review his situation and adjust, for inflation, the monthly compensation he last earned before becoming disabled. This upward adjustment would allow the retiree to earn more outside income at no cost to the retirement system since this would not result in an increase in the retiree's monthly benefit.

Since 60 is the normal retirement age for the Public Employees' Retirement System, this act would also permit individuals of normal retirement age to request that the Public Employees' Retirement Board change the form of their PERS benefit from disability to regular service retirement without recalculation of the monthly benefit.

This, in effect, removes all limitations placed upon disability retirees. The Board finds this reasonable due to the fact that people do not normally recover from a disability after age 60.

Both provisions of this bill are discretionary on the part of the disability retiree and the board. This will ensure the intent of the original legislation can be reviewed and followed.

	JANUARY 30	
MR. PRESIDENT		
We, your committee on	TE ADMINISTRATION	
having had under consideration	Senate Bill	No. 230
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PROVIDING FOR A BOND ALLOCA Rims1	TION ACT	
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	SENATE BILL	230
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COMPREHENSIVE AN 2. Page 3. Following: line 19 Insert: ² (2) As a condit each state issue shall pay \$0.30 deposited in the		
3. Paga 9.		
Following: line 2 Insert: "Section 13. Fe Except for issue which are payabl each state bond bonds, pay \$0.30	e for issuance of bonds. ars of general obligation bonds le solely by general fund rever issuer shall, upon issuance of per thousand of bonds to be state general fund for the pe	nues, E the
of funding a por financial report Renumber: subsequent sec	rtion of the comprehensive annual audit."	
nd as amended O Pass		
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	SENATOR JACK HAPPEY	Chairman.

AD

<u>In</u>. Bill <u>230</u>. Date: 1/31 Time: 11.30 ith Joint Rule 3-7(b) the following clerical errors may be corrected: Sen. State administration 1. Jollowing: "SUCH BONDS;" 2. Page 3, line 18. "ESTABLISH" . Hollowing: "subsection Strike: " (4)" - Onsert : "(5)" (internal reference change due to insertion of new (2)) Onsert : (2) as a ... pay \$10.30 30 cents per ..." 3. Onsert : "Liction 13. The pay \$0.30 30 cents pr Jack Haffey Legislative Council Secretary of Senate Chief Cler

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SENATOR JACK HAPPEY

Chairman.

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	JANUARY 30	87 19
MR. PRESIDENT		
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SENATOR JACK HAPPEY

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Chairman.

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Respectfully report as follows: That	HOUSE BILL	No. 227
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SENATOR JACK HAPPEY

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Chairman.