

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIR JAN BROWN**, on January 25, 1991, at 9:00 a.m.

ROLL CALL

Members Present:

Jan Brown, Chair (D)
Vicki Cocchiarella, Vice-Chair (D)
Beverly Barnhart (D)
Gary Beck (D)
Ernest Bergsagel (R)
Fred "Fritz" Daily (D)
Ervin Davis (D)
Jane DeBruycker (D)
Roger DeBruycker (R)
Gary Feland (R)
Gary Forrester (D)
Patrick Galvin (D)
Harriet Hayne (R)
Betty Lou Kasten (R)
John Phillips (R)
Richard Simpkins (R)
Jim Southworth (D)
Wilbur Spring (R)
Carolyn Squires (D)

Staff Present: Sheri Heffelfinger, Legislative Council
Judy Burggraff, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: Chair Brown requested the Committee retain the chart comparing the retirement systems that was distributed by Larry Nachtsheim. The Committee decided to obtain more information on HB 77 before taking executive action. Chair Brown requested the Committee to bring posters or art from school children to put on the wall. The doughnuts and muffins were brought by Chair Brown to thank the Committee for all of "their hard work."

HEARING ON HB 77

Presentation and Opening Statement by Sponsor:

REP. JOE QUILICI, House District 71, Butte, introduced HB 77 to increase automobile insurance premium tax in order to increase the Highway Patrol Pension from 2 percent to 2.5 percent. An amendment was distributed EXHIBIT 1 to provide an effective date of July 1, 1991 and July 1, 1992. "We intend to fund the .03 percent through a tax on automobile insurance. . . . There is not much General Fund money around, and we figure this is fair. . . . The Committee should realize the Highway Patrolmen receive no social security. . . . I think we should give these people the same rights that other law enforcement officers get in this state. . . . The bill is actuarially sound."

Proponents' Testimony:

Bill Yeager, Helena, Association of Montana Highway Patrolmen, presented written testimony. EXHIBIT 2

Pat Murphy, Officer, Montana Highway Patrol, Great Falls, presented written testimony. EXHIBIT 3

Alan W. Young, Sergeant, Montana Highway Patrol Officers, Helena, presented written testimony. EXHIBIT 4

Dan. C. Fillinger, Lieutenant, Montana Highway Patrol, Helena, presented written testimony. EXHIBIT 5

Tom Schneider, Montana Public Employees' Association and 770 Montana Highway Patrolmen, presented written testimony. EXHIBIT 6 and he emphasized that the work of the Montana Highway Patrol is in "essence the work of the Montana insurance industry." Everything they do is calculated to reduce the cost of insurance and the out-of-pocket cost of the Montana motoring public and the Montana taxpayer by: work with Montana driver education; driver improvement; accident investigation; reconstruction; to simply writing tickets to people who don't follow traffic laws. The amounts in the fiscal note that are necessary to pay for the benefit come from the actuary from Public Employees Retirement Division (PERD) They are not amounts that the Montana Highway Patrol has put together. The bill, with the amendment, is actuarially sound. With the amendment that on the Pg. 1, Item 3, Par. 3, the effective dates of the retirement would be on July 1, 1992. The amendment does not change the collection of the insurance premium. It would set back for one year the 2.5 percent calculation of benefits. The reason for doing this is because there wouldn't be any money collected through the Insurance Commissioner's office and paid into the Retirement System for the first year. The benefit structure would be set off for one year so the money would not be paid out until it would be received. Both dates on the fiscal note must be changed to 1992 as they would not be effective until July 1, 1992. On the back of the fiscal note, middle of page where it says, "Underfunded actuarial cost -- FY 92 with negative \$628,237." This would disappear because that is the cost of implementing the benefit for the first year of the biennium. The

amendment provides for no increase benefit the first year as the 2.5 percent increase would not go into effect until July 1, 1992. There would be an increase in the auto insurance of .03 percent that would become effective upon passage and approval of the bill on July 1, 1991.

Larry Nachtsheim, Administrator, Public Employees Retirement Division, said he was appearing to answer any questions the Committee may have. The bill is technically correct. He also distributed a chart, COMPARISON OF MONTANA PUBLIC RETIREMENT SYSTEMS EXHIBIT 7 to compare between the systems. The Highway Patrol and the Sheriff and the Game Wardens are currently all at 2 percent per year assisted. The primary difference between the three is that the Highway Patrol does not have social security coverage, the other two do. The Municipal Police system and the Firefighters' system are at 2.5 percent per year assisted. Neither of these have social security coverage. This bill basically takes the Highway Patrol out of the deficit category.

Opponents' Testimony:

Steve Browning, representing State Farm Insurance Companies, said he appeared as a "very reluctant witness in opposition to the bill." It is the view of the State Farm Insurance Companies and his personal view that the Montana Highway Patrol does an extraordinary job policing the highways and improving the safety record of people on the highways. This ultimately results in lower insurance premiums for all. "Absent their work," he is sure that insurance premiums would be higher. Despite the fact that .03 percent does not seem like much money and based on figures provided by the proponents, is a relatively modest increase, "we must keep in mind that you do not pay individually an average premium." Some people pay a much higher premium; namely, those drivers who feel obliged by law to carry insurance. Twenty-five percent of Montana's drivers do not carry insurance. They "likely don't carry it because they don't regard it as affordable, or they don't have any personal risks associated with driving." Those that do pay their insurance and abide by the law, may be paying up to \$2 thousand to \$3 thousand a year for insurance if they have any "high risk" drivers. "Three-tenths of a percent then is a much larger figure." He distributed a chart EXHIBIT 8 from the Montana Department of Revenue listing the various taxes levied in Montana. The chart shows that Montana currently ranks 10th in the nation on premium taxes. "If this tax is enacted it will raise Montana's rate to 4th in the nation. . . . We are deeply grateful for the Montana Highway Patrol and we only hope that there is another way of funding this much needed proposal. . . . The highway patrol is effectively discriminated against vis-a-vis other law enforcement officials, who currently are receiving their pensions at the rate of 2.5 percent."

Roger McGlenn, Executive Director, Independent Insurance Agents' Association of Montana, said they do not oppose the increase in

the retirement benefits for the Montana Highway Patrol. They do stand in opposition to the funding proposed by HB 77. He said he wishes to speak for their clients, the Montana insurance consumer. When insurance consumers in Montana are very concerned about the cost of their auto insurance, it seems inappropriate to increase the cost of the insurance with the increase of a selective tax on auto insurance. Not only is the tax assessed against liability on auto insurance, it is also assessed against physical damage -- comprehensive and collision in the automobile insurance policy. Financing often requires full coverage on an automobile. Commercial auto insurance premiums are at a higher rate than the personal use premiums for vehicles. All uninsured persons are "entirely unaffected by this funding method." Not taken into consideration is the administrative cost of the insurance companies to reprogram their computers and so forth to collect the tax and remit it to the insurance department, which will also increase the cost of auto insurance. "Insurance companies don't pay these taxes or increased costs with insurance company money; they pay it with Montana insurance consumers' dollars, which they collect in the way of premiums." This bill is only one of three anticipated bills that will come before the Legislature to increase premiums taxes. In the case of fire insurance, Montana is 2nd highest in the nation in the amount of premiums being paid. There is a bill in the Legislature that will increase the Fire Marshall's portion of the tax; one bill to request premium taxes on policies having death benefits to fund county coroners for autopsies. When you consider all three bills, "we are approaching \$2.5 million additionally just in taxes, not counting administrative costs that would be levied upon the consumer in Montana. . . . The Highway Patrol's fund should be able to be increased with ways other than by increasing the hidden sales tax on insurance premiums."

Jacqueline Terrel, Helena Lawyer, representing American Insurance Association (AIA), said AIA is a trade association comprising 200 plus member companies that sell auto insurance to Montanans. She said she "rises in reluctant opposition to this bill because the purpose of the bill is laudable." She had personally benefitted in many significant ways from the services of the Montana Highway Patrol. As a lawyer, she has benefitted from their assistance in defending cases involving automobile accidents and is clearly aware of the quality of their investigations, services in providing testimony in court cases and all the other things they do to benefit the insurance industry. She said the Montana Highway Patrol benefits not only the insurance industry but all Montanans in a "very significant way." They also control pornography, drug trafficking, money laundering and counterfeiting. "That is not something that just Montana drivers benefit from." AIA opposes the legislation only on the basis of its funding and believe it is a regressive "sort of sales tax in different clothing. . . . The burden would not be borne equally by all Montanans through this funding mechanism. It is borne by those who are often least able to carry that part of the burden - by young drivers that are at greater risk, who are less

competent on the road." She suggested that the Committee look at the funding mechanism. The premium tax that is paid on automobile insurance goes into the General Fund, it does not go to the Insurance Department. Only a portion of that is appropriated out for regulation of the insurance industry. The rest goes straight into supporting projects and causes and concerns that you believe are of benefit to all Montanans. It would be more appropriate to find a source from General Funding because all Montanans benefit from the services provided by the Montana Highway Patrol.

Gene Phillips, Kalispell, Montana Counsel, National Association of Independent Insurers and Alliance of American Insurers, said both associations are composed of several hundred property and casualty insurers who do business in the state. He said they are also reluctant opponents of the bill as they do feel the highway patrol should be on a par with other law enforcement people in the state of Montana when it comes to retirement benefits. He too thought it should be based on a more broadly based tax as the highway patrol benefit all people in Montana. They believe "it is a selective sales tax on a product which we are required to buy."

Ben Havdahl, Montana Motor Carriers' Association, said they are not opposing the increase in the Highway Patrol's Retirement Fund. The high cost of insurance that the trucking industry has experienced and is experiencing has been "astronomical." In the last three years the insurance rates for commercial trucking have increased from 3 to 500 percent. The federal law requires a minimum amount of insurance of \$.5 million and \$1 million to \$5 million if a commercial carrier hauls hazardous materials. The cost and the availability of the insurance have been a major cost factor in the operation of any motor carrier. The log truckers are seeking economic regulation for the purpose of establishing compensatory rates and a major cost to the log truckers is insurance cost. If the Committee chooses to fund the HPRF with this method, he requested they also pay attention to the costs and the rates of the industry.

CHAIR BROWN requested REP. ROBERT CLARK be entered into the record as a proponent.

Questions From Committee Members:

REP. ERVIN DAVIS said that on behalf of Chuck Whitson, a retired highway patrolman, he is introducing a liability insurance bill that will require proof of liability, of ownership and of drivers license before licenses plate can be purchased. "Would that bill in itself decrease the amount of uninsured motorists?" Mr. Browning said it looks like you are trying to achieve zero percent.

REP. WILBUR SPRING asked if another method of funding had been investigated by the Highway Patrol? REP. QUILICI said yes. They

tried to find other methods of funding and couldn't come up with any other.

REP. ERNEST BERGSAGEL asked what percentage of present salary will be funded for retirement. **Tom Schneider** said the funding is currently based on 2 percent per year. If a patrolman retires with 20 years in service, they get 40 percent of salary. If they retire with 25 years of service, they get 50 percent of salary.

REP. VICKI COCCHIARELLA asked if the Highway Patrol had considered the funding mechanism for the bill be paid for by insurance companies for the "most effective insurance salesmen on the road -- the Highway Patrolmen?" **Mr. Yeager** said "Not to his knowledge." **REP. COCCHIARELLA** said she understood that the insurance industry in the U.S. owns more real estate than any other industry in the world. "Why is it when the funding mechanism was a percent of the insurance, should we assume that the insurance rates will go up. Highway patrolmen actually are the ones forcing uninsured motorists to pay a fine and become insured motorists. They are actually the insurance representatives for the insurance industry in Montana."

Mr. McGlenn said he is not qualified to answer that as he doesn't represent insurance companies, he represents the independent insurance agents of Montana. In regards to the question about the ownership of vast property holdings, the insurance companies should address that as he represents the "main street Montana business person." He said he did understand the point in regards to the Montana state statute and the enforcement by the Highway Patrol. "We have not really witnessed a tremendous increase in the numbers of persons buying auto insurance. . . . The mandatory liability laws have created more problems for the agents, . . . because people go in and buy insurance, go down and get their registration on their motor vehicle and then stop payment on their checks. Or persons buy auto insurance for a month and then terminate the coverage. This is a point that could be discussed both ways."

REP. BETTY LOU KASTEN asked if the bill will be funded by a tax on auto insurance premiums and asked for background on the premium tax. **Mr. Nachtsheim** said PERD does not administer the premium tax fund. It is administered by the Auditor's office. "As it relates to the Retirement System, the policemen and the firemen currently draw some money out of the tax premium fund to pay the state portion." **REP. KASTEN** asked if the tax on the premium was to supply the services for retirement. **Mr. Nachtsheim** said, "I think it goes to fund other programs too, such as local programs. The fire marshall gets some money from it and a whole series of programs deriving funds that PERD does not know about." **REP. KASTEN** asked how the rates on the comparison of the retirement funds sheet which he distributed, affect and effect the payment towards retirement and will there be any comparable increase to the employee? **Mr. Nachtsheim** said the amount of contributions that are needed to arrive at an increase of 2.5 percent is derived by their actuary. All systems

do not necessarily need the same contributions because the make up of their systems are different. For example: the Sheriff's contributions are 2 percent. It is a much smaller contribution rate than the Police and Fire primarily because it is a younger system and doesn't have as many retirees in proportion to the number of active members. In the case of the Police system, they have almost as many retirees, maybe more, than active members. This is what decides the rates, not the benefit by itself. REP. KASTEN said the contributions for Highway Patrol by employer is in the 26+ percentage, where the employee puts in 7.59 percent. This is different in other systems. How will this percentage change and will the employers and employees both contribute to the increased benefit. Mr. Nachtsheim said there are several ways to fund the systems. There are three 2 percent systems. The Highway Patrol pays 7.59 percent as individuals and the employer pays 26.75 percent, which comes out of various defined sources which are in the bill. In the Game Wardens's System it appears that they are not paying the same contribution rate. The reason is due to the fines and forfeitures put into the system, which is \$225 thousand a year. Just using employer and employee contribution rates by itself will not give an accurate view of the system. The contribution rates are dependent upon: the make up of the system, the number of retirees, the age of the system and others.

REP. JOHN PHILLIPS asked if the bill would affect people who go into retirement after 1992. Mr. Schneider said it would not go into effect for anyone who retires before July 1, 1992. REP. PHILLIPS asked if that would put the system into three tiers. Mr. Schneider said no, everybody in the system who retires after July 1, 1992, would retire at 2.5 percent. The two categories now deal with whether "you have to be a certain age to retire or not." REP. PHILLIPS asked why the retirees were raised beyond a certain date. Mr. Schneider said that in a previous bill we tried to "bring up the people who had been on retirement for a long period of time who had been missed in a cost-of-living provision that had been passed in 1987. It was equality for the older retirees, it didn't have anything to do with the benefit structure of the system."

REP. BERGSAGEL asked why the highway patrolmen are not covered under social security. Mr. Schneider said that in 1955 when the Social Security Act passed in Montana the federal law outlawed any members of any system which were better than the ordinary system of the ordinary employee. All law enforcement and firefighter systems members, by federal law, could not be covered by social security. That law was not changed until 1973. Montana still had a law on the Montana books which had passed in 1955 which precluded these people from receiving social security benefits. That law was not amended until about 1979. Legally now they could be covered, but that decision has never been made to cover them. It would have to be done by a process established by PERS.

REP. GARY BECK asked if any legislation was being introduced by the insurance companies to try to alleviate the 25 percent of the drivers that are uninsured. "Utah has a law in effect with "real teeth" which addresses that problem." Mr. Browning said State Farm Insurance is trying to reduce the cost of their insurance which should reduce the number of uninsured drivers. They insure over 100 thousand people for auto insurance within the state because they offer a cost-competitive insurance. The insurance company has supported more affordable insurance by having a bill introduced called an Excluded Driver Bill that would allow a high-risk person to be excluded from your policy. REP. BECK asked what the administrative costs would be to the insurance industry if the bill were to pass. Mr. Browning said he had not made an estimate, but he would be happy to obtain an answer.

REP. SIMPKINS asked if the Highway Patrol could go on the Social Security System now. Mr. Schneider said yes. REP. SIMPKINS asked how much was being withheld from teachers for social security. Mr. Schneider said 7.65 percent and there is a statutory increase in effect now of 6.7 percent. REP. SIMPKINS said the combined contribution then is about 13 percent going into social security and into the retirement system. Teachers pay out of their check about 15 percent to the two retirements. The highway patrol only pay 7.95 percent of their wages into the retirement system. Mr. Schneider said that is correct. REP. SIMPKINS said that is about one-half of the amount, percentage wise, paid by teachers into the retirement systems. Mr. Schneider said that is correct, but if you keep going you will see that police officers pay 7.5 percent for a 2.5 percent benefit; the highway patrolmen currently pays 7.59 percent for a 2 percent per year benefit. The police officer does not have social security either. A highway patrolman does a form of work that most closely parallels a police officer and does not parallel a teacher or another type of state employee. REP. SIMPKINS said he realized that. To take the comparisons one step further, when comparing municipal firefighters and others, their employer contribution, which comes out of local property taxes collected under local jurisdiction, does not affect the tax policy of the state of Montana. Mr. Schneider said there are two different contributions paying the employer side. REP. SIMPKINS said they are also excluded from Medicare so they will have to continue on with their own health insurance when they get out or buy into Medicare, which is quite expensive. Mr. Schneider said the federal government now mandates that everyone must belong to Medicare. Highway patrol officers currently pay a percent of their salary for Medicare coverage. This bill has been in effect since about 1985 and he thinks the percentage is 1.75. REP. SIMPKINS said, "The difference we are talking about in the long run then is about 5 percent more taken out of teacher's salaries for social security benefits as compared to the highway patrol after the Medicare portion is deducted." Mr. Schneider said he would assume "we are in that ballpark."

REP. KASTEN asked how much the highway patrol charge for the services they perform such as an accident report. Mr. Fillinger said they run about \$2 per report. "If we were to charge for accident reconstruction alone, the cost of those accidents could run into the hundreds of thousands of dollars. . . . When you consider a commercial vehicle accidents, the time that is spent and the technical skills required would be horrendous. Not only the motor carriers need that type of report, but Montana citizens need those types of reports. We do not charge a great deal of money for that, it is a service to the people of Montana.

Closing by Sponsor:

REP. QUILICI said it seems like it all boils down to money, but it doesn't. It also boils down to fairness for a fair pension for these law enforcement officers. There were many statements made by the opponents specifically saying "sales tax. They know how that rubs me." If the 3 percent is a tax, it is more of an assessment for services. If you want to call it a tax, call it a service tax that these patrol officers are providing to the trucking and insurance industry. The documentation that they provide to the insurance industry helps their actuaries set the premiums. If the accident rates are kept down in Montana like "we have done, because of these people here," we are keeping our insurance premiums down.

HEARING ON HB 195

Presentation and Opening Statement by Sponsor:

REP. THOMAS KILPATRICK, House District 85, Laurel, introduced HB 195, which would require that certain election materials include a candidate's party affiliation. This is a truth in advertising or truth in campaigning bill. When a person announces for an office, they give basic information and most important they should state their political philosophy. One who campaigns without a party affiliation, apparently does not have an affiliation. More realistically, (he/she) does not have any convictions. There is the type of person who runs on one party but campaigns as though he really belongs to the other one trying to pull votes from the opposition. Party affiliation is important. Chairmen of committees are chosen because of their party affiliation. A speaker is chosen because of his party. People don't have to vote for you because you're a Republican or Democrat, but they have the right to know which one you are.

Proponents' Testimony:

Jane Murphy, Executive Director, Montana Democratic Party, presented written testimony. EXHIBIT 9

Opponents' Testimony: None

Questions From Committee Members:

REP. SPRING asked REP. KILPATRICK to explain the difference, in his opinion, of the philosophy of the Republican and a Democrat.

REP. KILPATRICK said you "undoubtedly had a party platform committee meeting, . . . I read your party stand. Democrats had party platform stands. I think we could list them side by side. There are basic philosophies. I like to believe the Democrats are the people's party."

REP. GARY FELAND said I thought this was a free country. Why does everything have to be labeled? REP. KILPATRICK said he did not think being a free country has anything to do with it. I think this is a right to know. You have the right as a citizen to know what my political party is. Anybody can walk in and sit in on any (hearing). It is not taking away anyone's freedom.

REP. FELAND have you heard people say that they vote for people not party? REP. KILPATRICK said "absolutely." People don't have to vote for you because you're a Republican or Democrat.

REP. JOHN PHILLIPS said this is about the sixth time he has seen this bill. He thinks that people do have a right to know. "But I don't know how they can miss it when there is an announcement in the paper." In the primary election you only get one ballot.

"You have to know there." In the general election, it clearly states the party affiliation. "How can the people keep from knowing?" REP. KILPATRICK said a great many people do not vote in the primary. The undecided don't vote. When the public is making up their minds, they should be able to find out by reading an individuals' signs. REP. PHILLIPS said the Committee just voted to take the name and address of printers campaign materials. This bill is just another issue that people will "squabble over." Here is a situation where someone could inadvertently leave something off, or the printer could leave something off and another "squabble" would be started. REP. KILPATRICK said on "part 2 of the bill, if a mistake is made, you will not have your arm cut off. . . . There is a certain amount of quibbling, but at least people have the right to know. This bill is similar to the one that would limit campaign spending where if you went over that amount it would be unethical. You can't chase everyone down, but at least they would know that they should have it.

REP. RICHARD SIMPKINS said he thinks the bill is not a "people bill" but it is a political bill. He thinks that people want the legislators to come out and vote on the issues and not the party.

REP. KILPATRICK said "you are assuming this. They still have the right to know."

Further discussion followed regarding party affiliation and philosophy such as if you put on your campaign literature a party emblem that you subscribe to the party position even if there were some planks of the platform that you disagreed with.

Dolores Colburg said that it would be a misdemeanor, a criminal

penalty, if the party designation was left off campaign material, but someone must first file with her office and she would then have to investigate. If she found it had been done intentionally, the matter would be turned over to the county attorney. A judge would determine whether or not it was a misdemeanor.

REP. KASTEN requested a definition of "clear and conspicuous" on a 4 X 8 sign. Ms. Colburg said, "I think reasonableness is the only test I could use. Clear is pretty easy to define. It would not be smudged, obliterated or blurred. Conspicuous would mean what one could see readily."

REP. ROGER DEBRUYCKER asked for clarification of the name of the printer on Ln. 18 of the bill. Ms. Colburg said that would be changed to go along with the statutes in the printer bill if it become law.

Closing by Sponsor:

REP. KILPATRICK thanked the Committee saying he thought some of the questions were excellent. He feels this is a fair campaign issue. People don't have to vote for you because you're Republican or Democrat, but they have every right to know whether you are a Democrat or Republican.

EXECUTIVE ACTION ON HB 195

Motion: REP. FRED "FRITZ" DAILY moved HB 195 DO PASS.

Discussion:

REP. JOHN PHILLIPS said "This is not a people bill, this is a candidate's bill -- a party bill. It is not going to change the course of events all that much. I think it is just leaving people something to quibble about when someone doesn't comply. It doesn't look any better to me (now), than it did ten years ago."

REP. JAMES SOUTHWORTH said he noticed all through his campaign that all those "on the other side of the aisle" didn't have (their party affiliation) on their literature. He was asked frequently, "What is that guy?" He responded, "I don't know, but he must be ashamed of it because he doesn't put it down."

REP. GARY BECK said his campaign was unique because there was Sen. Tom Beck from Powell County and Rep. Gary Beck. He noticed that you never wanted to "underestimate the stupidity of the public." He could not believe the number of doors he knocked on where they thought he was Sen. Beck. They didn't know if he was Republican or Democrat or whatever. He had his party denomination on his campaign materials, but he noticed that the Republicans did not. There was a lot of confusion in his county.

He thinks that possibly Sen. Tom Beck got him a few votes because of name recognition and the fact that he was a Republican in a Republican county.

REP. WILBUR SPRING asked if the use of the elephant or the donkey on campaign materials was sufficient to identify the party. Ms. Colburg, Commissioner, Campaign Practices, said yes.

Recommendation and Vote: The motion CARRIED 10 - 9. EXHIBIT 10

EXECUTIVE ACTION ON HB 95

Discussion: REP. BETTY LOU KASTEN asked the Committee if they would consider making it a committee bill since both Reps. Fagg and Kimberley introduced the same bill. Rep. Fagg's bill was "rightly" held up in order to wait for Rep. Kimberley's bill so both bills could be introduced to the Committee at the same time.

CHAIR BROWN said her understanding was that a Committee bill could be done. But, in this case, one sponsor said it would be agreeable to him to table his bill and put his name on the other bill. Otherwise, the Committee would have to table HB 95 and then a new bill would need to be printed and go through the system. In the interests of economy, Chair Brown thought it would not be advisable.

Sheri Heffelfinger said it would take a two-thirds vote by Committee to request a Committee Bill. The bill would be drafted and go through the process again as Rep. Brown said. A new House Bill number would be assigned. The bill could be made into the exact same bill or a different bill.

CHAIR BROWN said the other choice would be to hold onto the bill until the other campaign reform bills were heard. The Committee may need to have a Committee bill to deal with all of them or maybe this could be incorporated into other bills.

REP. VICKI COCCHIARELLA said if there is a problem with whose name is appearing first, she was sure she could talk with Rep. Kimberley and ask him if he would be second on the bill if that would be the point of having a Committee bill.

REP. KASTEN said "It definitely wasn't."

REP. CAROLYN SQUIRES said she would support the Chair's comment about holding the bill until the other Campaign Practices bills were heard. She would not like to see a Committee bill as it would take a two-thirds vote to get it on the Floor.

ADJOURNMENT

Adjournment: 10:45 a.m.



JAN BROWN, Chair



JUDY BURGGRAFF, Secretary

JB/jb

HOUSE OF REPRESENTATIVES

STATE ADMINISTRATION COMMITTEE

ROLL CALL

DATE 1/25/91

NAME	PRESENT	ABSENT	EXCUSED
REP. JAN BROWN, CHAIR	✓		
REP. VICKI COCCHIARELLA, VICE-CHAIR	✓		
REP. BEVERLY BARNHART	✓		
REP. GARY BECK	✓		
REP. ERNEST BERGSAGEL	✓		
REP. FRED "FRITZ" DAILY	✓		
REP. ERVIN DAVIS	✓		
REP. JANE DEBRUYCKER	✓		
REP. ROGER DEBRUYCKER	✓		
REP. GARY FELAND	✓		
REP. GARY FORRESTER	✓		
REP. PATRICK GALVIN	✓		
REP. HARRIET HAYNE	✓		
REP. BETTY LOU KASTEN	✓		
REP. JOHN PHILLIPS	✓		
REP. RICHARD SIMPKINS	✓		
REP. JIM SOUTHWORTH	✓		
REP. WILBUR SPRING	✓		
REP. CAROLYN SQUIRES	✓		

HOUSE STANDING COMMITTEE REPORT

January 25, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 195 (first reading copy -- white) do pass.

Signed: _____
Jan Brown, Chairman

EXHIBIT 1
DATE 1/25/91
HB 77

AMENDMENT TO HB 77

Section 8 of HB 77 is amended to read:

Section 7. **Effective dates.** (1) Except as provided in subsection (2), [this act] is effective July 1, 1991.

(2) [Section 4] is effective July 1, 1992.

TESTIMONY BY: BILL YAEGER OF HELENA ON HOUSE BILL 77

BEFORE: THE HOUSE COMMITTEE ON STATE ADMINISTRATION

DATE: JANUARY 25, 1991

GOOD MORNING, MADAME CHAIRMAN AND MEMBERS OF THE COMMITTEE. I AM BILL YAEGER OF HELENA, REPRESENTING THE ASSOCIATION OF MONTANA HIGHWAY PATROLMEN. I APPEAR TODAY IN SUPPORT OF HOUSE BILL 77. I WILL PROVIDE A BRIEF OVERVIEW OF THE BILL. I WILL BE FOLLOWED BY MONTANA HIGHWAY PATROL OFFICER MARY PAT MURPHY ON THE NEED FOR SUCH LEGISLATION; BY SERGEANT ALAN MOYING, WHO WILL DISCUSS THE FAIRNESS OF RAISING PATROL RETIREMENT TO THE LEVEL NOW RECEIVED BY MOST LOCAL LAW ENFORCEMENT OFFICERS; AND LIEUTENANT DAN FILLINGER, WHO WILL COVER THE APPROPRIATENESS OF A THREE-TENTHS OF ONE PERCENT TAX ON VEHICLE INSURANCE TO PROVIDE THE FUNDING NECESSARY. THE OFFICERS ARE HERE ON THEIR PERSONAL TIME TO TESTIFY. FINALLY, MR. TOM SCHNEIDER WILL PROVIDE TESTIMONY ON THE ACTUARIAL AND FISCAL ASPECTS OF HOUSE BILL 77.

EVERYONE IS AWARE OF THE INCREASING DANGER FACED BY ALL LAW ENFORCEMENT. CRIMINAL ACTIVITY HAS EXPANDED INTO SUCH AREAS AS THE MOVEMENT AND SALES OF ALL TYPES OF DRUGS, THE LAUNDERING OF MONEY ASSOCIATED WITH THAT TRADE, ILLEGAL GAMBLING, PORNOGRAPHY AND COUNTERFEITING. MUCH OF THAT ACTIVITY TAKES PLACE ON OUR HIGHWAYS, AND THOSE INVOLVED ARE EQUIPPED WITH THE LATEST HIGH-TECH GEAR AND INCREASINGLY LETHAL WEAPONRY.

HOUSE BILL 77 OFFERS AN IMPORTANT INCENTIVE FOR MONTANA HIGHWAY PATROL OFFICERS TO STAY ON THE JOB LONGER. THE PATROL SEEKS TO RETAIN OFFICERS AS LONG AS POSSIBLE. BECAUSE THEY HAVE EXPERIENCE AND MATURITY, THE PATROL BELIEVES THE MOST PRODUCTIVE YEARS ARE BEYOND THE FIRST 20. ANY PROGRAM TO RETAIN MONTANA HIGHWAY PATROL OFFICERS IS SIMPLY GOOD BUSINESS FOR OUR STATE.

I ASK YOUR SUPPORT FOR HOUSE BILL 77, AN IMPORTANT INCENTIVE TO MONTANA HIGHWAY PATROL RETENTION. THANK YOU.

TESTIMONY BY: OFFICER MARY PAT MURPHY OF GREAT FALLS ON HOUSE BILL 77

BEFORE: THE HOUSE COMMITTEE ON STATE ADMINISTRATION

DATE: JANUARY 25, 1991

EXHIBIT 3

DATE 1/25/91

HB 77

GOOD MORNING, MADAME CHAIRMAN AND MEMBERS OF THE COMMITTEE. I AM MARY PAT MURPHY OF GREAT FALLS, AN OFFICER WITH THE MONTANA HIGHWAY PATROL. I AM HERE TO URGE YOUR SUPPORT FOR HOUSE BILL 77.

IT COSTS NEARLY \$58,000 TO TRAIN AND EQUIP A MONTANA HIGHWAY PATROL OFFICER. IT TAKES AT LEAST A YEAR BEFORE A NEW OFFICER IS FULLY CAPABLE OF ASSUMING THE DEMANDS OF THE JOB. WE WORK ALONE, SO WE MUST BE LARGELY SELF-SUFFICIENT. WE COVER VAST DISTANCES IN OUR JOBS, OFTEN AT NIGHT, OFTEN IN POOR WEATHER.

THE WORK IS INCREASINGLY HAZARDOUS. NUMEROUS OFFICERS HAVE BEEN INVOLVED IN WEAPONS INCIDENTS. IN THE GREAT FALLS DISTRICT ALONE, FOUR OFFICERS, INCLUDING MYSELF, HAVE BEEN WOUNDED BY GUNFIRE WHILE WE CARRIED OUT OUR DUTIES. WE KNOW FROM NATIONAL STUDIES THAT THE STRESS ASSOCIATED WITH LAW ENFORCEMENT WORK LEADS TO LESS LIFE EXPECTANCY. JUST CARRYING A WEAPON ON THE AVERAGE TAKES THREE YEARS OFF THE LIFE OF A LAW ENFORCEMENT OFFICER.

THE NATURE OF SUCH PARAMILITARY WORK HAS TRADITIONALLY BEEN RECOGNIZED THROUGH AN EARLIER RETIREMENT THAN FOR THE REST OF SOCIETY. IN HOUSE BILL 77, WE ASK THAT THE RETIREMENT LEVEL FOR MONTANA HIGHWAY PATROL OFFICERS BE RAISED TO THAT NOW RECEIVED BY MOST LOCAL LAW ENFORCEMENT OFFICERS IN OUR STATE. WE FEEL THAT SUCH AN INCREASE WOULD BE AN IMPORTANT INCENTIVE FOR A PATROL OFFICER TO STAY BEYOND THE FIRST 20 YEARS OF SERVICE. I URGE YOUR SUPPORT FOR HOUSE BILL 77.

THANK YOU

TESTIMONY BY: SERGEANT ALAN. W. YOUNG, OF HELENA ON HOUSE BILL 77

BEFORE: THE HOUSE COMMITTEE ON STATE ADMINISTRATION

DATE: JANUARY 25, 1991

GOOD MORNING MADAM CHAIRMAN AND MEMBERS OF THE COMMITTEE. I AM SERGEANT ALAN W. YOUNG OF HELENA AND I APPEAR TODAY IN SUPPORT OF HOUSE BILL 77.

MONTANA HIGHWAY PATROL OFFICERS ARE NOT COVERED UNDER SOCIAL SECURITY. UPON CONTEMPLATING RETIREMENT AN OFFICER IN MY POSITION (22 YEARS) MUST THINK SERIOUSLY ABOUT LEAVING THE PATROL AND FINDING A JOB TO BUILD 40 QUARTERS TO QUALIFY FOR SOCIAL SECURITY, AND IF POSSIBLE A JOB THAT PROVIDES ADDITIONAL RETIREMENT.

I PERSONALLY HAVE TAKEN A RANDOM SAMPLING OF 11 OTHER STATE LAW ENFORCEMENT AGENCIES THAT DO OFFER 2.5, TWO OF THESE OFFER 3% RETIREMENT.

MOST COUNTY AND MUNICIPAL LAW ENFORCEMENT AGENCIES IN MONTANA NOW RECEIVE RETIREMENTS BASED UPON 2 1/2% FOR EACH YEAR OF SERVICE.

WE IN THE MONTANA HIGHWAY PATROL FEEL THAT IT IS ONLY FAIR TO BRING OUR RETIREMENT LEVEL INTO LINE WITH WHAT OTHER LAW ENFORCEMENT OFFICERS IN OUR STATE RECEIVE.

OUR EXPERIENCED AND SENIOR OFFICERS ARE A VALUABLE RESOURCE ON THE MONTANA HIGHWAY PATROL, AND LOSING THEM BECAUSE OF AN INADEQUATE RETIREMENT IS A LOSS TO THE PATROL AND MOST ESPECIALLY THE CITIZENS OF MONTANA.

MADAM CHAIRMAN - THANK YOU FOR GIVING ME THE OPPORTUNITY TO APPEAR BEFORE THE COMMITTEE.

EXHIBIT 5
DATE 1/25/91
HB 77

TESTIMONY BY LT. DAN C. FILLINGER OF HELENA ON HB77
BEFORE THE HOUSE COMMITTEE ON STATE ADMINISTRATION

DATE: JANUARY 25, 1991

Good Morning Madame Chairman and Members of the Committee.

I'm Lt. Dan Fillinger and I reside in Helena. I'm also speaking in support of HB77. Most specifically, our funding source for this proposal.

After a careful evaluation of various funding sources, we elected to utilize the vehicle insurance premium because it's, very simply, the most appropriate.

I welcome this opportunity to present the following points in support of that decision:

The Department of Justice, and specifically, the Montana Highway Patrol Division furnishes, at the tax payers expense, numerous services that are vital to the vehicle insurance industry. Nearly 50 percent of all motor vehicle accidents that occur within our borders are investigated by the Highway Patrol. In 1989 the Patrol investigated 8,276 accidents while other enforcement agencies handled 9,389 accidents.

The Highway Patrol Division is, and has been, responsible for the majority of the enforcement action that forces compliance with our state law requiring vehicle insurance.

For the past five years our citations and written warnings for insurance law violations have averaged 14,760 annually. Last year the total was 15,359.

The Highway Patrol has always promptly assisted the insurance industry in providing complete accident reports at minimal cost. For the past two years, those requests have averaged 2,151 reports annually.

State Highway Patrol officers have devoted 27,946 regular time hours and 4,401 overtime hours to investigating vehicle accidents during 1990 alone.

The tax of three-tenths of 1 percent on vehicle insurance is minimal. The State Commissioner of Insurance has informed us that for 1988 the average Montanan paid \$405.86 for vehicle insurance. The tax applied to that amount would increase the cost of an average premium by \$1.22 per year. A similar tax is now being levied on vehicle insurance to pay for local law enforcement retirements.

EXHIBIT 5
DATE 1/25/91
HB 77

Again, why is this method of funding appropriate? Because the Highway Patrol, more than any other public entity, greatly assists the vehicle insurance industry on a day to day basis.

Madam Chairman and Members of the Committee -

On behalf of all the officers of the Montana Highway Patrol, we sincerely appreciate you allowing us this time to present our proposal and ask for your support of HB77.

Thank you,

Lt. Dan C. Fillinger
Communications Planning Bureau Chief

MONTANA

1426 Cedar Street • P.O. Box 5600

Helena, Montana 59604

Telephone (406) 442-4600
Toll Free 1-800-221-3468

PUBLIC

EMPLOYEES

ASSOCIATION

EXHIBIT 6
DATE 1/25/91
HB 77

January 25, 1991

House State Administration Committee

My name is Tom Schneider, representing the Montana Public Employees Association, appearing before you to ask your support for HB 77.

HB 77 is an equality bill. It will give members of the Montana Highway Patrol Retirement System a benefit equal to their brethren in city Police Departments.

Currently members of the Highway Patrol System receive 2% for each year of service and members of the Police Retirement System receive 2.5% for each year of service. HB 77 provides that a member of the Highway Patrol Retirement System would receive 2.5% for each year of service.

Highway Patrol Officers pay 7.59% of salary into their retirement system as compared to the 7.50% paid by police officers. The new funding provided for in HB 77 to pay for the increased benefits would expand the premium tax already used to fund a portion of the police retirement system. The Montana Highway Patrol by its very existence is to help, support and enhance the automobile insurance industry. Programs such as drivers education, driver improvement, accident investigation and re-construction and the daily enforcement of traffic laws are an integral part of the workings between the Highway Patrol and the automobile insurance industry.

I respectfully ask for your support of HB 77 and will be available to answer your questions at any time.

Eastern Region
P.O. Box 22093
Billings, MT 59104
(406) 245-2252

Western Region
P.O. Box 4874
Missoula, MT 59806
(406) 251-2304



COMPARISON OF MONTANA PUBLIC RETIREMENT SYSTEMS

SYSTEM	CONTRIBUTION RATES	SOC. SEC.	RETIREMENT ELIGIBILITY	BASIC BENEFIT FORMULA
PEPS DATE 1/25/91 HB 77 TEACHERS' Employee 7.044% Employer 7.459% Yes Regular: age 60 w/ 5 yrs service 25 yrs service, any age Early: age 50 w/ 5 yrs. service 25 yrs service, any age Regular: age 60 w/ 5 yrs service 25 yrs service, any age Early: age 50 w/ 5 yrs service 25 yrs service, any age	Employee 6.3%* Employer 6.417%* * (Both employee & employer contribution rates are scheduled to increase to 6.7% by 7/1/93)	Yes	Regular: age 60 w/ 5 yrs. service age 65, regardless of serv. 30 yrs service, any age Early: age 50 w/ 5 yrs. service 25 yrs service, any age	1.79% x FAS** x years of service ** (FAS = Final Average Salary = Avg of highest consecutive 36 months salary) Same as above, actuarially reduced from age 60 or 30 years of service
JUDGES' Employee 7.0% State 6.0% Dist. Crt. Fees 31.0%* Supreme Crt. 1/4 fees *34.71% of Salaries on 7/1/91 Yes Regular: age 65 w/ 5 yrs. service Involuntary: Any age w/ 5 yrs service		Yes	Regular: age 65 w/ 5 yrs. service Involuntary: Any age w/ 5 yrs service	3.33% x FAS x yrs of service to 15 + 1.00% x FAS x yrs over 15 (+1.785% x FAS X yrs over 15, eff. 7/1/91) Same as above, actuarially reduced from age 65
HIGHWAY PATROL Employee 7.59% Employer 26.75% No Regular: age 50 w/ 20 yrs. service Early: any age w/ 5 yrs. service		No	Regular: age 50 w/ 20 yrs. service Early: any age w/ 5 yrs. service	2% x FAS x yrs of service Same as above, actuarially reduced from age 60
SHERIFFS' Employee 7.00% Employer 7.67% Yes Regular: any w/ 24 yrs. serv. (pre 7/1/89) age 50 w/ 24 yrs serv. (post 7/1/89) Early: age 50 w/ 15 yrs. service Involuntary: 10 yrs service, age 55		Yes	Regular: any w/ 24 yrs. serv. (pre 7/1/89) age 50 w/ 24 yrs serv. (post 7/1/89) Early: age 50 w/ 15 yrs. service Involuntary: 10 yrs service, age 55	2% x FAS x yrs of service to 25 + 1.35% x FAS x yrs in excess of 25 up to max. of 60% FAS 2% x FAS x yrs of service, actuarially reduced from age 50 or 24 years service 2% x FAS X yrs of serv, actuarially reduced same as early retirement
GAME WARDENS' Employee 7.90% Employer 7.15% + fines Yes Regular: age 50 w/ 20 yrs. service Involuntary: 10 years service, age 55		Yes	Regular: age 50 w/ 20 yrs. service Involuntary: 10 years service, age 55	2% x FAS x yrs of service 2% x FAS x yrs of service
MUNICIPAL POLICE Employee 6.0/7.5% Employer 13.02% State 15.06% No Regular: 20 yrs service (pre 7/1/75) Age 50 & 20 yrs in serv (post 75)		No	Regular: 20 yrs service (pre 7/1/75) Age 50 & 20 yrs in serv (post 75)	2.5% x Fin. Comp. x yrs service to 20 + 1% x Final Comp. x yrs in excess of 20, up to a max of 60% salary
FIRE-FIGHTERS' UNIFIED Employee 6.0% Employer 13.02% State 22.98% No Regular: Age 50, w/ 10 yrs service May terminate with 10 yrs and receive benefit at age 50		No	Regular: Age 50, w/ 10 yrs service May terminate with 10 yrs and receive benefit at age 50	2.5% x Final Comp. x yrs serv to 20 + 1% x Final Comp. x yrs over 20, to a max of 60% (Pre 7/1/81 hires) 2.0% x FAS X yrs of service, to a max of 60% (Post-7/1/81 hires)

**STATE GROSS PREMIUMS TAX RATES ON FOREIGN INSURERS
MONTANA VS. OTHER STATES
(50 STATES)**

Median Rate		2.00%
Texas	3.50%	Indiana 2.00%
Nevada	3.50%	Iowa 2.00%
Hawaii	3.197%	Kansas 2.00%
West Virginia	3.00%	Kentucky 2.00%
New Mexico	3.00%	Maine 2.00%
Mississippi	3.00%	Maryland 2.00%
Idaho	3.00%	Massachusetts 2.00%
Alaska	3.00%	Minnesota 2.00%
Alabama	3.00%	Missouri 2.00%
<u>Montana</u>	<u>2.75%</u>	New Hampshire 2.00%
Wyoming	2.50%	New Jersey 2.00%
South Dakota	2.50%	North Dakota 2.00%
Ohio	2.50%	Pennsylvania 2.00%
Louisiana	2.50%	Rhode Island 2.00%
Arkansas	2.50%	Tennessee 2.00%
California	2.37%	Vermont 2.00%
Virginia	2.25%	Washington 2.00%
Utah	2.25%	Wisconsin 2.00%
Oregon	2.25%	Delaware 1.75%
Oklahoma	2.25%	Florida 1.75%
Georgia	2.25%	North Carolina 1.75%
Colorado	2.25%	Michigan 1.33%
Arizona	2.00%	Nebraska 1.00%
Connecticut	2.00%	New York 0.80%
Illinois	2.00%	South Carolina 0.75%

3.05%
If HB 77 is enacted

Source: Montana Department of Revenue



EXHIBIT 9
DATE 1/25/91
HB 195

Madam Chair and Members of the Committee,

For the record, my name is Jane Murphy and I live in Helena. I am the Executive Director of the Montana Democratic Party, and on their behalf I urge your support of House Bill 195.

Simply put, to not include party affiliation on campaign materials for a partisan election is to be less than honest with Montana's voters.

There are clear philosophical differences between the Democratic and Republican parties which are reflected in their respective platforms. When a candidate files for office, he or she is required to declare his or her party affiliation by filing as a Democrat, Republican, or third party candidate.

Currently, the law requires that the individual or group paying for a candidate's campaign materials be disclosed on those campaign materials in the form of a disclaimer. The law should also require that the candidate disclose their party affiliation as they declared it at the time of their filing for office.

The public has the right to know what party the candidate is affiliated with.

With that thought, I'd again urge your support and passage of House Bill 195.

Thank you for this opportunity to present our thoughts.

Sincerely,

Jane C. Murphy
Executive Director

EXHIBIT 10
DATE 1/25/91
HB 95

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 1/25/91 BILL NO. HB 195 NUMBER _____

MOTION: Le Pass

NAME	AYE	NO
REP. VICKI COCCHIARELLA, VICE-CHAIRMAN	✓	
REP. BEVERLY BARNHART	✓	
REP. GARY BECK	✓	
REP. ERNEST BERGSAGEL		✓
REP. FRED "FRITZ" DAILY	✓	
REP. ERVIN DAVIS	✓	
REP. JANE DEBRUYCKER	✓	
REP. ROGER DEBRUYCKER		✓
REP. GARY FELAND		✓
REP. GARY FORRESTER		✓
REP. PATRICK GALVIN	✓	
REP. HARRIET HAYNE		✓
REP. BETTY LOU KASTEN		✓
REP. JOHN PHILLIPS		✓
REP. RICHARD SIMPKINS		✓
REP. JIM SOUTHWORTH	✓	
REP. WILBUR SPRING		✓
REP. CAROLYN SQUIRES	✓	
REP. JAN BROWN, CHAIR	✓	
TOTAL	10	9

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

1 of 3

STATE ADMINISTRATION

COMMITTEE

BILL NO.

HB 77

DATE 1/25/91

SPONSOR(S) REP. QUILICI

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
DILL YAEGER	ASSN OF MT Highway Patrolmen	X	
MARY PAT MURPHY	Association of MT Highway Patrol	X	
Alan W. Young	Assoc of mt Hwy Patrol	X	
DAN C. FILLINGER	ASSOC. OF MT Hwy Patrol	X	
James W. Borchardt	State Auditor		
ROGER McBLENN	INDEPENDENT INS. AGENTS Assoc. of MT		X
RON ASHABRAWER	STATE FARM INSURANCE		X
GENE PHILLIPS	NATIONAL ASSOC. IND INS. ALLIANCE of AMER. INS		X
Tom Schneider	MPEA	X	
Jaqueline Urrell	Amer. Ins. Assoc.		X
Larry McIntosh	PERD		
REP. ROBERT CLARK	H.D. 31	X	
Roger & Elijah Scheidler	Home Schoolers visiting	- N/A -	
Steve Browning	State Farm Insurance		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

2 of 3

State Administration

BILL NO. HB 77

SPONSOR Rep. Tuleci

DATE 1/25/91

WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU WANT TO SUBMIT WRITTEN TESTIMONY.

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State Administration

BILL NO. HB 77

SPONSOR Rep. Tuller

DATE 1/25/91

WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU WANT TO SUBMIT WRITTEN TESTIMONY.

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[illegible]

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO. HB 195

DATE 1/25/91

SPONSOR(S) REP. KILPATRICK

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Jane Murphy	MT Democratic Party	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.