

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
52nd LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIR JAN BROWN**, on February 11, 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:**

**REP. FORRESTER** gave the following brief report on the Pay Plan Subcommittee (PPS): They had a meeting last week. All sponsors gave a synopsis of their bills without cost figures. Ms. Heffelfinger will discuss the bills and inform the PPS what each bill involves at the meeting tomorrow night. He said, "Keep in mind (Ms. Heffelfinger) was involved in the discussion of the pay plan as put forth by the Commission." Only members of the PPS will sit around the table to arrive at a state pay plan. People in the audience will be used as resource. "They have made their presentation. I don't want to act as though we're bargaining now." Rep. Bob Ream, who serves on the Taxation Committee, will provide Rep. Forrester with some figures on dollars today.

Appropriation will tell the PPS about dollars as well. The PPS should know how much money is available before they can "start plugging in plans. . . . The (PPS) might come up with a hybrid of all those plans."

#### HEARING ON HB 529

##### Presentation and Opening Statement by Sponsor:

REP. GARY FELAND, House District 12, Shelby, introduced HB 529 at the request of the administration to validate bonds that have been sold since 1989 and to extend the bond validating act.

##### Proponents' Testimony:

Karen Munro, Department of Administration, presented written testimony. EXHIBIT 1

Opponents' Testimony: None

Questions From Committee Members: None

##### Closing by Sponsor:

REP. FELAND closed by asking for a DO PASS.

#### HEARING ON HB 599

##### Presentation and Opening Statement by Sponsor:

REP. JOHN MERCER, House District 50, Polson and Flathead Lake area, introduced HB 599 which would redefine the calculation for pension benefits for volunteer firefighters (VF). There is a problem with the VF benefits as there is a wide disparity from year to year in the monthly benefit. "It goes from \$114 one year to \$70 the next year and then back down to \$80; it keeps changing." The VF rely on the monthly benefit. They would like to have it stabilized as it now causes a hardship. Larry Nachtsheim, Public Employees Retirement System (PERS), arrived at a solution to set the benefit at \$120 for a couple of years and allows the PERS to collect some data for next session.

##### Proponents' Testimony:

Larry Nachtsheim, Public Employees' Retirement Board, presented written testimony. EXHIBIT 2

Lyle Nagel, Montana State Volunteer Fire Fighters' Association (VFFA), Montana State Fire Chiefs' Association, said the most common question that "came around" from the retirees when he was an officer of the VFFA was "how come the pensions had changed"? It was hard to have the retirees understand that the VFFA had the

only pension fund with a built in cost-of-living decrease. The pension has varied as much as 40 percent from year to year. "I believe if we get this bill passed and try it for two years, maybe we could come back next session with something that would give us a basis for stabilizing this fund."

Art Korn, Butte, original member, VFFA, said he was the secretary/treasurer for 25 years for the VFFA. Forty years ago, with the help of Larry Nachtsheim and others, the VFFA was started. Since 1977 the payments raised \$7.90; in 1988 they went to \$142.76; in 1989 and 1990 they went down to \$72.59; and in 1991 they are \$139.45. HB 599 will equalize the payments for two years at \$120.

Opponents' Testimony: None

Questions From Committee Members:

REP. ROGER DEBRUYCKER asked if the increase of the fund, on Ln. 9, from \$1 million to \$6 million was due to there being \$7 million in the fund. Mr. Nachtsheim said, "Yes. The \$1 million was put in (the fund) in 1965. The fund has grown significantly. . . The actual balance of the fund is \$7,168,318."

REP. GARY FORRESTER questioned how volunteer firemen qualify for a pension and where the money came from to start the fund. Mr. Nachtsheim said the Legislature created a fund to pay a tax premium on fire insurance and certain liability insurances. The idea was to initially provide pensions for fire fighters and, later on, police officers. The municipalities had allocations for their fire departments because they had fire insurance salesmen living in their communities and it was allocated on a per capita basis for insurance sold for their cities. The rural fire fighters did not have insurance salesmen in their area. The rural fire fighters asked for a fund to be created by taking 5 percent of the tax premium fund to create the pool. The requirements were that a volunteer fire fighter had to serve a minimum of 10 years and a maximum of 20 to get the retirement benefit based on the formula. REP. FORRESTER asked for a clarification of serving. "Does this mean you just belong to a (rural volunteer fire fighters association) or do you have to participate in fighting fires or could they just be the secretary that runs the meeting." Mr. Nachtsheim said the fire fighters are required to complete 30 hours of certified training. Each year the VF sends the PERS a list. "We are quite critical. We don't want the list to be a roll call of the people in the fire department. We have occasion to find problems with it. We require that the fire company document all of its training for all its individuals." REP. FORRESTER asked how the PERS was going to increase the fund to pay the bill. Mr. Nachtsheim said the fund didn't increase. "We just simply said the limit on the fund (that could be distributed for pensions) was at 95 percent of the growth, but the fund in 17 years grew from \$1 million to \$7 million. REP. FORRESTER asked how the fund grew. Mr.

**Nachtsheim** said the 5 percent growth (since only 95 percent could be distributed each year) provided for part of the growth plus the investment income. "We weren't spending as much as we took in. . . . If you look at the fiscal note you will see the fund won't grow as fast as it would have otherwise. . . . We are spending some of the revenue of the fund. We aren't asking for any more money to flow into the fund, we are simply providing a means for more money to flow out."

**REP. BETTY LOU KASTEN** asked how many people are covered under the VF retirement system. **Mr. Nachtsheim** responded that he didn't know how many people were in the system because "we don't keep membership like we do in our other systems. We are paying benefits at the end of fiscal year 1990 to 560 participants."

**REP. KASTEN** asked if PERS intended to keep the system 100 percent funded. **Mr. Nachtsheim** said the system will always be 100 percent funded because it will only be able to pay whatever is in the system unless there is a Legislative change -- \$120 a month will not change the funding status of the system. **REP. KASTEN** said that \$120 is almost twice as much as what it would be if the 95 percent growth would be used. **Mr. Nachtsheim** said that on the second year the amount that would have been paid would have been more than \$120. This year it was \$139. We anticipate it would drop to something less than \$70. Then we think it will go back up to \$139 the following year. **REP. KASTEN** asked, "Do you anticipate putting a formula into the bill that would deal with the increase?" **Mr. Nachtsheim** said he could not answer the question. If there was a formula available, it would have been in the bill. He said he is asking for the PERS to have some time to develop a formula or method of payment.

**REP. JIM SOUTHWORTH** asked if the bill passed if it would sunset or would there be a normal review in 2 years. **Mr. Nachtsheim** said their intention is to level out the benefits at a reasonable level. "We will have to come in the next Legislature and propose some kind of benefit formula. . . . This is an interim 'pegging' of benefits."

**REP. WILBUR SPRING** asked why the benefits fluctuated in the past years. **Mr. Nachtsheim** responded that the 95 percent formula would permit the PERS to pay a benefit of \$139.45 this year. When the \$139.45 is taken out, a piece of the asset is gone. Next year the benefit would be down. Then the investment income would come back up again because PERS would have paid a lower benefit. "We have a year-on, year-off operation. The 95 percent funding, at this point, just doesn't work in the system."

#### Closing by Sponsor:

**REP. MERCER** said there is no intent to raise the amount of money going into the bill. Nor is there any intent to draw down the amount of money that has built up in the fund. It is simply to stabilize something that has gone up and down because of the defect in the existing formula. "In addition to the remarks Mr.

Nachtsheim made, there are other things that cause this amount to go down because there are certain medical benefits and death benefits that are paid and can vary from year to year."

### HEARING ON HB 520

#### Presentation and Opening Statement by Sponsor:

REP. VICKI COCCHIARELLA, House District 59, Missoula, introduced HB 520 to increase the per diem and lodging expenses for state employees. She stated there are some small changes in the bill on the bottom of Pg. 2, Ln. 4 where the lodging rate is being changed from \$24 to \$36 a day. Rep. Grinde is asking for \$30 in his bill. Pg. 2, Lns. 1 and 2, there is a change for meals for state employees when they travel and work for the state. HB 520 takes meals from \$14.50 a day to \$27. State employees have not had a change in this rate since 1981. The inflation has more than doubled that amount since 1981. Even if state employees travel and spend their money in the least expensive eating establishments, they are taking the money out of their pockets to pay for their meals. Item 7 of the fiscal note states that "it is assumed that operating budgets, will be increased by the amount shown below." Most departments don't have to increase their operating budgets they can just take it out of their travel budget.

#### Proponents' Testimony:

Tom Schneider, Montana Public Employees Association, presented written testimony. EXHIBIT 3

Teresa Reardon, Montana Federation of Teachers, Montana Federation of State Employees, said without the increase in per diem, state employees will continue to use their state paychecks to supplement the state's General Fund. The current law falls far short of meeting the true cost of meals and lodging.

Opponents' Testimony: None

#### Questions From Committee Members:

REP. ROGER DEBRUYCKER asked for Mr. Schneider to go through the fiscal note. Mr. Schneider said that he assumes they have gone back to each one of the travel budgets to see what they are spending now and then apply the increases provided by HB 520 to those travel budgets. REP. DEBRUYCKER asked how funding for Capital Projects (CP) would "come into play" for meals and lodging. Mr. Schneider said that under the state's budgeting process, the Legislature would appropriate money from these individual areas. He assumed Capital Projects (CP) would be capital building expenditures. People assigned to CP would travel from Helena to whatever location the expenditure would be taking place.

REP. JOHN PHILLIPS asked if Rep. Hal Grinde's bill had any increases for meals. REP. COCCHIARELLA said it was only for lodging.

REP. KASTEN asked if it was an oversight that meals were not raised for elected officials. REP. COCCHIARELLA answered that the out-of-state rate was not raised either. The focus was only on state employees with the greatest need. It was decided to request \$27 per day because the employees of the Montana Higher Education Student Association Corporation (MHESAC) are receiving that amount for meal allowance per day.

Closing by Sponsor:

REP. COCCHIARELLA said there was an awareness with the Board of Regents that this was a big problem. They raised the meal rates and lodging rates (for MHESAC) to take care of the problem as they perceived it. It is not fair that other state employees have to take money out of their pockets to work for the state. "For 10 years we have not helped state employees do their job, by allowing them to eat and have us pay the expense . . ."

EXECUTIVE ACTION ON HB 529

Motion/Vote: REP. ROGER DEBRUYCKER MOVED HB 529 DO PASS. Motion carried unanimously.

Motion/Vote: REP. KASTEN MOVED HB 529 BE PLACED ON THE CONSENT CALENDAR. The motion failed.

EXECUTIVE ACTION ON HB 599

Motion: REP. ROGER DEBRUYCKER MOVED HB 599 DO PASS. Motion carried unanimously.

EXECUTIVE ACTION ON HB 404

Discussion: CHAIR BROWN said Rep. Grinde had requested that the Committee withhold action until they hear Rep. Grady's bill, which he thought addressed the same issue. He has changed his mind and would like to have the Committee act.

Motion: REP. KASTEN MOVED HB 404 DO PASS.

Discussion:

REP. ERVIN DAVIS questioned if the bill would allow the purchase of land owned by the Highway Department, that was taken by condemnation and not used as they are just small pieces, without having to pay fair market value. REP. ROGER DEBRUYCKER said once it becomes public land and if they want to buy it back, they have

first choice at it. The previous landowner would have the second choice. REP. KASTEN said the bill would deal just with transferring back to a political subdivision. If a political subdivision does not want the land, the current lease would be continued. "This is not an individual's right in any way, this is for a political subdivision's right to come in and take something that can be used and put it to a purposeful use."

REP. GARY FELAND said a lot of cities could not afford to buy these parcels at fair market value. The bill would allow them to buy these under fair market value.

REP. COCCHIARELLA said she objects to the bill because it would have to go on the ballot to change the Constitution. However, she does agree with the idea of the bill.

Vote: HB 404 DO PASS. The motion carried 13 - 4 with Reps. Cocchiarella, Squires, Jane DeBruycker and Ervin Davis voting no; Reps. Simpkins and Daily were not present for the vote.

#### EXECUTIVE ACTION ON HB 424

Motion: REP. JIM SOUTHWORTH MOVED HB 424 DO PASS.

#### Discussion:

Sheri Heffelfinger distributed two sets of amendments to HB 424: Rep. Jessica Stickney's amendments EXHIBIT 4 and Rep. Richard Simpkins' amendments. EXHIBIT 5 Ms. Heffelfinger explained the amendments. Rep. Stickney's amendments were the ones she mentioned when she introduced the bill. The amendments would apply January 1, 1994, to both parts of the bill -- racial and gender balance. As HB 424 now reads, January 1, 1994, is the target date only for racial balance on committees. Amendment No. 4 adds subsection (3) to have the secretary of state do two things. Ln. 18 would read: (see Exhibit 4). Rep. Simpkins' amendments combine subsections (1) and (2). Following "GENDER-BALANCED," it inserts "AND REPRESENT MINORITY RESIDENTS." Amendment No. 3, on Pg. 1, Ln. 12, strikes subsection (1) because now there is only one section. Amendment No. 4 inserts on Ln. 14 following "gender-balanced" -- and represent minority residents. Then it strikes the remaining part of subsection (2).

Motion: REP. JIM SOUTHWORTH moved the Stickney amendments.

Discussion: REP. ROGER DEBRUYCKER asked if there would be enough time for the governor to appoint his board and have it balanced by January 1, 1994. "If it were by July 1, 1994, it would give the Governor (more time)." REP. COCCHIARELLA said not all boards and commission members are appointed by January as it is an on-going process. They are appointed "almost monthly." She questioned if the bill would give enough time for those boards to

go through a cycle of reappointment so the goal could be achieved by 1994. Rep. Cocchiarella said, "Some of those appointments are four-year appointments. . . . There may be a way to change the timing in the bill for each time there is an appointment, rather than the '94 deadline." REP. DEBRUYCKER said he wanted to know if the governor would be able to do this by 1994. REP. BEVERLY BARNHART said, "It seems . . . to the greatest extent possible takes that into consideration. If an appointment (vacancy) doesn't come up for a board . . . it is to the greatest extent possible, because there is no appointment to that board."

Vote: HB 424 STICKNEY AMENDMENTS. Motion carried 15 - 2 with Reps. Kasten and Roger DeBruycker voting no. Reps. Daily and Simpkins were absent for the vote.

Motion: REP. JOHN PHILLIPS moved the Simpkins amendments.

Discussion:

CHAIR BROWN asked if the Simpkins amendments would conflict with the Stickney amendments. REP. PHILLIPS said, "The only 'meat' of the Simpkins amendments is to delete the 10 percent and to do what they can. It makes more sense to me."

REP. COCCHIARELLA said that one of goals of the Simpkins amendment was to appropriately represent the population in Montana. We have no accurate idea of the population of minority groups. Ten percent may not necessarily represent the population. The language in the amendment takes care of that problem. REP. SIMPKINS clarified his amendments: "The bill creates a couple of problems: establishing a date and the 10 percent. . . . We want gender balance and we want the minority representation to the greatest extent possible. We don't put a time line on it but we can be very critical because it is a law."

CHAIR BROWN said the Committee may have to get a sense of what they want to do with the bill and have Ms. Heffelfinger combine the amendments.

REP. PATRICK GALVIN said in his mind the 10 percent says to lump all the minorities into that percentage. "You are not going to get .300 of 1 percent black in Montana regardless of what you do. That was the reason for the 10 percent. If the figure is not legal, we have to throw it out."

REP. SQUIRES said she disagrees with Rep. Simpkins for not placing an exact time or guideline to strive for a minority balance.

Ms. Heffelfinger distributed an amendment prepared for Rep. Barnhart. EXHIBIT 6 She said Rep. Simpkins's amendments cannot work with the Barnhart amendments because the Committee has already passed the Stickney amendments. On the issue of 10 percent and how to proportionally represent, which is one of the

concerns Rep. Simpkins is voicing, Rep. Barnhart's amendments do not conflict with the Stickney amendments, and it would strike the 10 percent and add proportionally.

**Vote: SIMPKINS AMENDMENTS.** Motion failed 8 - 10. EXHIBIT 7

**Motion: REP. COCCHIARELLA** moved the Barnhart amendments.

**Discussion:**

REP. GALVIN asked if "it would be possible to get these four people together and come out with one set of amendments."

CHAIR BROWN said the Committee will have to arrive at a sense of what they want drafted. Ms. Heffelfinger will draft the amendments and then the sponsor of HB 424 will have to look at them.

REP. SIMPKINS said this will leave it up to the courts to determine what the proportional representation is "to the greatest extent possible." REP. SOUTHWORTH said that is possible, but court action is possible in anything. REP. SIMPKINS said, "It is a shame we're passing laws (that won't hold up in court)." Ms. Heffelfinger said the way the bill reads "to the greatest extent possible" applies only to subsection (1) on gender balance. The question in subsection (2) is the 10 percent and there is nothing in subsection (2) that addresses "the greatest extent possible." That is why there was the concern over the 10 percent versus what Rep. Barnhart's amendments do, which is to take out the 10 percent and say "proportionally." But even with those amendments, "to the greatest extent possible" applies only to subsection (1). REP. SIMPKINS said, "That is exactly what my amendment was doing -- making one paragraph to the greatest extent possible. . . . I think we're still opening up ourselves . . . to proportional in the time line and then we'll be open to a law suit to someone to define proportional."

**Vote: BARNHART AMENDMENTS DO PASS.** Motion carried 14 - 4 with Reps. Simpkins, Wilbur Spring, Harriet Hayne and Roger DeBruycker voting no with Rep. Daily being absent.

REP. KASTEN distributed amendments to HB 424. EXHIBIT 8

**Motion: REP. KASTEN** moved her amendments.

**Discussion:**

REP. KASTEN explained the amendments saying, "The person selected must be qualified. That is all it does. We are going to have a very difficult time balancing some boards. Someone testifying said gender balance will not necessarily bring us better boards, just more-balanced boards. I think our goal should always be to do things the best we can with the best people available."

REP. SOUTHWORTH said he was opposed to the amendment because he believes they will be qualified as the governor will be "trying" to appoint the most qualified person.

REP. GARY BECK said he thinks the amendment will be a loop hole to do away with the entire intent of the bill. He did agree that people chosen should be qualified, but the Committee would have to have trust in their elected official to appoint the most qualified people.

REP. KASTEN said if that were the truth and we had faith in those appointing the committees and councils, we would have no need for this law on the books.

REP. SPRING said he believes the Kasten amendments are the only ones that have made sense and should be the number one priority.

REP. BARNHART said when you read any of the selection criteria for any of the boards, it suggests qualified people. The bill simply says let's have some of those qualified people be women.

Vote: HB 424 KASTEN AMENDMENTS. Motion failed 8 to 10.  
EXHIBIT 9

MOTION/VOTE: HB 424 DO PASS AS AMENDED. EXHIBIT 9A Motion carried 10 - 9. EXHIBIT 10

#### EXECUTIVE ACTION ON HB 520

Motion: REP. COCCHIARELLA MOVED HB 520 DO PASS.

#### Discussion:

CHAIR BROWN asked for a clarification of what would happen if the Committee passed both HB 520 and HB 170. Ms. Heffelfinger said they conflict on one part, HB 170 amends only the lodging from \$24 to \$30 a day. Rep. Cocchiarella's HB 520 amends the lodging from \$36 a day. HB 170 does not amend the meals portion, which is addressed by HB 520.

Motion: REP. FELAND moved to amend HB 520 on Ln. 24 to \$30 a day for lodging.

#### Discussion:

REP. BARNHART said we had someone that testified that MHESAC already has that amount of money. She asked, "What you have in this bill is what that group is already being given?" REP. COCCHIARELLA said yes.

REP. PHILLIPS said he supports the amendment. "If you notice, you haven't seen any innkeepers here this morning on this particular bill. Reality is going to tell us that we can only

get so much. This is a big ticket item, folks." People seem pretty satisfied with \$30. In most places in Montana you can get lodging for \$30.

**REP. COCCHIARELLA** said, "I understand from Rep. Grinde that there has already been some kind of deal struck with the lodging people and the governor. That is why Rep. Grinde's bill is at the level it is. I will support the amendment in the sense that the \$30 a night lodging amount doesn't come out of state employees pockets. They just don't stay if they can't. Sometimes they end up in the situation where they are staying in their cars. I know that to be true because they can't afford to pay the extra amount. This amount in the bill benefits innkeepers more than it benefits state employees, but I support the amendment."

**REP. GALVIN** said all his working life he stayed in "these flea cages and whatever. To be very honest with you I wouldn't take my wife to any place that charges only \$30 a night."

**REP. BECK** asked if the state employee had to turn in a motel receipt when they traveled out of town and are allowed so much for meals. **REP. COCCHIARELLA** said that is correct.

**REP. SPRING** said he supports the amendment. Raising the room rate to \$30 is a 25 percent increase, to \$36 is a 50 percent increase. "This is a big ticket item."

**Vote:** **HB 520 FELAND AMENDMENT DO PASS.** The motion carried 15 to 3 with Reps. Southworth, Galvin and Bergsagel voting no. Rep. Daily was absent for the vote.

**Motion:** **HB 520 DO PASS AS AMENDED. EXHIBIT 10A**

**Discussion:**

**REP. PHILLIPS** said he did not have an amendment in mind. Regarding meals, we are "skewed completely out of shape" if we raise the in-state meal allowance and the out-of-state meal allowance is not raised. Everybody knows when you leave Montana you're going to pay more. "The weakest argument I've ever heard for raising (the meal allowance) is we want to match a few high rollers in MHESAC. It is just too much money here. For \$9 I can have two or three beers with lunch."

**CHAIR BROWN** requested Rep. Cocchiarella advise the Committee as to the numbers of what was passed out of the Committee last session. She said she believed the Committee had it down to a pretty reasonable amount, and the bill was then vetoed. **REP. COCCHIARELLA** said, "I think we added \$.50 to the breakfast meal and a \$1 to the lunch and dinner meal. . . . I have found that in the research I have done for this bill . . . (that) state employees are having a harder time with breakfast than with any other meal because that meal amount is so low."

REP. KASTEN asked if a traveling state employee can just "check off" his meals without a receipt and get full reimbursement.

REP. COCCHIARELLA said she didn't know.

REP. PHILLIPS said this wasn't a new debate and he has heard it "thirty-six" times when trying to come to a reasonable figure on meals. "I agree with (Rep. Cocchiarella) on the breakfast meal. I think it should be raised and some of the others should be 'bumped up' some. There is one argument that comes back. What if that guy wasn't traveling, how much would he pay for his meals? There is an offset in there. Certainly you can eat at home a lot cheaper than \$13 unless you're going for lobster. There is a reasonable figure here, I am not sure what it is. The figures we arrived at last time should be bounced up some."

CHAIR BROWN said the Appropriations Committee would look at the figures in the bill. REP. PHILLIPS said he didn't think the Committee should turn out "something so high. I think the whole body would be the laughing stock of the guy out there on the street."

REP. BECK, who works for the Montana Power Company, said his employer takes "pretty good care of its employees," but no matter what kind of expense report he turned in it always costs him more money than he received. He asked if there was a supervisor that oversaw the expense reports. REP. COCCHIARELLA said they do keep track of the days and the time traveled. That was how the figures in the fiscal note were determined. The employees are generally encouraged to travel back at the end of the day to avoid lodging expenses.

CHAIR BROWN asked Rep. Cocchiarella if she wished to have the Committee leave the out-of-state amounts alone and only deal with the in-state amounts. REP. COCCHIARELLA said, "That is up to the wishes of the committee."

REP. BARNHART said that where she works they use the state allowances and book that tells them how to do it. "If we leave at 8 a.m. and come back at 5 p.m., the rule we go by is that you can only have one meal in that time. If you stay overnight, for the most part, then you are allowed three meals. You do not have to have those receipted."

Motion: REP BARNHART moved to amend the meals to \$4.50 for breakfast, \$5.50 for lunch and \$11.50 for dinner.

REP. PHILLIPS asked if Rep. Barnhart would consider including in her amendment a change in the out-of-state breakfast allowance to \$5.00. REP. BARNHART said yes.

REP. GALVIN requested someone find out from the Internal Revenue Codes how much is allowed in their meal allowances. He said he thought the meals were broken down into 6-hour periods and you

were allowed about \$6.25 for a meal every 6 hours when traveling out of town.

**CHAIR BROWN** said the other problems we face are the Appropriations Committee and the governor. The Committee worked on the bill extensively last session and in previous sessions. "It somehow depends on the money."

**Vote:** HB 520 BARNHART AMENDMENT DO PASS. The motion carried 17 - 1 with Rep. Bergsagel voting no. Rep. Daily was absent for the vote.

**Motion/Vote:** REP. COCCHIARELLA MOVED HB 520 DO PASS AS AMENDED. The motion carried 12 to 6 with Reps. Roger DeBruycker, Spring, Simpkins, Kasten, Bergsagel and Hayne voting no. Rep. Daily was absent for the vote.

#### EXECUTIVE ACTION ON HB 170

**Motion:** REP. COCCHIARELLA MOVED HB 170 BE TABLED. The motion carried 13 - 3 with Reps. Roger DeBruycker, Spring and Hayne voting no. Rep. Daily was absent for the vote.

#### EXECUTIVE ACTION ON HB 528

**Motion:** REP. BARNHART MOVED HB 528 DO PASS.

#### Discussion:

REP. BARNHART said the subcommittee for the Women's Prison met three times with good attendance by the public. The subcommittee decided they would look at the areas that were drawn to their attention during the Committee hearing, which were the number of beds, the Site Selection Committee (SSC) and the selection criteria. She asked Ms. Heffelfinger to look over the Department of Institutions' (DI) proposal and to show the subcommittee what the differences were between HB 528 and the DI's bills. Mr. Ted Clack was asked to explain how he had arrived at the formula for the prison bill. She distributed amendments. EXHIBIT 11 Some amendments are controversial. The number of beds was changed from 200 to 150. No change was made in the SSC but gender balancing was added to the amendment. Regarding the change in the number of beds, she said she read the committee report and looked through the minutes of the committee that studied the prison facility and other suggestions for reform, and she decided the public policy should be to include prerelease centers and some community-based centers. The votes were not all unanimous. One member has another amendment to offer.

Ms. Heffelfinger explained the amendments as follows: No. 1 spelling error; No. 2 strikes "TO" and adds "FOR THE PURPOSES OF"; No. 3 includes in the whereas that the state facility includes prerelease and community-based facilities (The total number of inmates projected is not only for the state prison but also for prerelease and community-based facilities); No. 4 changes the number of beds and that is in the definition of facility; No. 5 following the word "submitted," changes the definition of the proposal to allow for proposals that have already been submitted by local government units by striking the language that these proposals are "to be submitted"; No. 6 is a spelling change; No. 7 specifies the date that the request for proposals must be returned by the communities as January 30, 1991, to make this consistent with what the Department of Administration has already done; No. 8 strikes the language that provides acreage for potential expansion (The original request from the DI only included a 15 to 20-acre site with no potential for expansion. If this was left in the bill, some of the communities that submitted proposals would not meet that potential for expansion provision.); No. 9 is for consistency; No. 10 is a language clarification so the request for proposals that have been returned would apply to the construction site proposed by that government unit; No. 11 removes the wording that provides for 25 to 30 additional acres available for expansion as the original requests for proposals (RFP) did not include these; No. 12 provides for gender balance on the SSC (Two members of the SSC have already been appointed by the governor; they are women. One member from the Department of Architects and Engineering is a male. Two members from DI are males.); No. 13 says the members of the SSC may not be residents of a local governmental unit submitting a proposal; No. 14 states that instead of public and private post secondary institutions, the bill would read: a public or private post secondary institution; No. 15 strikes \$12 million because the size of the Women's Correctional Facility (WCF) has been changed from 200 to 150 beds (She said she has not received an estimate from the Architects and Engineering Department (A&E) in the Department of Administration to fill in the empty blank.); No. 16 says the money would also be appropriated for bond issuance costs.

**CHAIR BROWN** asked the Committee if they wished to segregate amendments Nos. 4 and 15.

**REP. BECK** questioned whether the amendment dealing with the expansion should be segregated also. "We have always had to keep building (for the men's prison)." He asked for Rep. Barnhart to clarify that. **REP. BARNHART** said that did not come up. All that came up was the number of beds; the expansion in the bill was only for the acreage not the size. **Ms. Heffelfinger** said the DI told the subcommittee that the 15 to 20 acres originally requested were adequate for a 200-bed facility.

Motion: **REP. BARNHART** moved to amend HB 528 by accepting all but

Amendments No. 4 and 15 of the Bohyer amendments. (See exhibit 11).

Discussion:

REP. FELAND said, "How is this going to affect people that already have (submitted a proposal)?" CHAIR BROWN said the controversial amendments were omitted. REP. FELAND said he is against Nos. 4, 8, 11, 15 and 16 because there are proposals that have already been submitted that are based on a 200-bed facility. He is against the limitations on a 200-bed facility. Ms. Heffelfinger said what the subcommittee learned about the expansion was that if "you want to leave provisions in the bill that require that the RFPs have the potential for expansion to 25 to 30 acres, which is beyond what the DI originally asked for, which was 15 to 20 acres, then some of the communities which have already submitted proposals to DI would not qualify. If you want to leave those provisions for expansion in terms of acreage, then the DI's proposals would be void. The DI would have to go back and redo their proposals." REP. FELAND said, "If we go through with all of these amendments and all the things you want to do, that is exactly what is going to happen because some of them are going to ask to resubmit new bids." Ms. Heffelfinger said the intent of the subcommittee was "that these people would not have to resubmit because the amendments that strike the potential for expansion bring it in line with what the DI originally did."

REP. RICHARD SIMPKINS said they, (DI), did not change the acreage requirement. A smaller facility will be built on the same acreage. The bill increased the requirement of the acreage and the amendments remove the mandatory increase.

REP. BECK said this is an economic issue. When the communities submitted their bids, they bid on a 200-bed unit with the belief that the jobs would bring more money into the area. "We are opening up a real can of worms here. If someone spent a lot of time, we can't just throw their bid out. It looks to me like we're going to have to redo the whole process and let everybody bid over again if it is going to be fair."

CHAIR BROWN said that Ms. Heffelfinger explained that the intent of the amendments was to not do that.

REP. BECK said that Rep. Brooks testified "this levels the playing field. My question would be, who does it level the playing field for? Which Communities does it affect and which does it take out of the bidding? How much does it affect them? Tell us what the bill is all about." REP. BARNHART said the subcommittee did not speak of any specific community. During the testimony and as the subcommittee compared the DI's proposal and HB 528, one of the differences concerned the acreage. "I asked the question if we do not take out the 15 to 20 (acres), will it eliminate any communities. The answer was yes. So we added the January date so it would not open it up to any more communities,

and we also took out the acreage so it would not eliminate any of those communities that had (submitted proposals)."

**REP. FORRESTER** said if the intent of the bill was to level the playing field, which communities would benefit by this bill.

**CHAIR BROWN** requested Ms. Heffelfinger respond to Rep.

Forrester's question and address her own concern. **Ms.**

**Heffelfinger** said the primary portion of the bill is the SSC and the process that occurs during the site selection. The level playing field was to allow the SSC -- with separate members appointed by the DI, with representation from the A & E and from the Senate and the House -- to come up with the site selection based on a scoring criteria. That was the level playing field. What is confusing about the bill is that the first part of the bill, before you come to the site selection, deals with the RFPs' process which has already been done. Half of the bill is prospective. The subcommittee attempted to bring those together so they weren't conflicting. The DI's bill says the SSC would recommend to the DI which facility, based on the scoring criteria, is best. The DI retains the final authority as to which community would have the facility. HB 528 addresses that by saying the SSC has the final say and not the DI.

**REP. BARNHART** said, "It looks like there are more amendments that are controversial than I had assumed." She requested they move some technical amendments.

**REP. COCCHIARELLA** asked for the following clarification: "With the amendments, everyone who submitted a proposal already is still in the running and that doesn't change. If we pass these amendments limiting to 150 beds, how does that impact? . . . Is someone treated unfairly (even though they all submitted the proposal based on the same number of beds)." **REP. BARNHART** said, "Everyone is in the same boat if we keep all of these amendments. The only difference would be that (communities) have submitted proposals for 200 beds. Therefore, their proposal would have to be changed. . . . If we don't eliminate the 15 to 20 (acres), there will be several of those 8 proposals which will automatically, with this bill, not be able to be considered." **Ms. Heffelfinger** said the first part of the bill, even with the amendments, has some criteria that were not specifically addressed in the DI's RFP. It differs in minor places. The second part of the amendment allows for supplemental information to be submitted by the communities that have already sent in their RFPs. Either way, with or without the amendments, (the communities) will have to submit some supplemental data. The big issue is the 200-bed versus the 150-bed facility.

**Vote:** HB 528 BOHYER AMENDMENTS WITH THE EXCEPTION OF NOS. 4 AND 15. The motion carried unanimously.

**Motion:** **REP. BARNHART** moved to adopt amendments No. 4 and 15.

**REP. FELAND** said his constituents' proposal was for a 200-bed,

40-acre site. "We are \$5 million underneath this \$12 million already. I don't see why we should drop it. This is what was sent out and this is the game we should be playing."

REP. SPRING said, "I think that there are people around this table that would consider me a conservative, but I think it is a mistake to drop from the 200-bed facility to 150. I think it is a foregone conclusion that it will be needed. It is also a foregone conclusion that the (200-bed facility) will be cheaper per bed."

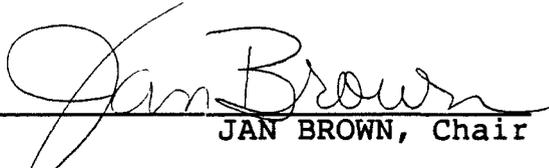
REP. PHILLIPS said the RFP's went out to let the communities do "some creative financing" to say how they would finance the facility. "If we dictate that we'll sell General Obligation Bonds and (a community) has come in with a better mouse trap, (should) we (be) ruling out a better method of financing?" There might be a better way of financing the facility without the state taking on the obligation. CHAIR BROWN said it was her understanding that the Committee was not to deal with that issue because the Appropriations Committee will deal with that.

Vote: HB 528 BOHYER AMENDMENTS NO. 4 AND 15. Motion failed 18 to 1 with Rep. Barnhart voting no.

Motion/Vote: HB 528 DO PASS AS AMENDED. EXHIBIT 11A Motion carried 10 to 9. EXHIBIT 12

ADJOURNMENT

Adjournment: 11:30 a.m.

  
\_\_\_\_\_  
JAN BROWN, Chair

  
\_\_\_\_\_  
JUDY BURGGRAFF, Secretary

JB/jb

HOUSE OF REPRESENTATIVES

STATE ADMINISTRATION COMMITTEE

ROLL CALL

DATE 2/11/91

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

February 11, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 520 (first reading copy -- white) do pass as amended.

Signed: \_\_\_\_\_

Jan Brown, Chairman

And, that such amendments read:

1. Page 1, line 24.

Following: "~~\$24~~"

Strike: "\$36"

Insert: "\$30"

2. Page 2, line 1.

Following: "~~\$3~~"

Strike: "\$5"

Insert: "\$4.50"

3. Page 2, line 2.

Following: "~~\$3.50~~"

Strike: "\$9"

Insert: "\$5.50"

Following: "\$8"

Strike: "\$13"

Insert: "\$11.50"

4. Page 2, line 15.

Following: "plus"

Strike: "\$4"

Insert: "\$5"

HOUSE STANDING COMMITTEE REPORT

1:40  
2-11-91  
JDB

February 11, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report  
that House Bill 529 (first reading copy -- white) do pass .

Signed: Jan Brown  
Jan Brown, Chairman

1:40

2-11-91

TDB

HOUSE STANDING COMMITTEE REPORT

February 11, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 599 (first reading copy -- white) do pass .

Signed:   
Jan Brown, Chairman

1:40  
2-11-41  
TDD

HOUSE STANDING COMMITTEE REPORT

February 11, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 404 (first reading copy -- white) do pass .

Signed: Jan Brown  
Jan Brown, Chairman

2:10  
2-11-91  
JDB

HOUSE STANDING COMMITTEE REPORT

February 11, 1991  
Page 1 of 2

Mr. Speaker: We, the committee on State Administration report that House Bill 424 (first reading copy -- white) do pass as amended .

Signed: Jan Brown  
Jan Brown, Chairman

And, that such amendments read:

- 1. Title, line 4.  
Following: "THAT"  
Insert: "BY JANUARY 1, 1994,"
- 2. Title, line 7 through line 9.  
Following: "POSSIBLE" on line 7  
Insert: "AND PROPORTIONALLY REPRESENT MINORITY RESIDENTS"  
Strike: "PROVIDE" on line 7 through "MINORITIES" on line 9.  
Insert: "REQUIRE THAT THE SECRETARY OF STATE PUBLISH INFORMATION ON APPOINTMENTS AND OBTAIN GENDER AND MINORITY STATUS INFORMATION FROM APPOINTEES"
- 3. Page 1, line 13.  
Strike: "All"  
Insert: "By January 1, 1994: (a) all"
- 4. Page 1, line 15.  
Strike: "."  
Insert: "; and"
- 5. Page 1, line 16.  
Strike: "(2) By January 1, 1994, 10% of"  
Insert: "(b)"
- 6. Page 1, line 18.  
Following: "must"  
Insert: "proportionally"

2:10  
2-11-91  
TDB

February 11, 1991  
Page 2 of 2

7. Page 1, line 19.

Following: line 18

Insert: " (2) Pursuant to subsection (1), the secretary of state shall:

(a) publish in the Montana Administrative Register on a monthly basis the recent appointments made by the executive branch and the upcoming vacancies on executive boards and commissions; and

(b) develop a questionnaire to obtain the gender and minority status of appointees and distribute the questionnaire with copies of the oath of office."

*[Handwritten signature]*

2:10  
2-11-91  
JDB

HOUSE STANDING COMMITTEE REPORT

February 11, 1991

Page 1 of 2

Mr. Speaker: We, the committee on State Administration report that House Bill 528 (first reading copy -- white) do pass as amended .

Signed: Jan Brown  
Jan Brown, Chairman

And, that such amendments read:

- 1. Title, line 7.  
Following: "THE"  
Strike: "CITING"  
Insert: "SITING"
- 2. Title, line 16.  
Strike: "TO"  
Insert: "FOR THE PURPOSES OF"
- 3. Page 2, line 11.  
Following: "facility"  
Insert: ", including prerelease and community-based facilities,"
- 4. Page 3, line 25.  
Following: "submitted"  
Strike: "or to be submitted"
- 5. Page 4, line 5.  
Following: "the"  
Strike: "citing"  
Insert: "siting"
- 6. Page 4, line 9.  
Following: "specify"  
Strike: "a"  
Insert: "January 30, 1991, as the"
- 7. Page 4, lines 18 and 19.  
Following: "site"  
Strike: ", including" on line 18 through "expansion" on line 19

2:10  
2-11-91  
JDB

February 11, 1991  
Page 2 of 2

8. Page 6, line 3.  
Following: "subsection (2)"  
Insert: "and was received by the department no later than January 30, 1991"

9. Page 6, line 6.  
Following: "site"  
Insert: "provided by the local governmental unit"

10. Page 6, lines 7 and 8.  
Following: "size"  
Strike: ", with" on line 7 through "expansion" on line 8

11. Page 7, line 6.  
Following: "persons"  
Insert: ", whose selection must provide for gender balance on the committee"

12. Page 7, line 13.  
Following: "governor"  
Insert: ", neither of whom may be a resident of a local governmental unit submitting a proposal"

13. Page 10, line 2.  
Following: "and"  
Insert: "a"  
Strike: "institutions"  
Insert: "institution"

14. Page 12, line 20.  
Following: "facility"  
Insert: "and for bond issuance costs. The bonds may be issued only for a women's correctional facility"

*[Handwritten signature]*

Karen Munro  
Dept. of Administration

EXHIBIT 1  
DATE 2/11/91  
HB 529

BOND VALIDATING ACT  
TESTIMONY

HB 529

TITLE:

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXTEND THE APPLICATION OF THE BOND VALIDATING ACT, AMENDING SECTION 17-5-205, MCA, AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

PURPOSE:

The purpose is to extend the Bond Validating Act to cover bonds issued since the last legislative session.

SUMMARY:

The Bond Validating Act is a legislative confirmation of the validity of bonds. Many bonds are sold to individual investors who rely on the municipal authorities having complied with all statutory requirements in the issuance of the bonds. The Bond Validating Act prevents the individual investor from having to employ an attorney to examine all of the proceedings under which the bonds were issued. Should there be an irregularity, the Bond Validating Act cures the irregularity to ensure the validity of the bonds. Also, the Bond Validating Act may validate bonds issued without authority. In summary, it ensures bond holders the issuer will honor its debt repayment commitments even if there is a technical defect in the issuance of the bonds.

EXHIBIT 2  
DATE 2/11/91  
HB 599

PUBLIC EMPLOYEES' RETIREMENT BOARD

TESTIMONY HB 599

Larry Nachtsheim  
Administrator, PERD

This bill will provide a two year review period of the benefit structure of the Volunteer Firefighters' Pension Fund while authorizing a reasonable level of consistent payments for the review period.

On July 1, 1965 this fund was created to encourage the participation of qualified individual's in the volunteer fire department of rural areas. To receive a year's credit towards retirement, a volunteer firefighter is required to complete 30 hours of firefighting training certified by his fire chief. Maximum creditable service is 20 years of service; partial benefits with minimum of 10 years of service. Minimum retirement age is 55.

Five percent of the tax collected on insurance premiums was allocated to this fund. No benefits were payable until the fund reached \$1 M which was anticipated to take 10 years. Good investment performance accumulated the \$1 M by July 1, 1973 and the fund has paid benefits each year since that date, based on 95% of the annual growth of the fund. Monthly benefits are recalculated each year based on the 95% pool.

Benefits are capped at \$200 per month, but have never been paid at this level. Over the past eight years benefits have varied from \$142.76 to \$71.00, with a pattern of one high year, one low year.

On July 1, 1990 the fund had reached a balance of \$7,168,318. Current monthly payments with 20 years of service is \$139.45 per month to any retiree with 20 years of service. Next year's payments for 20 years of service were estimated at a little less than \$70 per month.

If HB 599 is enacted, the monthly benefits for the 1991-93 biennium will provide \$120 per month to each retiree with 20 years of service.

In 1993 the Public Employees' Retirement Board will report to the next legislature the results of their review and a recommendation for future benefit payments.

The Public Employees' Retirement Board asks for your support of HB 599.

# MONTANA

1426 Cedar Street • P.O. Box 5600

Helena, Montana 59604

Telephone (406) 442-4600

Toll Free 1-800-221-3468

## PUBLIC

EXHIBIT 3

## EMPLOYEES

DATE 2/11/91

## ASSOCIATION

HB 520

February 11, 1991

TO: Honorable House State Administration Committee

SUBJECT: HB 520

I am Tom Schneider, representing the Montana Public Employees Association. Our Association supports HB 520 and requests that you look long and hard at the issue raised by this bill.

It has now been 10 long years since either meal or lodging rates have been increased. If you take no action it will be 12 long years.

The rates provided for in HB 520 are the rates approved by the Board of Regents for employees of the Montana Higher Education Student Assistance Corporation (MHESAC). This action created a situation where some employees under the Board of Regents receive one travel allowance and the other employees receive the state allowance and the only solution to the problem is to raise state rates up to the higher figure.

When you look at the fiscal note you can see that we have a problem but remember that problem involves all of us. You cannot expect public employees to continue to take money out of their own pockets to subsidize the travel required to do the job for the state of Montana. We will commit to work with you anyway we can to do the best we can to at least start to solve this problem. The first step in that process has to include careful consideration of HB 520. Thank you for your time and favorable support of this most important bill.

**Eastern Region**

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

**Western Region**

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



Amendments to House Bill No. 424  
First Reading Copy

Requested by Representative Jessica Stickney  
For the Committee on State Administration

Prepared by Sheri S. Heffelfinger  
February 8, 1991

1. Title, line 4.

Following: "THAT"

Insert: "BY JANUARY 1, 1994,"

2. Title, line 7.

Following: "POSSIBLE"

Strike: ";"

Following: "AND"

Strike: "TO PROVIDE"

Following: "THAT"

Strike: "BY" through "1994,"

3. Title, line 9.

Following: "MINORITIES"

Insert: "; AND TO REQUIRE THAT THE SECRETARY OF STATE PUBLISH  
INFORMATION ON APPOINTMENTS AND OBTAIN GENDER AND MINORITY  
STATUS INFORMATION FROM APPOINTEES"

4. Page 1, line 19.

Following: line 18

Insert: " (3) Pursuant to subsections (1) and (2), the secretary  
of state shall:

(a) publish in the Montana Administrative Register on  
a monthly basis the recent appointments made by the  
executive branch and the upcoming vacancies on executive  
boards and commissions; and

(b) develop a questionnaire to obtain the gender and  
minority status of appointees and distribute the  
questionnaire with copies of the oath of office."

Amendments to House Bill No. 424  
First Reading Copy

Requested by Representative Simpkins  
For the Committee on

Prepared by Sheri S. Heffelfinger  
February 11, 1991

1. Title, line 6.  
Following: "GENDER-BALANCED"  
Insert: "AND REPRESENT MINORITY RESIDENTS"
  
2. Title, line 7 through line 9.  
Following: "POSSIBLE"  
Strike: "; AND" on line 7 through "MINORITIES" on line 9
  
3. Page 1, line 12.  
Following: "balance."  
Strike: "(1)"
  
4. Page 1, line 14.  
Following: "gender-balanced"  
Insert: "and represent minority residents"
  
5. Page 1, line 16 through line 18.  
Strike: subsection (2) in its entirety

Amendments to House Bill No. 424  
First Reading Copy

Requested by Representative Barnhart  
For the Committee on

Prepared by Sheri S. Heffelfinger  
February 11, 1991

1. Title, line 4.

Following: "THAT"

Insert: "BY JANUARY 1, 1994,"

2. Title, line 7 through line 9.

Following: "POSSIBLE" on line 7

Insert: "AND PROPORTIONALLY REPRESENT MINORITY RESIDENTS"

Strike: "; AND" on line 7 through "MINORITIES" on line 9.

3. Page 1, line 13.

Strike: "All"

Insert: "By January 1, 1994, all"

4. Page 1, line 16.

Following: "1994,"

Strike: "10% of"

5. Page 1, line 18.

Following: "must"

Insert: "proportionally"

EXHIBIT 7  
 DATE 2/11/91  
 HB 424

HOUSE OF REPRESENTATIVES  
 STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 2/11/91 BILL NO. 424 NUMBER 1

MOTION: Amplify amendments DC Pass

NAME	AYE	NO
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		✓
REP. JAN BROWN, CHAIR		✓
<b>TOTAL</b>	<b>8</b>	<b>10</b>

EXHIBIT 5  
DATE 2/11/91  
HB 424

Amendments to House Bill No. 424  
First Reading Copy

Requested by Representative Kasten  
For the Committee on

Prepared by Sheri S. Heffelfinger  
February 11, 1991

1. Page 1, line 15.  
Following: "possible"  
Insert: ", provided that only qualified persons are appointed"
  
2. Page 1, line 18.  
Following: "Montana"  
Insert: ", provided that only qualified persons are appointed"

EXHIBIT 9  
 DATE 2/11/91  
 HB 424

HOUSE OF REPRESENTATIVES  
 STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 1/11/91 BILL NO. HB 424 NUMBER 1

MOTION: Rep Hester amendments -

NAME	AYE	NO
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		✓
REP. JAN BROWN, CHAIR	✓	✓
<b>TOTAL</b>	<b>8</b>	<b>10</b>

Amendments to House Bill No. 424  
First Reading Copy

Requested by Representative Jessica Stickney  
For the Committee on State Administration

Prepared by Sheri S. Heffelfinger  
February 8, 1991

1. Title, line 4.  
Following: "THAT"  
Insert: "BY JANUARY 1, 1994,"
2. Title, line 7 through line 9.  
Following: "POSSIBLE" on line 7  
Insert: "AND PROPORTIONALLY REPRESENT MINORITY RESIDENTS"  
Strike: "PROVIDE" on line 7 through "MINORITIES" on line 9.  
Insert: "REQUIRE THAT THE SECRETARY OF STATE PUBLISH INFORMATION  
ON APPOINTMENTS AND OBTAIN GENDER AND MINORITY STATUS  
INFORMATION FROM APPOINTEES"
3. Page 1, line 13.  
Strike: "All"  
Insert: "By January 1, 1994: (a) all"
4. Page 1, line 15.  
Strike: "."  
Insert: "; and"
5. Page 1, line 16.  
Strike: "(2) By January 1, 1994, 10% of"  
Insert: "(b)"
6. Page 1, line 18.  
Following: "must"  
Insert: "proportionally"
7. Page 1, line 19.  
Following: line 18  
Insert: "(2) Pursuant to subsection (1), the secretary of state  
shall:  
(a) publish in the Montana Administrative Register on  
a monthly basis the recent appointments made by the  
executive branch and the upcoming vacancies on executive  
boards and commissions; and  
(b) develop a questionnaire to obtain the gender and  
minority status of appointees and distribute the  
questionnaire with copies of the oath of office."

EXHIBIT 10DATE 2/11/91HB 424

## HOUSE OF REPRESENTATIVES

## STATE ADMINISTRATION COMMITTEE

## ROLL CALL VOTE

DATE 2/11/91 BILL NO. HB 424 NUMBER 1MOTION: Do Pass As Amended

NAME	AYE	NO
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	✓	
REP. JAN BROWN, CHAIR	✓	
TOTAL	10	9

Amendments to House Bill No. 520  
First Reading Copy

Requested by House State Administration Committee

Prepared by Sheri Heffelfinger  
February 11, 1991

1. Page 1, line 24.

Following: "~~\$24~~"Strike: "~~\$36~~"

Insert: "\$30"

2. Page 2, line 1.

Following: "~~\$3~~"Strike: "~~\$5~~"

Insert: "\$4.50"

3. Page 2, line 2.

Following: "~~\$3.50~~"Strike: "~~\$9~~"

Insert: "\$5.50"

Following: "~~\$8~~"Strike: "~~\$13~~"

Insert: "\$11.50"

4. Page 2, line 15.

Following: "plus"

Strike: "\$4"

Insert: "\$5"

EXHIBIT 11  
DATE 2/11/91  
HB 528

Amendments to House Bill No. 528  
First Reading Copy

Requested by the  
House State Administration Subcommittee on HB 528<sup>2</sup>  
For the Committee on State Administration  
Representative Beverly Barnhart, Chair

Prepared by Dave Bohyer  
February 9, 1991

1. Title, line 7.  
Following: "THE"  
Strike: "CITING"  
Insert: "SITING"
2. Title, line 16.  
Strike: "TO"  
Insert: "FOR THE PURPOSES OF"
3. Page 2, line 11.  
Following: "facility"  
Insert: ", including prerelease and community-based facilities,"
4. Page 3, line 20.  
Following: "approximately"  
Strike: "200"  
Insert: "150"
5. Page 3, line 25.  
Following: "submitted"  
Strike: "or to be submitted"
6. Page 4, line 5.  
Following: "the"  
Strike: "citing"  
Insert: "siting"
7. Page 4, line 9.  
Following: "specify"  
Strike: "a"  
Insert: "January 30, 1991, as the"
8. Page 4, lines 18 and 19.  
Following: "site"  
Strike: ", including" on line 18 through "expansion" on line 19
9. Page 6, line 3.  
Following: "subsection (2)"  
Insert: "and was received by the department no later than January  
30, 1991"

10. Page 6, line 6.

Following: "site"

Insert: "provided by the local governmental unit"

11. Page 6, lines 7 and 8.

Following: "size"

Strike: ", with" on line 7 through "expansion" on line 8

12. Page 7, line 6.

Following: "persons"

Insert: ", whose selection must provide for gender balance on the committee"

13. Page 7, line 13.

Following: "governor"

Insert: ", neither of whom may be a resident of a local governmental unit submitting a proposal"

14. Page 10, line 2.

Following: "and"

Insert: "a"

Strike: "institutions"

Insert: "institution"

15. Page 12, line 18.

Following: "than"

Strike: "\$12 million"

Insert: "\$ \_\_\_\_\_"

16. Page 12, line 20.

Following: "facility"

Insert: "and for bond issuance costs. The bonds may be issued only for a women's correctional facility"

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Amendments to House Bill No. 528  
First Reading Copy

For the Committee on State Administration

Prepared by Sheri Heffelfinger  
February 11, 1991

1. Title, line 7.

Following: "THE"

Strike: "CITING"

Insert: "SITING"

2. Title, line 16.

Strike: "TO"

Insert: "FOR THE PURPOSES OF"

3. Page 2, line 11.

Following: "facility"

Insert: ", including prerelease and community-based facilities,"

4. Page 3, line 25.

Following: "submitted"

Strike: "or to be submitted"

5. Page 4, line 5.

Following: "the"

Strike: "citing"

Insert: "siting"

6. Page 4, line 9.

Following: "specify"

Strike: "a"

Insert: "January 30, 1991, as the"

7. Page 4, lines 18 and 19.

Following: "site"

Strike: ", including" on line 18 through "expansion" on line 19

8. Page 6, line 3.

Following: "subsection (2)"

Insert: "and was received by the department no later than January  
30, 1991"

9. Page 6, line 6.

Following: "site"

Insert: "provided by the local governmental unit"

10. Page 6, lines 7 and 8.

Following: "size"

Strike: ", with" on line 7 through "expansion" on line 8

11. Page 7, line 6.

Following: "persons"

Insert: ", whose selection must provide for gender balance on the committee"

12. Page 7, line 13.

Following: "governor"

Insert: ", neither of whom may be a resident of a local governmental unit submitting a proposal"

13. Page 10, line 2.

Following: "and"

Insert: "a"

Strike: "institutions"

Insert: "institution"

14. Page 12, line 20.

Following: "facility"

Insert: "and for bond issuance costs. The bonds may be issued only for a women's correctional facility"

amends\HB 528

EXHIBIT 12

DATE 2/11/91

HB 528

HOUSE OF REPRESENTATIVES  
STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 2/11/91 BILL NO. HB 528 NUMBER 1

MOTION: No Pass As Amended

NAME	AYE	NO
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	✓	
REP. JAN BROWN, CHAIR	✓	
TOTAL	10	9



