

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

SUBCOMMITTEE ON GENERAL GOVERNMENT AND HIGHWAYS

Call to Order: By Vicechairman Tveit, on January 11, 1989,
at 8:06 a.m.

ROLL CALL

Members Present: All members were present. (Rep. Quilici
entered late)

Members Excused: None.

Members Absent: None.

Staff Present: Clayton Schenck, LFA
Mary Liedle, secretary

Announcements/Discussion: Vicechairman Tveit announced
today's hearing would be on the Secretary of State's
Office. Following the overview each program budget was
heard individually.

Clayton Schenck, analyst, announced the Appropriations
Committee decision to eliminate vacancy savings.

Doug Mitchell, representing the Secretary of State's
Office, discussed the breakdown of departments within
the agency. (See exhibit 1)

HEARING ON SECRETARY OF STATE'S OFFICE: RECORDS MANAGEMENT PROGRAM

Tape No. 8A

Presentation and Opening Statement: Clayton Schenck, LFA
staff member gave an overview of the program budget and
issues. (See exhibit 2)

Flo Smith, Office of Budget and Program Planning,
explained that usually the State has three years to
spend federal funds but there could be long range
effects, such as losing federal funds, as a result of
the Appropriations Committee action to remove vacancy
savings and eliminate positions which have been held
vacant. (8B 10.58)

List of Testifying Proponents and What Group They Represent:

Mike Cooney, Secretary of State
Doug Mitchell, Secretary of State

List of Testifying Opponents and What Group They Represent:

None.

Proponent Testimony: (8B 15.28) Doug Mitchell presented budget disagreements between the Secretary of State's request and the executive budget. (See exhibit 3)

Mike Cooney, Secretary of State, explained the Secretary of State's Office runs on a pay as you go basis. Therefore, when funds are needed they must be readily available.

Questions From Subcommittee Members: (8B 27.34) Rep. Quilici: I see here under records management that we have \$11,970 in for equipment. Is that right, Clayton?

HEARING ON SECRETARY OF STATE'S OFFICE: ADMINISTRATIVE CODE PROGRAM

Tape No. 8B

Presentation and Opening Statement: Clayton Schenck, LFA staff member, gave an overview of the program budget and issues. (See exhibit 4)

List of Testifying Proponents and What Group They Represent:

Doug Mitchell, Secretary of State
Louise Ross, Secretary of State

List of Testifying Opponents and What Group They Represent:

None.

Proponent Testimony: (8B 33.18) Doug Mitchell presented the budget disagreements between the Secretary of State's Office and the executive budget. (See exhibit 5)

Mr. Mitchell also presented the committee with supplementals due to termination.

(8B 38.28) Louise Ross addressed the problem faced with purchasing equipment through surplus property.

Questions From Subcommittee Members: (8B 35.47) Sen. Stimatz: Where do you get your handyman?

(8B 40.07) Sen. Tveit: Can you buy a typewriter for \$300?

Closing by Sponsor: (8B 45.29) Secretary of State, Mike Cooney, invited the committee members to visit his office.

ADJOURNMENT

Adjournment At: 9:43 a.m.


REP. JOE QUILICI, Chairman

JQ/ml

0922.min

DAILY ROLL CALL

GENERAL GOVERNMENT AND HIGHWAYS SUBCOMMITTEE

DATE 1/11/89

NAME	PRESENT	ABSENT	EXCUSED
Representative Joe Quilici, Chair	✓		
Representative Jerry Nisbet	✓		
Representative Chuck Swysgood	✓		
Senator Larry Tveit, Vice Chair	✓		
Senator Pat Regan	✓		
Senator Lawrence Stimatz	✓		

SECRETARY OF STATE
STATE OF MONTANA

EXHIBIT 1
DATE 1-11-89
HB

Mike Cooney
Secretary of State



Montana State Capitol
Helena, Montana 59620

Budget Hearing
General Government and Highways Appropriation Subcommittee
Wednesday, January 11, 1989
Room 402
State Capitol

INTRODUCTION

The Office of the Secretary of State was established by Article VI, Section 1 of the Montana Constitution. The office is made up of four bureaus: the Elections Bureau, the UCC Bureau, the Corporate Bureau, and the Administrative Rules of Montana (ARM) Bureau.

1) The Elections Bureau:

As the chief election officer for the state, the Secretary of State is responsible for the administration of elections. This duty includes the publication of the voter information pamphlet, the certification of ballot measures, the compilation of the canvass, and constant interaction with local election officials to advise them of correct procedures. In addition, this bureau is responsible for the preservation of the executive record, and for the filings and renewals of the state's 12,000 notaries public.

2) UCC Bureau:

The UCC Bureau is responsible for the filing, maintenance and retrieval of Uniform Commercial Code and Agricultural lien filings. An average day will bring in over 100 documents to be filed. By statute these filings MUST be completed by no later than 5:00pm in order to properly protect the secured party. In addition, the UCC staff is responsible for the retrieval of filings to respond to public requests, and the development of federally mandated reports to meet the standards of the 1985 Farm Bill.

Page Two

3) Corporate Bureau:

The Corporate Bureau handles the daily transactions of Montana's 39,000 plus domestic and foreign corporations. These duties include the filing of new corporations, the filing of annual reports (mandatory for all corporations that wish to remain in good standing), the filing of documents for assumed business names, and the issuance of certificates of good standing. In addition, this bureau receives heavy telephone traffic from attorneys and other interested parties wishing to retrieve information about a particular corporation.

4) ARM Bureau:

This bureau is responsible for the publication of both the Montana Administrative Register (MAR) and the Administrative Rules of Montana (ARM). The staff works with the agencies from the development of proposed rules, all the way through to the publication of an adopted rule in the ARM.

THE BUDGET

For budget purposes, the Office of the Secretary of State is divided into two areas:

- 1) RECORDS MANAGEMENT: (UCC, Elections, Corporations)
- 2) ADMINISTRATIVE CODE PROGRAM: (ARM)

The ARM and UCC Bureaus are special fund accounts. The Elections and Corporate Bureaus are general fund accounts.

Attached for the use of the committee are proposals from the Office of the Secretary of State for budgeting in the areas of Records Management and Administrative Codes. Each proposal is done at second level, and is contrasted with the executive budget proposal including a differential calculation between the two proposals.

In addition, areas of disagreement have been detailed later in this document and have been referenced by account group.

Exhibit

DATE 1-11-89

HB

3201 03

12:25 AM 10-Jan-89

AGENCY: SECRETARY OF STATE LEGISLATIVE ACTION PROGRAM: PROGRAM SUMMARY

BUDGET ITEM	FY 1988 Actual	Executive	Fiscal 1990 LFA Curr Lvl	Difference	Executive	Fiscal 1991 LFA Curr Lvl	Difference	FY 89-90 % Change
FTE	3.50	3.50	3.25	0.25	3.50	3.25	0.25	-7.14%
Personal Services	\$83,568	\$84,845	\$73,036	\$11,809	\$84,843	\$73,035	\$11,808	-12.60%
Operating Expenses	106,960	78,177	79,228	(1,051)	73,121	77,563	(4,442)	-25.93%
Equipment	(272)	743	743	0	0	0	0	-373.16%
Non-Operating	658	1,977	1,977	0	1,318	1,318	0	200.46%
TOTAL EXPENSES	\$190,914	\$165,742	\$154,984	\$10,758	\$159,282	\$151,916	\$7,366	-18.82%
FUNDING								
State Special Rev	\$190,914	\$165,742	\$154,984	\$10,758	\$159,282	\$151,916	\$7,366	-18.82%
TOTAL FUNDING	\$190,914	\$165,742	\$154,984	\$10,758	\$159,282	\$151,916	\$7,366	-18.82%

ISSUES:

- VACANCY SAVINGS - Executive applied 2% vacancy savings as compared to 4% in LFA current level.
- STAFF ATTORNEY - LFA current level deletes a 0.25 FTE staff attorney position, which was vacant, and leaves an allowance for contract legal services. The Executive retains this position at 1989 biennium appropriated levels.
- CONTRACT LEGAL SERVICES - LFA current level includes funds for contract legal services, in place of the staff attorney position as discussed above. This allowance is not included in the executive budget.
- PRINTING COSTS - The agency prints ARM and MAR updates. LFA current level removes a one-time expenditure for an ARM reprint, resulting in a higher allowance by the Executive.

TOTAL ISSUES

APPROPRIATIONS COMMITTEE POLICY ISSUES

A. The Committee approved a no vacancy savings policy, with personal services to be line-itemed. The budget increase for the executive budget and LFA current level are shown at right.

---	EXEC OVER (UNDER) LFA---	
FY 90	FY 91	
\$1,101	\$1,102	
\$10,708	\$10,706	
(\$3,000)	(\$3,500)	
\$2,900	\$0	
\$11,709	\$8,308	
\$1,530	\$1,529 Executive	
\$2,631	\$2,631 LFA C/L	

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EXHIBIT 3
DATE 1-11-89
HB 3

Mike Cooney
Secretary of State



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Helena, Montana 59620

Detail of Areas of Disagreement
Budget of the Secretary of State
as presented to the
General Government and Highways Subcommittee

Detailed below are some of the areas of disagreement between the budget as presented by the Executive and that presented by the Secretary of State. These have been referenced by account group.

RECORDS MANAGEMENT

Account Group	Item	Argument
2190	Printing	Items excluded include the Election Judge's Handbook of which we currently have none, and the Montana Constitution which needs major updating.
2108	Legal Serv.	This office faces the potential of serious litigation. This money would be earmarked for costs such as depositions and trial assistance.
2172, 2174	Computer Processing	Corporate Bureau needs this level of funding to continue to protect current system. ISD will confirm need for strong financial support.
2214	Printing	With new administration and increasing work load, moderate increases in the budget are requested.

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Account Group	Item	Argument
2293 (FY91)	Legal Ads	This expense item in 1991 is to cover the required publication of election information.
2304	Postage	Request is for a gradual increase in postage expense (Main usage in Corporate Bureau).
2370, 2372	Telephone	Money asked for here would install and maintain new lines to allow increased public access to the UCC system.
2891	Handyman	A small item. However, this is the area in which we expense services for the moving of office furniture, etc.
3112	Equipment	(SEE LIST BELOW)

THE FOLLOWING EQUIPMENT IS REQUESTED FOR INCLUSION:

Microfilm Reader.....	\$11,000
Laser Printer.....	\$ 5,000
Fax Machine.....	\$ 2,000
10 Typewriters.....	\$ 3,500
2 Calculators.....	\$ 160
10 Numbering Units.....	\$ 1,000
2 Date & Time Stamps.....	\$ 1,000
State Seal.....	\$ 1,000
TOTAL.....	\$24,660

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MAJOR BUDGET ISSUES

General Government and Highways Appropriation Subcommittee

There are three major budget issues which need to be addressed as the committee reviews the 1990-1991 budget of the Office of the Secretary of State.

UCC INCOME:

As a special revenue account, the UCC budget is income sensitive. During FY89, a serious drop in the number of agricultural lien filings has seriously affected both the current operation and the future budgeting apparatus. Calendar year 1988 showed a reduction in the number of agricultural filings of 47.7%. This reduction in filings corresponds to a revenue shortfall of \$67,928.00 from calendar year 87 figures.

The downward trend in the number of filings has leveled off. However, there is no indication that pre-1988 levels should be considered as a reasonable budget goal. The Secretary of State's budget proposal reflects this reduced level of revenue, and measures are currently being taken to review the fee structure in this bureau to ensure that the costs of the service provided are covered by the fees charged to the user.

CLASSIFICATION AUDIT:

Over the past several years, the number of FTEs in the Secretary of State's office has been steadily reduced. The result of this policy has been that classified employees who were hired and classified at a particular grade have taken on additional duties, hours, and responsibilities without any change in grade.

An audit of the office at its current FTE level may mandate the change in grade of certain classified employees to levels not allowed within the proposed budget.

The Secretary of State requests that language be entered into the appropriation authorizing the Secretary of State to raise user fees and expend moneys commensurate with any

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change in grade as mandated by the Department of Administration. A fiscal estimate is not available at this time. Rather it is suggested that the amount of additional authority to raise and spend funds be limited to the amount of additional salary and benefits mandated by an audit.

UCC COMPUTER PROJECT

Many of the assumptions of both the Executive and the LFA budgets for the Records Management Program revolve around the successful implementation of a new, in-house computer system for the UCC Bureau.

In fact, the computer system was scheduled to become operative on December 1, 1988 and would replace the ISD computer system effective January 11, 1989. To date, the system is not operational, and it is not at all clear that the contract will be completed.

Should the new computer system not be operational by July 1, 1989, the Records Management Program will lack adequate appropriation to continue providing services to the public through ISD. Below is a chart which outlines the annual costs associated with the two systems.

ISD	New (Budgeted) System
User Cost: \$144,000	Rent: \$33,211
Added Space: \$3,000	Maintenance: \$11,688
Maintenance: \$1,000	Supplies: \$10,000
TOTAL: \$ 148,000.00	TOTAL: \$54,899.00

Clearly, the inability of the new system to go on-line would create a budget shortfall of almost \$100,000. However, a contractual agreement does still exist between the State of Montana and the Vendor to provide the UCC system. The legal and technical aspects of this issue are currently under serious and immediate review by the Secretary of State's office.

It is recommended by the Secretary of State that language be included in the appropriation to allow the Secretary of State, in the event that the new budgeted system not be

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operational on July 1, 1989, to raise revenues and expend money in an amount equal to the amount necessary to provide service to the public through the continued use of ISD computer services.

Please be assured that the Secretary of State understands the gravity of this situation and believes that the cost reductions available under the new budgeted system are favorable. It is in that vein that the Secretary of State's office is proceeding in its dealings with the vendor.

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	Actual FY 88	Budget FY 89	Executive FY 90	S.O.S. FY90	Difference FY90	Executive FY91	S.O.S. FY91	Difference FY91
ADMINISTRATIVE RULES								
0 Full Time Equivalent (PTE)	3.50	3.50	3.25	3.25	0	3.25	3.25	0
100 Salaries	68,374.19	72,481	61,809	61,809	0	61,809	61,809	0
113 Longevity	109.28		121	121	0	121	121	0
400 Employee Benefits	15,084.70	10,263	9,378	9,378	0	9,369	9,369	0
500 Health Insurance		5,520	5,175	5,175	0	5,175	5,175	0
600 Vacancy Savings		(3,491)	(1,530)	(1,530)	0	(1,529)	(1,529)	0
Total Level	83,568.17	84,773	74,953	74,953	0	74,945	74,945	0
021 Contracted Services- Infl			1,684	1,684	0	3,215	3,215	0
022 Supplies & Materials - In			6	6	0	1	1	0
023 Communications - Inflatio			219	234	15	(124)	(124)	0
Contracted Services	84,876.32	36,634	52,553	52,873	320	46,207	46,677	470
200 Supplies & Materials	3,502.48	7,530	4,405	4,405	0	4,469	4,469	0
300 Communications	11,223.78	11,329	11,708	12,125	417	11,708	13,133	1,425
400 Travel	1,321.55	1,721	1,321	1,321	0	1,321	1,321	0
500 Rent	4,684.31	8,202	4,997	4,997	0	5,012	5,012	0
700 Repair & Maintenance	815.70	2,423	1,006	1,006	0	1,034	1,034	0
800 Other Expenses	532.24	483	278	478	200	278	478	200
Total Level	106,956.38	68,322	78,177	79,129	952	73,121	75,216	2,095
100 Equipment	(273.11)		743	743	0	0	0	0
400 Intangible Assets	0.00		0	0	0	0	0	0
Total Level	(273.11)	0	743	743	0	0	0	0
000 Debt Service	658.91	0	1,977	1,977	0	1,318	1,318	0
Total Program	190,910.35	153,095	155,850	156,802	952	149,384	151,479	2,095
400 Administrative Rules	190,910.35	153,095	155,850	156,802	952	149,384	151,479	2,095
Total Program	190,910.35	153,095	155,850	156,802	952	149,384	151,479	2,095

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STATE OF MONTANA



Mike Cooney
Secretary of State

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Helena, Montana 59620

RECORDS MANAGEMENT	Actual FY 88	Budget FY 89	Executive FY 90	S.O.S. FY90	Difference FY90	Executive FY91	S.O.S. FY91	Difference FY91
0 Full Time Equivalent (FTE)	24.00	24.00	23.25	23.25	0	23.25	23.25	0
1100 Salaries	411,073.64	430,017	399,527	399,527	0	399,527	399,527	0
1113 Longevity	1,533.68		1,521	1,521	0	1,890	1,890	0
1400 Employee Benefits	91,199.79	62,521	60,727	60,727	0	60,723	60,723	0
1500 Health Insurance		34,500	33,465	33,465	0	33,465	33,465	0
1600 Vacancy Savings		(21,910)	(9,905)	(9,905)	0	(9,912)	(9,912)	0
Total Level	503,807.11	505,128	485,335	485,335	0	485,693	485,693	0
2021 Contracted Services- Infl			(8,865)	(10,309)	(1,444)	(10,021)	(18,795)	(8,774)
2022 Supplies & Materials - In			73	137	64	69	342	273
2023 Communications - Inflation			434	550	116	(930)	(838)	92
Contracted Services	280,645.80	240,356	135,022	183,049	48,027	144,193	188,295	44,102
2200 Supplies & Materials	31,704.06	32,282	46,760	42,578	1,818	46,760	72,669	25,909
2300 Communications	48,106.18	48,562	50,746	52,995	2,249	50,746	56,299	5,553
2400 Travel	13,373.77	5,209	13,374	13,374	0	13,374	13,374	0
2500 Rent	26,677.33	24,873	63,541	63,541	0	63,622	63,662	40
2700 Repair & Maintenance	5,424.32	6,335	17,823	17,823	0	17,982	17,982	0
2800 Other Expenses	3,403.63	3,322	2,323	2,917	594	2,323	2,917	594
Total Level	409,335.09	360,939	321,231	372,655	51,424	328,118	395,907	67,789
3100 Equipment	5,280.11		15,390	24,600	9,210	0	0	0
3400 Intangible Assets	250.00		0	0	0	0	0	0
Total Level	5,530.11	0	15,390	24,600	9,210	0	0	0
9000 Debt Service	3,733.89		38,657	38,657	0	34,924	34,924	0
Total Program	922,406.20	866,067	860,613	921,247	60,634	848,735	916,524	67,789
1100 General Fund	545,399.49	486,931	483,613	562,247	78,634	471,735	557,524	85,789
2464 UCC Bureau	377,006.71	379,136	377,000	359,000	(18,000)	377,000	359,000	(18,000)
Total Program	922,406.20	866,067	860,613	921,247	60,634	848,735	916,524	67,789

DATE 1-11-89
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AGENCY: SECRETARY OF STATE LEGISLATIVE ACTION PROGRAM: PROGRAM SUMMARY

BUDGET ITEM	FY 1988 Actual	Executive	Fiscal 1990 LFA Curr Lvl	Difference	Executive	Fiscal 1991 LFA Curr Lvl	Difference	FY 88-90 % Change
FTE	24.00	24.00	23.25	0.75	24.00	23.25	0.75	-3.13%
Personal Services	\$503,809	\$515,011	\$474,268	\$40,743	\$515,385	\$474,639	\$40,746	-5.86%
Operating Expenses	409,338	321,231	353,500	(32,269)	328,118	369,405	(41,287)	-13.64%
Equipment	5,530	15,390	11,790	3,600	0	1,200	(1,200)	113.20%
Non-Operating	3,735	38,657	38,657	0	34,924	34,924	0	934.99%
TOTAL EXPENSES	\$922,412	\$890,289	\$878,215	\$12,074	\$878,427	\$880,168	(\$1,741)	-4.79%
FUNDING								
General Fund	\$545,405	\$503,397	\$508,771	(\$5,374)	\$491,529	\$533,302	(\$41,773)	-6.72%
State Special Rev	377,007	386,892	369,444	17,448	386,898	346,866	40,032	-2.01%
TOTAL FUNDING	\$922,412	\$890,289	\$878,215	\$12,074	\$878,427	\$880,168	(\$1,741)	-4.79%

ISSUES:

---EXEC OVER (UNDER) LFA---
FY 90 -----
FY 91 -----

1. VACANCY SAVINGS - Executive applied 2% vacancy savings as compared to 4% in LFA current level.

2. STAFF ATTORNEY - LFA current level deletes a 0.75 FTE staff attorney position, which was vacant, and leaves an allowance for contract legal services. The Executive retains this position at 1989 biennium appropriated levels.

3. CONTRACT LEGAL SERVICES - LFA current level includes funds for contract legal services, in place of the staff attorney position as discussed above. This allowance is not included in the executive budget.

4. DATA PROCESSING COSTS - The executive reduces data processing costs below agency base level. LFA current level is at base after adjustments for reduced costs of a new system.

5. MICROFILM PROCESSING - The executive budget allows less than LFA current level for microfilm processing. The Executive is at the fiscal 1988 base.

6. PRINTING COSTS - The agency prints a number of election and other publications. The Executive allows less than LFA current level, yet both allow more for printing than in any prior biennium.

7. The Executive allows more for travel costs than LFA current level. LFA current level is as the agency requested, which is below fiscal 1988 base.

8. The Executive allows more for equipment than LFA current level. LFA current level allows the equipment requested by the agency, at prices per the Dept of Admin. price list.

	\$8,620	\$8,627
	\$32,123	\$32,119
	(\$17,000)	(\$21,500)
	(\$11,767)	(\$22,602)
	(\$1,299)	(\$3,599)
	(\$2,095)	\$836
	(\$394)	\$3,970
	\$3,600	(\$1,200)

9. FUNDING - The executive budget increased the level of funding from state special revenue, reducing general fund by a like amount. LFA current level splits funding in a ratio similar to the 1989 biennium. The Executive state special revenue is \$17,448 higher in FY 90, \$ 40,032 in FY 91.

TOTAL ISSUES

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\$11,788	(\$3,349)
=====	=====

APPROPRIATIONS COMMITTEE POLICY ISSUES

A. The Committee approved the elimination of vacant FTE, including a 1.0 data entry operator trainee and a 0.5 data entry operator II in this program. The positions will be eliminated unless the subcommittee takes action to restore them.

(\$30,233)	(\$30,347)
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B. The Committee approved a no vacancy savings policy, with personal services to be line-itemed. The budget increase for the executive budget and LFA current level are shown at right.

\$9,905	\$9,912 Executive
\$18,525	\$18,539 LFA C/L

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STATE OF MONTANA



Mike Cooney
Secretary of State

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Helena, Montana 59620

Exhibit 5
EXHIBIT 5
DATE 1-11-89
HB 8

Detail of Areas of Disagreement
Budget of the Secretary of State
as presented to the
General Government and Highways Subcommittee

Detailed below are some of the areas of disagreement between the budget as presented by the Executive and that presented by the Secretary of State. These have been referenced by account group.

ADMINISTRATIVE CODE PROGRAM

Account Group	Item	Argument
2135	Comp. Training	Training on the inter-agency computer system would streamline the ARM process.
2304	Postage	Gradual increase in postage is requested.
2891	Handyman	Not a large item. However, this is where we expense the moving of office equipment, etc.

WITNESS STATEMENT

NAME Doug MITCHELL BILL NO. _____
ADDRESS 327 N. Ewing DATE 1/1/89
WHOM DO YOU REPRESENT? SEC. OF STATE
SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME MIKE COONEY BILL NO. _____
ADDRESS STATE CAPITOL DATE 1-11-89
WHOM DO YOU REPRESENT? Secretary of State
SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

VISITOR'S REGISTER

AGENCY(S)

Govt. & Highways

SUBCOMMITTEE

DATE

1-11-89

DEPARTMENT

NAME	REPRESENTING	SUP- PORT	OP- POSE
<u>Louise Ross</u>	<u>Secretary of State</u>	<u>X</u>	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT
IF YOU HAVE WRITTEN COMMENTS, PLEASE GIVE A COPY TO THE SECRETARY.