

MINUTES

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

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By CHAIR JAN BROWN, on February 20, 1991, at 8:00 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:

HEARING ON HB 873

Presentation and Opening Statement by Sponsor:

REP. BOB RANEY, House District 82, Livingston, introduced HB 873 to limit the outdoor lighting of the capitol building by saying, "Every now and then you make a stupid mistake, and you have a bill drafted that is stupid. I did that. . . . I wish you would do me a favor and table it before I get out the door.

Proponents' Testimony:

Jim Jensen, Executive Director, Montana Environmental Information Center (MEIC), gave the following history on HB 873: In 1978 when the United States was suffering a significant economic shock due to the OPEC boycott, the governor made a decision that energy could be saved by making a symbolic act to turn the lights off on the capitol, except on special occasions. This bill was introduced by MEIC's request to give the governor the option to make a symbolic gesture to turn the lights off except for special occasions. It is wasteful. If the Democratic party leadership has made a decision to kill the bill because they don't want to take that symbolic act "that is fine." The bill, on its face, wouldn't do a lot; it does have symbolic meaning and could send out a "good signal" that will do as much as any other energy policy bills that would be likely to pass this session.

Opponents' Testimony: None

Questions From Committee Members: None

Closing by Sponsor: None

EXECUTIVE ACTION ON HB 873

Motion/Vote: REP. BETTY LOU KASTEN MOVED TO TABLE HB 873 AT THE SPONSOR'S REQUEST. The motion carried unanimously.

HEARING ON HB 794Presentation and Opening Statement by Sponsor:

REP. SCOTT MCCULLOCH, House District 96, Billings, introduced HB 794 to clarify the definition of a paid holiday as a scheduled day off with pay to observe a legal holiday as specified in 1-1-216, RCM, or in 20-1-305, RCM, except for Sundays. He distributed a photocopy of 1-1-216, RCM, -- Legal Holidays and Business Days and 20-1-305, RCM, -- School Holidays' laws. EXHIBIT 1 There has been confusion and several attorneys general's opinions on the subject. The bill is to clarify in statute what has always been the practice. It will not apply to school teachers, or create any new benefits or add any additional costs; it applies only to employees listed in Sect. 1 of the bill and only to specified holidays. The Department of Administration has no problem with the bill.

Proponents' Testimony:

Phil Campbell, Montana Education Association, stated HB 794 is simple, straightforward and what is currently being practiced. Research shows there are about five or six attorneys general's opinions regarding the question of whether or not public

employees get paid for public holidays. It is not so much a question with individuals in the state, but it is with county employees. When new county attorneys are in office, problems arise. HB 794 will clarify the definition. It does not affect teachers. The current statute does not say that employees get paid for holidays.

Opponents' Testimony: None

Questions From Committee Members:

REP. KASTEN asked if the holidays are negotiated in contracts or whether just so many holidays were allowed. Sheri Heffelfinger said holidays are set in statute, not negotiated.

REP. RICHARD SIMPKINS asked if the statutes apply strictly to state employees. Ms. Heffelfinger said it applies to all employees that are defined in the statute, which includes all the government public employees. REP. SIMPKINS asked if the school districts have their own taxing system and tax base and are their own entity, separate from other governmental agencies. Mr. Campbell answered that they are a political subdivision of the state. REP. SIMPKINS said the law now does not apply to school districts as far as holidays are concerned. Are the school holidays negotiated with the school boards? Mr. Campbell replied, "According to an attorney general's opinion, you cannot bargain into the contracts any additional holidays because they are specified in the law. Non-teaching school personnel are public employees of a political subdivision of the state; they receive the holidays with pay as specified in Title 20. Periodically a question comes up as to whether or not they should receive a paid holiday." Ms. Heffelfinger stated that in Title 20, Chap. 1, Sect. 306, the school holidays are specified. Basically those days are: New Years, Memorial, Independence, Labor, Thanksgiving and Christmas. REP. SIMPKINS asked if the listed holidays that are given off with pay are negotiated in the contract. Mr. Campbell answered they may be put into the contract or sometimes the contract would read, "you are entitled to the days as specified by law It varies. Sometimes they are included and sometimes they are not. It is an issue that does not need to be bargained into a contract because it is state law."

Closing by Sponsor:

REP. MCCULLOCH said he negotiates the teacher's contracts in Billings. "We have a calendar committee that works with the district that decides what days will be holidays. . . . There is no negotiated calendar." HB 794 does not benefit teachers.

HEARING ON HB 829Presentation and Opening Statement by Sponsor:

REP. JOHN PHILLIPS, House District 33, Great Falls, introduced HB 829 to allow armed forces personnel on active duty to register and vote absentee "right up to the day of election." HB 829 will tie in with the Fax Bill. It will not generate much "traffic." The Submariner's Law, which Rep. Phillips sponsored in about 1985, allows individuals who are on a submarine to write to the Clerk and Records Offices and specify the federal candidates for whom they wish to vote. The Secretary of State's Office helped Rep. Phillips draft the bill.

Proponents' Testimony:

John McCarthy, Lobbyist, Common Cause/Montana, said they think HB 829 is a good bill, and they would like to see it extended to all people.

Tootie Welker, Montana Alliance for Progressive Policy, said she wished to be recorded as supporting HB 829.

Opponents' Testimony: None

Closing by Sponsor:

REP. PHILLIPS closed.

HEARING ON HB 830Presentation and Opening Statement by Sponsor:

REP. PHILLIPS, House District 33, Great Falls, introduced HB 830 to revise the supplemental benefit calculation for the Police Retirement System (PRS). It will be calculated on the current year instead of on the previous year. There was a question raised as to whether or not they could get their salary schedule in on time to do this. He presented an amendment. EXHIBIT 2

Proponents' Testimony:

Bill Steele, Retired Police Officer, Great Falls, stated he retired in 1980. He joined the police department in 1953 with a beginning salary of \$280 per month, working six days a week. He did not receive overtime pay. He was agreeable to working for those wages since he knew there was a retirement. By 1960 he was working five days a week for \$400 a month, and there was talk about receiving overtime compensation. The retirement system was still in place. By 1975 the PRS had been changed several times; the result was there was still no common retirement for all police officers. In effect, there were two retirement systems. One PRS represented all of those officers who retired prior to July, 1975; the other PRS applied to those officers who retired

after July, 1975. The pre-1975 officers were given a cost-of-living adjustment, which stated that their retirement would be 50 percent of whatever their pay was until such time as that became less than one-half of the confirmed patrolman's pay. If that were to occur, their retirement would be one-half of a patrolman's pay, in the officer's particular city. The officers who retired after 1975 did not receive that benefit. In 1983, for example, an officer who had retired in June, 1975, received \$686 per month for retirement; another officer, who retired three months later and was not receiving the same cost-of-living allowance, received \$350. "You cannot make it on \$350 a month." In 1983 some "piece-meal one-shot legislation" was enacted to try to bring those officers who entered the system after 1975 up to the same retirement level as the pre-1975 officers. In 1989 the Legislature tried to rectify the issue so "everything would be basically the same" by placing the same stipulation in the statute for all the officers. One of the changes that happened in the 1989 legislation was that now the pre-1975 officers receive a minimum of one-half of a basic patrolman's pay in their city, but the pay is based on the previous year's salary. When the PRS bill was introduced in 1989, it stated the officers who retired post-1975 were to receive the same retirement with the exception they were to receive one-half of a current officer's pay. Today there is a differential between pre-1975 and post-1975 officers' retirements. PRS is requesting in HB 830 that two words be changed to state that instead of the pre-1975 officers receiving one-half of the previous year, they receive one-half of the current year, the same as the officers who retired post-1975. PRS currently has approximately 152 retired officers and widows who would be affected by the bill. He requested the Committee to keep in mind that the retired police officers did not contribute to social security during the time they served in the police departments. He presented the following figures: In Billings a pre-1975 retiree is receiving \$825 a month; a post-1975 retiree is receiving \$868 a month. In Great Falls the difference between a pre-1975 retiree and a post 1975 is \$18; in Miles City the difference is \$28; in Kalispell the difference is \$72 or \$73. All retirement is predicated on what the patrolman is making now.

Frank Cole, Member, Legislative Committee for Retired Peace Officers, said the retired officers have suffered for a number of years. "Some of the later officers may have (worked) later on and ended up with a small amount of social security, which helped their retirement. But these people have nothing else. It is very difficult for them."

Troy McGee, Officer, Helena Police Department, Montana and Helena Police Protective Association, stated they wanted to go on record in support of HB 830.

Kurt Schneider, Kalispell, Retired Police Officer, said he retired in 1970. He had talked to a number of retired officers who would have liked to have appeared before the Committee to testify, but due to ill health were unable to attend. "We kind

of fall into that crack that (occurred) when a mistake was made earlier. . . . The passage of this bill should correct that problem." There are eight pre-1975 Kalispell retired officers who would benefit by HB 830.

Charles Bicsak, Retired Police Officer, Great Falls, testified that he retired in 1972 and would be affected by HB 830. "I would like to see (PRS) brought up to date so we all fall under the same program."

Harriet Schneider, Kalispell, testified in support of the bill.

Thomas W. Huff, Lewistown, Retired Police Office, spoke in support of HB 830.

Opponents' Testimony: None

Questions From Committee Members:

REP. KASTEN asked what the cost of the bill would be. **REP. PHILLIPS** said there was no fiscal note but he had some figures from Linda King, Public Employees Retirement Division (PERD), which said it would cost \$99 thousand a year. "I didn't think it would be that high, quite honestly."

REP. SIMPKINS asked if HB 830 would extend the unfunded liability of the PRS. **Ms. King** said it would not extend any unfunded liability to the retirement system because the funds come directly from the insurance tax premium fund; they don't come from the retirement trust fund. The insurance companies are taxed differently than other businesses in the state. They do not pay property taxes or gross proceeds taxes, they pay a tax on their gross insurance premiums. A certain set percentage of tax on those premiums is separated into various groups as defined in different parts of the law. The money is collected quarterly by the state auditor. There are about nine or ten different statutory appropriations for retirement systems. PERD notifies the state auditor the amount of the supplemental benefit each year. After the statutory appropriations have been paid, the remainder goes into the General Fund. The state auditor's office gives PERD the funds each year to pay the benefit.

REP. KASTEN asked how many more retirement funds are in the same predicament as PRS since the Committee seems "to be seeing recalculations" for the current year. **Ms. King** said many of the retirement systems (with pre-1975 and post-1975 retirees -- and hires -- with the PRS system, and pre-1981 and post-1981 retirees -- and hires for the firefighters) were formed by putting together a number of local plans from all around the state that were financially troubled. There was one level of benefits for the people that were brought together and a new level of benefits established for the new plan. The system members then began working to bring the systems into equity. **REP. KASTEN** asked if the Committee should be looking at retroactive dates when

considering legislation to make the benefits stable. Ms. King responded by saying she could not tell the Committee what their job was, but warned the Committee that any changes that are made to retirement benefits cannot be made negatively only positively. "Look forward into the future to see the results of your actions."

REP. SIMPKINS stated the \$99,000 cost would "short change" the General Fund. Ms. King said she would not use the word "short change," but it will directly offset an amount from the General Fund.

REP. SOUTHWORTH asked Mr. Schneider what the amount of his retirement was in 1970. Mr. Schneider said about \$365 a month.

Closing by Sponsor:

REP. PHILLIPS said HB 830 is a way to equalize the PRS system. "It is just a little bump for folks that don't get social security." He gave the following figures which represent the difference paid in retirement between the pre-1975 and post-1975 retirees: in Livingston - \$11; in Kalispell - \$76; in Red Lodge \$9.

HEARING ON HB 848

Presentation and Opening Statement by Sponsor:

REP. FRANCIS BARDANOUE, House District 16, Harlem, introduced HB 848, which will change the name from the Department of Institutions (DI) to the Department of Corrections and Human Services, which more aptly and fairly describes the role of the treatments provided. HB 848 defines the role of the Department of Institutions in the year 1991, not in the early 1960's when it was created. The DI was created during Gov. Babcock's term when Sen. Cashmore, Helena, carried the bill in the Senate and Rep. Bardanoue carried the bill in the House. History has changed the role of the DI. This is not a complex bill, it is designed to show the present role of the DI. Prior to the DI's creation, a board of examiners "supposedly" supervised the institutions and each one was "kind of an empire to itself." There were more institutions in the 1960's than there are now. There was the orphans' home and a much larger institution than there now is at Warm Springs. With the changing roles and times and concepts of care for handicapped human beings and for those with physical problems, the DI's role has changed somewhat. The Miles City institution is no longer a part of the DI; the orphans' home has been closed. Now much more emphasis has been placed on the treatment of alcoholism, chemical drug dependency and the mental health field. The function of the DI is no longer just institutions but for treatment -- not only in-house, but across Montana in various programs in assorted local communities.

Proponents' Testimony:

Curt Chisholm, Director, DI, said HB 848 is an important piece of legislation for DI. The name change, and a better articulation of what the nature of the DI is, is in no way intended to diminish the importance of institutional programs. Institutions are needed to anchor the ends of the continuing care scenarios that are extremely important. The DI is a department of human services with clear, primary responsibility to be the state's mental health authority, chemical dependency authority and adult correctional authority. They also provide some institutional services to developmentally disabled individuals and veterans' nursing care services. The name change will start advertising to the general citizenry "what this department is all about and to assist policy makers . . . to have a better understanding of the expectations of the DI." Mr. Chisholm distributed copies of the Enabling Act for the DI. EXHIBIT 3 He then read 53-1-201, RCM, (1) through (6). Institutions were the publicly expected remedy to take care of many of the debilitating problems associated with being mentally ill, retarded or aged. They are also expected to handle correctional problems and to deal with chemical dependency. The DI is administering the following sections of law:

1. The Mental Health Act section of the law in Title 53, Chap. 21, that references the DI to care for each person, who may be seriously mentally ill or suffering from a mental disorder, with such care and treatment as will be suited to the needs of the person to assure that each person is treated appropriately. The DI is to accomplish this goal, whenever possible, in a community-based setting. The DI may accomplish this goal in an institutionalized setting only when less restrictive alternatives are no longer available.
2. In another section of Title 53, the DI is told to contract with nonprofit corporations, specifically mental health centers, to develop comprehensive state-wide mental health programs to educate and to prevent and to treat mental illnesses as best it comprehensively can statewide.
3. In Title 53, Chap. 24, there is an Alcoholism and Drug Dependency Act for the DI to administer. It calls for the development of comprehensive treatment programs state wide, both inpatient and outpatient, to treat the diseases of alcoholism and chemical dependency in a comprehensive continuing care kind of a scenario.
4. Chap. 23 relates to the Developmental Disabilities Act, with the same type of verbiage, and the DI is to administer the Act.

The whole issue is the expectations of the earlier enabling act,

that created the DI, have long since disappeared. There is now an expectation by the Legislature and the federal rule makers that allows the DI to participate in federal entitlement programs and block grants. The DI is now required to: 1) develop comprehensive treatment programs systemically for chemical dependency, mental health, developmental disabilities and in corrections; 2) to provide institutional services for adult felons and to develop appropriate community-based alternatives to incarcerations.

It is appropriate that the public has the proper perception of the DI as they are a department of human services and adult corrections.

Sue L. Wilkins, President, Montana Correctional Association, presented written testimony. **EXHIBIT 4**

Wally King, Chairman, Board of Visitors, stated the Board met by telephone yesterday. They strongly support HB 848 as written.

Shirley Renders, Helena Alliance for the Mentally Ill, and representing the Montana Alliance for the Mentally Ill by the request of its president. She said they were "very much in favor of this bill, particularly the name change from the Department of Institutions to (the Department of) Corrections and Human Services. We believe it will help alleviate the stigma attached to the word 'institutions,' which is something the Alliance for the Mentally Ill has worked on for a number of years."

John Shontz, Mental Health Association of Montana, said, "We support the legislation as an association. If you read through (the bill) it articulates a change as it narrows the scope in terms of saying what the DI does. . . . It is still a mixed bag, particularly on the human services side. We look forward to a future continuing evolution of the way the state of Montana serves people rather than institutions." He requested HB 848 be placed on the Consent Calendar.

Kathy McGowan, Montana Council of Mental Health Centers (MCMHC), testified MCMHC is comprised of five regional community mental health centers. They, rather than the institutions, serve a majority of the mentally ill in the state. MCMHC feels they are not an institution but a human service. They would like to see the stigma of institutions removed from mental health.

Mike Ruppert, President, Chemical Dependency Programs of Montana (CDPM), and Executive Director, Boyd Andrew Chemical Dependency Care Center in Helena, said CDPM consists of the administrative directors of 22 of the 34 state-approved programs within the state. They unanimously support HB 848. Of the 34 state-approved programs, only 2 are actually part of the institutions of the state. Five percent of the total clients served by the 34 state-approved programs are associated with actual institutions. The human services portion of the name change is clearly much more reflective of the chemical dependency system in the state.

Stigmas must be overcome in order to "access" people who need their help. Many stigmas, stereotypes and false notions are associated with the diseases they treat. One of the false notions is that a person who comes for treatment will be institutionalized. The name change would better facilitate what CDPM does.

REP. WILLIAM MENAHAN said he thought HB 848 "was a step in the right direction." He did not think it went far enough. The DI should be split by moving Boulder and Eastmont to the Department of Family Services (DFS) as all the other people in those areas are under that department. If a person, who is a client at Boulder, is moved to a group home, he is placed under DFS; if he returns, he comes back under the care of the DI. Changing the name is a "great idea." Corrections should be established. The boys and girls correctional homes were moved from the DI. "Something has to be done. You will notice every one of these programs is in trouble. The only one that isn't in trouble is the men's prison. They receive a considerable amount of attention. Seven or 8 years ago the men's prison received \$18 million; and they will be receiving \$20 million now. The DI really hasn't done "some of the things they should have been doing over the years." He said he was one of their biggest critics. Their new name will include the words human services, "This is a step in the right direction, but management should follow along with that."

Opponents' Testimony: None

Questions From Committee Members:

REP. GARY BECK asked if the DI would expand with the name change. **Mr. Chisholm** said the DI will not expand the base of operations simply because of the change of the name. The Mental Health Act and the Developmental Disabilities Act in 1975 "started the whole institutionalization of a couple of the facilities." People do not understand that buried within the DI is the state's single authority for comprehensively dealing with the problems of mental health issues, alcohol and drug abuse. **REP. BECK** asked how many people are presently employed in the DI and then he asked **Mr. Chisholm** to go on record to state that he would not hire any more people because of the name change. **Mr. Chisholm** said the DI currently employs over 2,060 employees. It is probably the largest executive department in state government. "I cannot assure you . . . that we will not hire any additional employees. That is all contingent upon changes of the mission of the department that will be subject to legislative approval this session or future sessions." **REP. BECK** said he is worried about how many more people will be added at the administrative level when the name is changed. **Mr. Chisholm** said HB 848 does not imply any expansion of administrative positions in the central office in Helena. "I cannot promise you there will not be one single FTE added to the DI in perpetuity because of this."

REP. FRITZ DAILY said Mr. Chisholm testified there are 2,060 employees. How many employees are there in the central office? Mr. Chisholm said there are about 50 employees.

CHAIR BROWN asked Rep. Bardanouve if he wished to respond to Rep. Beck's earlier question concerning HB 848 leading to the expansion of the DI. REP. BARDANOUE said, "I see no way there is any intention of expansion." No Legislator today could say what the policies would be years from now. "Before the creation of the DI, each institution was an empire unto itself. No one supervised or coordinated the institutions. . . . There had to be some centralized agency, which became this department, to supervise, administer and set policy. In recent years, I have not seen an enlargement. There may be (fewer) employees now than there were a few years ago. . . . (HB 848 will) define the role, not enlarge the program."

Closing by Sponsor:

REP. BARDANOUE said he has seen the evolution -- almost the revolution -- when DI was created. Prior to that time there was almost a territorial department of institutions. The following institutions were still in use when the DI was created: 1) The old Territorial Prison at Deer Lodge which was built in the territorial days by a private contractor who built all the roads in the Deer Lodge valley with the prisoners. Prisoners were contracted for about 25 cents a day from the Territory of Montana. 2) The Warm Springs facility, which was a horrible place with over 1900 patients. The old Territorial Hospital was still in use. 3) Boulder with 900 patients. There has been a "revolution in treatment of people who fall within these fields. It is time we change the name of the facility. It is no longer an institution where you locked (people) up and threw away the keys." The people that testified on HB 848 today weren't even in Montana when the DI was created. There were no mental health programs or alcoholic treatment programs. There were no local organizations that are now associated with and administered by the DI. His "most horrible memory" was when he went to Warm Springs. He entered a large room that contained 30 to 40 mentally ill children with no adult present. Some children were in the corners with the more aggressive children beating up on the docile children. The children were crying. The children grabbed his hands and were desperate for care and treatment. There was urine everywhere on the floor. This is what we had; today they are receiving treatment, and not just in an institution.

HEARING ON HB 293 and HB 294

Presentation and Opening Statement by Sponsor:

REP. LARRY GRINDE, House District 30, Lewistown, introduced HBs 293 and 294 by presenting written testimony. EXHIBIT 5

Proponents' Testimony: None

Opponents' Testimony: None

Questions From Committee Members:

REP. SIMPKINS said he liked the concept of the bills but thought the mechanics were a little "short" in the Constitutional amendment for implementation of the switching of the system where Rep. Grinde referred to a three-year session. The handout states there will be an organizational meeting with the Legislature being sworn in during the odd-number years and convening in the even-numbered years. REP. GRINDE referred to the last page in the handout and said it would answer most of the question. There is going to have to be a double-up session in order to have the sessions in the even-numbered years. The Legislature would meet in 1993 as the process will not go into effect until 1996. In 1994, the Legislature would have to meet for a budgeting session to pick up the odd year in order to get on the biennium-budgeting process. The second block on the handout would show the Legislature meeting on the 2nd Monday in January (for example). There would be a week where the oath of office would be taken and the rules adopted. So all Legislation would be done in the odd-numbered years. "Yes, (the Legislature) would meet for one week in the odd-numbered year, just to set up and take the oath of office. Then (the Legislature) would adjourn. The Legislature would then start on the even-numbered years in a regular session in 1996. REP. SIMPKINS said the Constitutional amendment just changes the even-numbered years. Technically, taking the oath of office in the odd year is not correct, because once you take the oath of office, you meet. The bills would have you taking the oath of office in the odd-numbered year and recessing until the even-numbered year. REP. GRINDE responded by saying, "The reason for the Constitutional change is because it now says that we should meet in odd-numbered years. The Constitutional change would allow us to meet in even-numbered years. HB 294 would set up the mechanism that would allow us to meet for one week in the odd-numbered years.

REP. DAILY said the flow chart shows the Legislature meeting on the 2nd Monday in January with the bill draft request deadline on August 15. He said he "kind of likes (Rep. Grinde's) idea," but is concerned that with the longer period of time more legislation would be introduced. "We introduce too many bills, it is that simple. That is the problem with the whole place." REP. GRINDE said, "You are absolutely correct." It is addressed in Exhibit 5, which says something to the effect "because we would have more time, with the work-load increase and more bills (being) drafted. You have to remember that all of this is done through rule-making authority." The Legislature could set up how many bills could be heard. All Legislators would be able to attend the Rules Committee and have input. Rep. Grinde would like to see the number of bills a Legislator could introduce limited to seven in the even-numbered years and one during the regular session.

Committee drafts would also have to be allowed through the rule-making process. In order to make this work, limiting the numbers of bills that could be heard must occur.

REP. SIMPKINS asked if the Legislature could go into session now, with the way the Constitution is now written, and meet in one week -- for 5 days -- in the odd-numbered year, recess and then meet again the following January for 85 days. REP. GRINDE said, "Yes, this is absolutely possible." The speaker of the House and the president of the Senate could call an organizational meeting for one week in the odd-numbered year and then recess, not adjourn. (The Legislature) could reconvene in the even-numbered years." He thought of doing that but decided to not "go that route" because he was afraid people would think he "was trying to pull something here" and because he thinks the people have the right to vote on Constitutional changes "instead of trying to pull the wool over their eyes."

REP. KASTEN asked if Rep. Thomas's HB 357 -- which the Committee gave a DO PASS -- passes the House, how would HB 294 stand? Ms. Heffelfinger said HB 357 was for dual sessions. If both bills passed, they would have to go to the referendum and be put on the ballot. REP. GRINDE said that he and Rep. Thomas have had lengthy discussions on the bills. There is a possibility that if both appeared on the ballot the voters could be confused. Legally both could go on the ballot. If both bills were to pass the House, they would like to have a joint hearing in the Senate to see what could be done.

Closing by Sponsor:

REP. GRINDE said he had no ulterior motives in mind with the bills; the only motive he had was to create a more efficient and effective government. "I ask that you people not be afraid of change. The Legislature, as an institution, has been consistently reluctant to change. Very few Legislators believe that the Legislative process runs efficiently or as effectively as possible, but there is an inexplicable reluctance to change the process that we are now using. . . . (Even) if something is seen as better, but it is unknown, even if it promises improvement . . . people are reluctant to change." He asked the Committee members to kill both bills if they feel the current process is running as efficiently and effectively as possible. If they didn't, he asked the Committee to pass the bills and improve the system.

EXECUTIVE ACTION ON HB 794

Motion: REP. SOUTHWORTH MOVED HB 794 DO PASS. Motion carried 18 to 1 with Rep. Roger DeBruycker voting no.

EXECUTIVE ACTION ON HB 848

Motion: REP. KASTEN MOVED HB 848 DO PASS. The motion carried 17 to 2 with Rep. Fritz and Beck voting no.

EXECUTIVE ACTION ON HB 595

Motion: REP. VICKI COCCHIARELLA MOVED HB 595 DO PASS.

Motion/Vote: REP. COCCHIARELLA moved the amendments to take care of seven officers from four small cities that do not want to be included in the bill. The motion carried unanimously.

Motion/Vote: REP. COCCHIARELLA MOVED HB 595 DO PASS AS AMENDED. The motion carried 14 to 4 with Reps. Simpkins, Bergsagel, Kasten and Feland voting no. EXHIBIT 5A

Donald Driscoll, Mayor, City of Havre, sent a letter endorsing HB 595. It arrived after the hearing on HB 595. EXHIBIT 5B

EXECUTIVE ACTION ON HB 760

Motion: REP. SOUTHWORTH MOVED HB 760 DO PASS.

Discussion:

Ms. Heffelfinger distributed Rep. Davis's amendments to the bill. EXHIBIT 6

Motion: REP. SOUTHWORTH moved the amendments.

Discussion:

CHAIR BROWN asked Rep. Davis if the sponsor of the bill knew what he had done to his bill. REP. DAVIS said no.

REP. SQUIRES asked if the Firefighters know what he has done to the bill. REP. DAVIS said yes. REP. SQUIRES questioned if they concurred. REP. DAVIS said yes.

Vote: HB 760 REP. DAVIS'S AMENDMENT. The motion carried 18 to 1 with Rep. Kasten voting no.

Motion: REP. SOUTHWORTH MOVED HB 760 DO PASS AS AMENDED.

REP. SIMPKINS spoke against the bill. REP. SQUIRES said the bill would go directly to Appropriations and not to the floor of the House. REP. DAVIS said this is what the Firefighters want to do. CHAIR BROWN said the Committee would have to have the majority leader send the bill directly to Appropriations.

Vote: HB 760 DO PASS AS AMENDED. The motion carried 14 to 5 with Reps. Bergsagel, Simpkins, Kasten, Feland and Phillips voting no.

EXECUTIVE ACTION ON HB 830

Motion: REP. DAILY MOVED HB 830 DO PASS.

Discussion:

REP. DAILY said he did not think the bill needed to go to a special subcommittee. "I think we are just going to help a few people out."

Motion/Vote: REP. PHILLIPS moved the amendment submitted during his testimony. The motion carried unanimously.

Motion/Vote: REP. DAILY MOVED HB 830 DO PASS AS AMENDED. The motion carried 17 to 2 with Reps. Bergsagel and Kasten voting no. EXHIBIT 6A

EXECUTIVE ACTION ON HB 829

Motion/Vote: REP. DAILY MOVED HB 829 DO PASS. The motion carried unanimously.

Motion/Vote: REP. FELAND MOVED HB 829 BE PLACED ON THE CONSENT CALENDAR. The motion carried unanimously.

EXECUTIVE ACTION ON HB 578

Discussion:

REP. COCCHIARELLA asked Rep. Beck how he would feel about his bill for hazardous duty pay for the prison employees going to the Pay Plan Committee. Ms. Heffelfinger commented that HB 578 did not have an appropriation on the bill. CHAIR BROWN commented that the rules could be suspended in order to place the bill with the committee. No decision was made.

EXECUTIVE ACTION ON HJR 25

Motion: REP. DAILY MOVED TO TAKE HJR 25 FROM THE TABLE.

Discussion:

CHAIR BROWN said the Committee had previously decided to table HJR 25 because it was felt the resolution was not necessary since HB 758 had passed saying that negotiations must commence. Concern has been voiced that it would be nice to have HJR 25 as a backup if HB 758 were to fail to pass.

REP. DAILY said, "There is a possibility that Rep. Driscoll's bill may die. This bill would be in the Senate to serve as a backup."

Vote: HJR 25 BE TAKEN FROM THE TABLE. Motion carried 10 to 9.
EXHIBIT 7

Motion: REP. DAILY MOVED HJR 25 DO PASS. The motion carried 10 to 9. EXHIBIT 7A

EXECUTIVE ACTION ON HB 314

Motion: REP. SQUIRES MOVED TO TAKE HB 314 FROM THE TABLE.

Discussion:

REP. COCCHIARELLA said she would support the motion and distributed amendments and explained them. EXHIBIT 8

REP. SPRING said he had a note from the clerk and recorder of his county who said they could probably handle 20 days.

REP. DAILY said he could not support the motion either.

REP. COCCHIARELLA said she did not think the clerk and recorders had a chance to look at the amendment. She asked Rep. Squires to withdraw her motion in order for the clerks and recorders to have time to look at it.

Motion: REP. SQUIRES WITHDREW HER MOTION.

EXECUTIVE ACTION ON HB 293 AND HB 294

Motion: REP. DAILY MOVED HB 293 AND HB 294 DO PASS.

Discussion:

REP. DAILY said he would like to see the two bills get to the floor of the House. "We obviously have to do something with the process."

REP. PHILLIPS agreed with Rep. Daily and stated that "you can see by the muddle (that the Committee is in) today (that) we are not doing well. This is a unique idea that needs some debate. Let's send it out."

REP. SOUTHWORTH spoke against sending the bill out of Committee to the floor for debate. He thought with the "crush" of all the bills they would not be debated. REP. DAILY said if the bills were not sent out of Committee, they would die.

REP. SIMPKINS spoke in favor of the bill. He said the question he had raised regarding the swearing in during the odd-numbered years had been answered by Rep. Grinde.

REP. COCCHIARELLA said she saw the bills as being anti-incumbency and said she would not support them.

Vote: HB 293 AND HB 294 DO PASS. Motion carried 11 to 7. Rep. Davis was absent for the vote. EXHIBIT 9

EXECUTIVE ACTION ON CAMPAIGN REFORM BILLS

Discussion:

CHAIR BROWN said the Committee was given a list from the Campaign Reform Subcommittee. EXHIBIT 10 Rep. Kadas's HB 624 was omitted from the list. Rep. Squires would explain the Subcommittee's recommendations.

REP. CAROLYN SQUIRES assured the Committee that there was bipartisan support on some of the recommendations and gave the following report:

1. Rep. Fagg's HB 40 on term limitation, Rep. Springs' HB 218 term limitation bill, Rep. Wallin's HB 283 for term limitation and Rep. Thomas's HB 358 term limitation bill were on the state level. The Subcommittee put them all together and recommended a DO NOT PASS because they felt the turnover was large enough through the electoral process. The Subcommittee had reviewed a fact sheet indicating that over a 20-year cycle that one-third to almost one-half of the Legislature turned over. This would eliminate the problem that the bills addressed.
2. The Subcommittee found it undesirable for House members to resign before running for the Senate, plus there were other problems with Rep. Nelson's HB 492, to increase the length of the House members' terms to 4 years. The Subcommittee recommended tabling the bill.
3. The Subcommittee felt Congressional delegates should police themselves and voted to table Rep. Thomas's HJR 1, to limit Congressional delegates' terms,

CHAIR BROWN said she would not consider a tabling motion until there was a chance to discuss the bills.

EXECUTIVE ACTION ON HB 40, HB 281, HB 283,
HB 358, HB 492 AND HJR 1

REP. SPRING said the limitations on HB 218 could be amended "out" for increasing the length of House seats to four years and the Senate to six year. He has no problems with throwing out the limitations if the other could be addressed without Rep. Nelson's "this and that." He said that lengthening the term for the Senate seat to six years was not difficult to explain. That had been thrown in so the Senate would be mollified. Two years ago

there was a bill to increase the House seat to four years. There is a big turnover. But by alternating years, the Legislature would "more or less" maintain a continuity of half of the members.

REP. SQUIRES said the Subcommittee also discussed the issue about four and six years. It was felt that it was imperative that the House of Representatives be maintained at two years because you do represent the people. It was felt that four years for the Senate was adequate. The Subcommittee realized it was a "pain" to run every two years. They did take into consideration the large areas that Reps. DeBruycker and Bergsagel had to cover.

Motion/Vote: REP. SQUIRES MOVED TO TABLE HB 40, HB 281, HB 283, HB 358, HB 492 AND HJR 1.

CHAIR BROWN asked if any Committee members wished to have any of the bills segregated. No one responded.

Vote: The motion carried 14 to 4 with Reps. Kasten, Spring, Phillips, Simpkins voting no. Rep. Daily was not present for the vote.

EXECUTIVE ACTION ON HB 316

Discussion:

REP. SQUIRES reported the Subcommittee unanimously recommended Rep. Davis's HB 316 to change the primary date to August be tabled. They decided to do this because: 1) too many people would be on vacation in August; 2) too expensive to open the schools early for voting; 3) Montana would be the last state in the U.S. to be considered for a national presidential campaign; and 4) too much inconvenience.

CHAIR BROWN stated that when HB 316 was heard the Committee did not have the Grinde bills, which were passed out of Committee. Rep. Grinde referred to HB 316 in his bills. Before we table the bill, that should be addressed. REP. PHILLIPS commented that with the process that the Grinde bills would have to go through, there would be time in the next session to take care of that.

Motion: REP. SOUTHWORTH MOVED TO TABLE HB 316. Motion carried unanimously.

EXECUTIVE ACTION ON HB 634

Discussion:

REP. SQUIRES reported the Subcommittee recommended tabling Rep. Cohen's HB 634 to restrict contributions between candidates and PACS because of the number of problems with the bill. In addition, Dolores Colburg, Commissioner, Political Practices, was not eager to deal with HB 634. The Subcommittee did try to find some "saving qualities" in HB 634 but were unable to.

Motion: REP. SQUIRES MOVED TO TABLE HB 634. The motion carried 18 to 1 with Rep. Roger DeBruycker voting no.

EXECUTIVE ACTION ON HB 95

Discussion:

REP. SQUIRES reported on the Subcommittee recommendation of Rep. Kimberley's HB 95 to voluntarily limit campaign spending limits to \$5 thousand for the Representatives and \$10 thousand for the Senators. She said they had decided to leave the choice "open."

CHAIR BROWN said the Subcommittee's original intent was to leave the choice open; one Subcommittee member moved a tabling recommendation. It was thought the idea of limiting would be very good, but with it being voluntary the bill would have "no teeth." If candidates agreed with a handshake to limit their spending and a group "pumped" money into your opponents' campaign, you would be going against the handshake agreement and spend the money. The bill does have merits.

Motion: REP. SOUTHWORTH MOVED TO TABLE HB 95. The motion carried 18 to 1 with Rep. Kasten voting no.

EXECUTIVE ACTION ON HB 644

Motion: REP. SQUIRES MOVED HB 644 DO PASS.

Discussion:

REP. SQUIRES stated there had been some division on Rep. Ream's HB 644 (where payments to third parties would be subject to PAC campaign contribution limitations), but the majority of the Subcommittee voted a DO PASS recommendation without amendments.

CHAIR BROWN announced that Ms. Heffelfinger did have some amendments that had been requested by Rep. Daily. Ms. Heffelfinger distributed the amendments. EXHIBIT 11

Motion: REP. DAILY moved to amend HB 644.

Discussion:

REP. DAILY said he could support the bill with the amendments; without the amendments, he could not support the bill. The amendments would specify which contributions would be acceptable. There was the possibility that organizations, such as the Democratic and Republicans parties, would not be able to give candidates advice without that being an in-kind contribution. "I think that is the case, the way the bill is written. Even if it wasn't the case, I am sure some people would interpret it that way." In-kind contributions, for the purpose of HB 644, include: postage stamps, printing and advertising and paying off of a campaign debt.

wasn't worth it. The way the bill is written, unamended, there is something there that was worth recommending to the Committee."

REP. KASTEN commented that her district covers three counties and very few people want to go house-to-house with her. But an "in-kind" contribution for the gas, would make a big difference.

Motion/Vote: REP. DAILY MOVED HB 644 BE TABLED. The motion carried 11 to 8. EXHIBIT 11A

EXECUTIVE ACTION ON HB 624

Discussion:

REP. SQUIRES reported that she had tried to work on some amendments for Rep. Kadas's HB 632, regarding random audits of lobbyists' and candidates' campaign reports and appropriating the fees they would pay to the Commissioner of Political Practices. After discussing the bill with several Representatives, her personal recommendation was to have HB 624 tabled. She did speak to the sponsor regarding her proposed actions.

CHAIR BROWN announced the HB 624 was not considered by the Subcommittee.

Motion: REP. SQUIRES MOVED TO TABLE HB 624. The motion carried unanimously.

EXECUTIVE ACTION ON HB 632

Discussion:

CHAIR BROWN said the Subcommittee ran out of time and there were no amendments. The Subcommittee did not address Rep. Brooke's HB 632 to revise the Conflict of Interest and Financial Disclosure Law.

REP. SQUIRES said HB 632 becomes "a very complex issue." The amendments were too difficult to work with. She spoke with Rep. Brooke about her intentions to recommend the bill be tabled.

Motion/Vote: REP. SQUIRES MOVED TO TABLE HB 632. The motion carried unanimously.

EXECUTIVE ACTION ON HB 535

Discussion:

REP. SQUIRES said the Subcommittee has amendments for Rep. Toole's HB 535 for citizen enforcement of Election and Campaign Practices Laws.

Ms. Heffelfinger distributed the Subcommittee's amendments.
EXHIBIT 12

REP. SQUIRES reported the Subcommittee thought that with the amendments the citizen participation portion of the bill was good.

Motion: **REP. SQUIRES MOVED HB 535 DO PASS.**

Motion/Vote: **REP. SQUIRES** moved the Subcommittee amendments. The motion carried 13 to 5 with Reps. Roger DeBruycker, Spring, Hayne, Kasten and Feland voting no. Rep. Cocchiarella was absent for the vote.

Motion: **REP. SQUIRES MOVED HB 535 DO PASS AS AMENDED.**

Discussion:

REP. SIMPKINS asked if the courts could be ordered. The bill states that "courts shall be ordered." He understood that it was very questionable as to whether the Legislature could issue an order to the courts. Ms. Heffelfinger said instead of making it an optional penalty that the court can or cannot enforce, you're saying the court must enforce this. That is okay.

REP. PATRICK GALVIN referred to Pg. 2, Ln. 25, following the word "defendant": "Would inserting the words, 'if the court chooses' answer Rep. Simpkins' question?" The court would have the authority then. **REP. SIMPKINS** said, "We could put in a penalty if we want, but we would have to strike the provision where we would be ordering the court to do something because, technically, that is another branch of government." Ms. Heffelfinger stated the court enforces the laws and penalties passed by the Legislature as long as they do not conflict with other laws and penalties and the constitutional rights of others.

REP. SIMPKINS commented that he understood about the desire to have citizen involvement, but there is still a problem. The bill would leave you "wide open" even after having gone through an investigation. If the citizen doesn't like the outcome of the investigation, they could go ahead and start processing court action against a candidate. "We don't have a problem. Dolores Colburg does her job."

REP. WILBUR SPRING said this is about the worst campaign reform bill that has come through. "I rise in opposition to this bill as amended."

REP. GARY FORRESTER commented that HB 535 was another assault on the Commissioner of Political Practices. "I just don't think it is needed. I rise in opposition to (HB 535)."

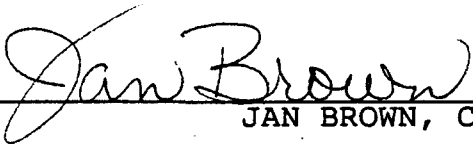
Motion/Vote: **HB 535 DO PASS AS AMENDED.** The motion failed 6 to 12 with Rep. Davis being absent for the vote. **EXHIBIT 13**

Motion: REP. ERNEST BERGSAGEL MOVED TO TABLE HB 535 AS AMENDED.

Motion/Vote: REP. SIMPKINS MOVED TO REVERSE THE VOTE ON HB 535 DO PASS AS AMENDED. The motion to table HB 535 carried by a vote of 12 to 6 with Rep. Davis being absent for the vote. EXHIBIT 14

ADJOURNMENT

Adjournment: 11:50 a.m.



JAN BROWN, Chair



JUDY BURGGRAFF, Secretary

JB/jb

HOUSE OF REPRESENTATIVES

STATE ADMINISTRATION COMMITTEE

ROLL CALL

DATE 2/20/91

NAME	PRESENT	ABSENT	EXCUSED
REP. JAN BROWN, CHAIRMAN	✓		
REP. VICKI COCCHIARELLA, V.C.	✓		
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	✓		

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2-20-91
JDB

HOUSE STANDING COMMITTEE REPORT

February 20, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 293 (first reading copy -- white) do pass .

Signed: 
Jan Brown, Chairman

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2-20-91
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HOUSE STANDING COMMITTEE REPORT

February 20, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 294 (first reading copy -- white) do pass .

Signed: _____
Jan Brown, Chairman

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HOUSE STANDING COMMITTEE REPORT

February 26, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 794 (first reading copy -- white) do pass.

Signed: Jan Brown
Jan Brown, Chairman

1:05
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HOUSE STANDING COMMITTEE REPORT

February 20, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 848 (first reading copy -- white) do pass .

Signed: Jan Brown
Jan Brown, Chairman

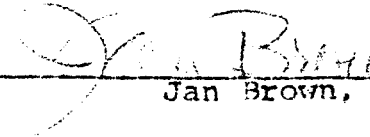
HOUSE STANDING COMMITTEE REPORT

7:50
2-21-91
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February 20, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 595 (first reading copy -- white) do pass as amended.

Signed: 
Jan Brown, Chairman

And, that such amendments read:

1. Title, line 5.
Strike: "AND LOCAL"

2. Title, line 10.
Following: "19-9-804,"
Insert: "AND"
Strike: "19-10-401" through "19-10-501, AND"

3. Title, line 11.
Strike: "19-10-502,"

4. Page 11, line 13 through page 14, line 10.
Strike: sections 9 through 13 in their entirety
Renumber: subsequent section

12:15
2-21-91
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HOUSE STANDING COMMITTEE REPORT

February 21, 1991

Page 1 of 2

Mr. Speaker: We, the committee on State Administration report that House Bill 760 (first reading copy -- white) do pass as amended .

Signed: Jan Brown
Jan Brown, Chairman

And, that such amendments read:

1. Title, line 8.

Following: "1981;"

Strike: "AND"

Insert: "INCREASING THE STATE CONTRIBUTION RATE;"

Strike: "SECTION"

Insert: "SECTIONS 19-13-604 AND"

2. Title, line 9.

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 1.

Following: line 11

Insert: "

Section 1. Section 19-13-604, MCA, is amended to read:

"19-13-604. State contribution. The state shall make its contributions through the state auditor from the premium taxes on the insurance risks enumerated in 19-11-512. These payments shall be made annually to the administrator after the end of each fiscal year but no later than September 1 from the gross premium taxes after deduction for cancellations and returned premiums. The payment is statutorily appropriated as provided in 17-7-502. The administrator shall notify the auditor of the annual compensation, excluding overtime, holiday payments, shift differential payments, compensatory time payments, and payments in lieu of sick leave, paid to all active members during the preceding year, and effective July 1, 1981, the state's contribution is 12% of this compensation. This contribution shall increase to 15% effective July 1, 1982, to 18% effective July 1, 1983, and to 22.98% effective July 1, 1985, and to 23.27% effective July 1, 1991. As soon as practicable after receipt of the state contribution, the administrator shall deposit it with

12:15
2-21-91
JDB

February 21, 1991
Page 2 of 2

the state treasurer." "

Renumber: subsequent section

4. Page 2.

Following: line 10

Insert: " NEW SECTION. Section 3. {standard} Effective date.
[This act] is effective July 1, 1991."

HOUSE STANDING COMMITTEE REPORT


7:50
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February 20, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 830 (first reading copy -- white) do pass as amended.

Signed: _____


Jan Brown, Chairman

And, that such amendments read:

1. Title, line 10.

Following: "AN"

Insert: "IMMEDIATE"

2. Page 3, line 20.

Following: "1."

Insert: "If the base salary of a newly confirmed police officer has not been set for the current fiscal year in time to be included in the August 1 report to the state auditor, the department shall make any retroactive adjustments necessary to individual supplemental benefits after the base salary has been determined and shall include these amounts in the next year's report for reimbursement at that time."

3. Page 4, line 20.

Strike: "July 1, 1991"

Insert: "on passage and approval"

HOUSE STANDING COMMITTEE REPORT

February 20, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 829 (first reading copy -- white) do pass and be placed on consent calendar .

Signed: _____
Jan Brown, Chairman

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2-20-91
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HOUSE STANDING COMMITTEE REPORT

February 20, 1991

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Joint Resolution 25 (first reading copy -- white) do pass .

Signed: _____


Jan Brown, Chairman

53-1-106. Exchange of offenders under treaty. If a treaty in effect between the United States and a foreign country provides for the transfer, by exchange or otherwise, of convicted offenders to the country of which they are citizens or nationals, the governor may, on behalf of the state and subject to the terms of the treaty, authorize the director of the department of institutions to consent to the transfer or exchange of offenders in Montana institutions and take any other action necessary to initiate the participation of this state in the treaty.

History: En. Sec. 1, Ch. 300, L. 1985.

Cross-References

Powers and duties of Governor, 2-15-201.

EXHIBIT 3

DATE 2-20-91

HB 848

Part 2

Department of Institutions

Part Cross-References

Cooperative agreements with district weed

Department of Institutions — head, boards, 7-22-2151.
2-15-2301.

53-1-201. Purpose of department. The department shall utilize at maximum efficiency the resources of state government in a coordinated effort to:

- (1) restore the physically or mentally disabled;
- (2) rehabilitate the violators of law;
- (3) sustain the vigor and dignity of the aged;
- (4) train children of limited mental capacity to their best potential;
- (5) rededicate the resources of the state to the productive independence of its now dependent citizens; and
- (6) coordinate and apply the principles of modern institutional administration to the institutions of the state.

History: En. Sec. 1, Ch. 199, L. 1965; amd. Sec. 38, Ch. 120, L. 1974; R.C.M. 1947, 80-1401; amd. Sec. 69, Ch. 609, L. 1987.

53-1-202. Institutions in department. (1) The following institutions are in the department:

- (a) Montana state hospital;
- (b) Montana veterans' home at Columbia Falls;
- (c) Montana veterans' home in eastern Montana;
- (d) state prison;
- (e) Montana developmental center;
- (f) Montana center for the aged;
- (g) Swan River forest camp; and
- (h) Eastmont human services center.

(2) A state institution may not be moved, discontinued, or abandoned without prior consent of the legislature.

History: En. Sec. 3, Ch. 199, L. 1965; amd. Sec. 1, Ch. 320, L. 1967; amd. Sec. 1, Ch. 280, L. 1969; amd. Sec. 40, Ch. 120, L. 1974; R.C.M. 1947, 80-1403; amd. Sec. 174, Ch. 575, L. 1981; amd. Sec. 1, Ch. 132, L. 1983; amd. Sec. 11, Ch. 361, L. 1983; amd. Sec. 10, Ch. 363, L. 1983; amd. Sec. 2, Ch. 151, L. 1985; amd. Sec. 10, Ch. 14, Sp. L. June 1986; amd. Sec. 70, Ch. 609, L. 1987; amd. Sec. 15, Ch. 683, L. 1989.

Compiler's Comments

1989 Amendment: In (1)(b) inserted "at Columbia Falls"; and inserted (1)(c) that read:

"(c) Montana veterans' home in eastern-Montana". Amendment effective May 16, 1989.

53-1-203. Powers and duties of department. The department shall:

(1) adopt rules for the admission, custody, transfer, and release of residents of institutions except as otherwise provided by law; however, no such rules may amend or alter the statutory powers and duties of the state board of pardons;

(2) subject to the functions of the department of administration, lease or purchase lands for use by institutions and classify those lands to determine which are of such character as to be most profitably used for agricultural purposes, taking into consideration the needs of all institutions for the food products that can be grown or produced on the lands and the relative value of agricultural programs in the treatment or rehabilitation of the persons confined in the institutions;

(3) contract with private nonprofit Montana corporations to establish and maintain community based prerelease centers for purposes of preparing inmates of the Montana state prison who are approaching parole eligibility or discharge for release into the community; the centers shall provide a less restrictive environment than the prison while maintaining adequate security; the centers shall be operated in coordination with other department correctional programs, including the supervised release program provided for in Title 46, chapter 23, part 4. Nothing in this subsection shall affect the department's authority to operate and maintain community based prerelease centers in existence on July 14, 1982.

(4) utilize the staff and services of other state agencies and units of the Montana university system, within their respective statutory functions, to carry out its functions under this title;

(5) propose programs to the legislature to meet the projected long-range needs of institutions, including programs and facilities for the diagnosis, treatment, care, and aftercare of persons placed in institutions; and

(6) encourage the establishment of programs at the local level for the prevention and rehabilitation of physical and mental disability.

History: En. Sec. 5, Ch. 199, L. 1965; amd. Sec. 3, Ch. 320, L. 1967; amd. Sec. 33, Ch. 93, L. 1969; amd. Sec. 41, Ch. 120, L. 1974; amd. Sec. 43, Ch. 37, L. 1977; R.C.M. 1947, 80-1405; amd. Sec. 1, Ch. 4, Sp. L. 1982.

Compiler's Comments

Effective Date: Section 2, Ch. 518, L. 1989, provided that this act is effective April 13, 1989.

Plan for Housing Female Inmates Required - Submission to 52nd Legislature: Chapter 518, L. 1989, requiring development of a plan for housing female inmates, provided: "(1) The department of institutions, in cooperation with the criminal justice and corrections advisory council, shall develop a comprehensive plan for housing adult female inmates. The plan must:

(a) consider the need for building a new correctional facility, as well as other incarceration alternatives;

(b) provide for adequate educational, treatment, training, and employment opportunities for female inmates;

(c) comply with the standards published by the American correctional association's commis-

sion on accreditation for corrections, whenever feasible; and

(d) contain proposed legislation for implementing the plan, if appropriate.

(2) The department shall submit the plan to the 52nd legislature."

Cross-References

Rule defined - applicability of Montana Administrative Procedure Act, 2-4-102.

Adoption and publication of rules, Title 2, ch. 4, part 3.

General powers and duties of Department of Administration, 18-2-105.

General provisions of Board of Pardons, Title 46, ch. 23, part 1.

Disposition of contraband in correctional institution, 53-1-105.

Community-based services, Title 53, ch. 20, part 2.

53-1-204. Responsibility of warden and superintendents of institutions. The warden or superintendents of institutions in the department are

in effect transfer, by which they and subject of insti-tana insti-ipation of

XHIBIT 3
DATE 2-20-91
B 848

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c. 1, Ch. 280,
575, L. 1981;
363, L. 1983;
70, Ch. 609,

eastern Mon-
6, 1989.

20-1-304. (Effective July 1, 1990) Pupil-instruction-related day. A pupil-instruction-related day is a day of teacher activities devoted to improving the quality of instruction. The activities may include but are not limited to in-service training, attending state meetings of teacher organizations, and conducting parent conferences. A maximum of 7 pupil-instruction-related days may be conducted during a school year, with a minimum of 3 of the days for instructional and professional development meetings or other appropriate in-service training, provided that the days are approved by the superintendent of public instruction in accordance with the policy adopted by the board of public education. The days may not be included as a part of the required minimum of 180 days of pupil instruction.

History: En. 75-7405 by Sec. 369, Ch. 5, L. 1971; R.C.M. 1947, 75-7405; amd. Sec. 1, Ch. 638, L. 1989.

Compiler's Comments

1989 Amendment: In middle of third sentence inserted "with a minimum of 3 of the days for instructional and professional development meetings or other appropriate in-service training"; and made minor changes in phraseology. Amendment effective July 1, 1990.

Power of Superintendent of Public Instruction to approve school on pupil-instruction-related days, 20-3-106(22).

Attendance at state teachers' association annual session, 20-4-304.

Instructional assistance by Superintendent of Public Instruction, 20-7-114.

School closure by declaration of emergency, 20-9-806.

Cross-References

Duty of Board of Public Education to adopt policy on pupil-instruction-related days, 20-2-121(6).

20-1-305. School holidays. (1) Pupil instruction and pupil-instruction-related days shall not be conducted on the following holidays:

- (a) New Year's Day (January 1);
- (b) Memorial Day (last Monday in May);
- (c) Independence Day (July 4);
- (d) Labor Day (first Monday in September);
- (e) Thanksgiving Day (fourth Thursday in November);
- (f) Christmas Day (December 25);
- (g) State and national election days when the school building is used as a polling place and the conduct of school would interfere with the election process at the polling place.

(2) When these holidays fall on Saturday or Sunday, the preceding Friday or the succeeding Monday shall not be a school holiday.

History: En. 75-7406 by Sec. 370, Ch. 5, L. 1971; amd. Sec. 1, Ch. 159, L. 1974; R.C.M. 1947, 75-7406.

Cross-References

Legal holidays, 1-1-216.

Teacher contract not to require teaching on school holidays, 20-4-201.

20-1-306. Commemorative exercises on certain days. (1) All districts shall conduct appropriate exercises during the school day on the following commemorative days:

- (a) Lincoln's Birthday (February 12);
- (b) Washington's Birthday (February 22);
- (c) Arbor Day (last Friday in April);
- (d) Flag Day (June 14);
- (e) Citizenship Day (September 17);
- (f) Columbus Day (October 12);

EXHIBIT 2
DATE 2-20-91
HB 830

Page 3, Line 20

After: "September 1."

Insert: "If the base salary of a newly confirmed police officer has not been set for the current fiscal year in time to be included in the August 1 report to the state auditor, the department will make any retroactive adjustments necessary to individual supplemental benefits after the base salary has been determined and will include these amounts in the next year's report for reimbursement at that time."

Page 4, Line 20

Strike: "July 1, 1991"

Insert: "upon passage and approval"

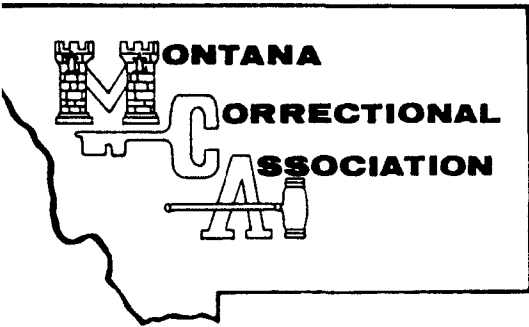


EXHIBIT 4
DATE 2-20-91
HB 848

February 20, 1991

Dear Madame Chair and Committee Members,

The Montana Correctional Association is composed of approximately 150 individuals involved in virtually all aspects of the correctional system. Our membership includes representatives from law enforcement, adult institutions, State adult parole and probation, adult pre-release centers, Federal probation, juvenile institutions, juvenile aftercare, juvenile probation, the Board of Pardons, county attorneys, public defenders, and judges. The Association recognizes that each area of the correctional field impacts another, that there are many such areas, and that it is important to have knowledge of each area in order to understand the affects the system produces as a whole.

House Bill #848 is proposing that a new name be given to the Department of Institutions, that being the "Department of Corrections and Human Services". The Montana Correctional Association supports this bill as the proposed name gives a more accurate portrayal to the general public of the vast array of services Departmental employees provide. These services include chemical dependency treatment, psychological and mental health services, educational programs, career planning, and basic life skills training. The services are not limited to an institutional setting and in fact, numerous clients are served by the Department who will never enter an institutional facility.

The Montana Correctional Association is pleased that the Department has submitted this Bill as the proposed name recognizes that our membership is a "system" which coordinates its efforts and provides a variety of human services. Your serious consideration of this proposal is appreciated.

Sincerely,

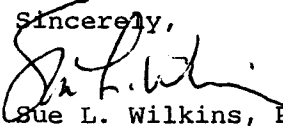

Sue L. Wilkins, President
Montana Correctional Association
411 Livingston
Missoula, MT 59801
(406) 543-7952 or 728-5610

EXHIBIT 5
DATE 2-20-91
HBS 293 + 294

Date

TO: Addressee
FROM: Representative Larry Hal Grinde
SUBJECT: House Bills 293 and 294: Legislative sessions in even-numbered years

Attached is some general information pertaining to House Bills 293 and 294, companion bills that, if adopted, will shift the regular sessions of future Legislatures from odd-numbered years to even-numbered years. At first glance, the bills and the concept seem simple and innocuous. The bills and the concept are simple, but the effects are far reaching.

Under the current process, the Legislature scrambles to organize following the November elections, hurries to have bills drafted and introduced, rushes through public hearings and committee action, and races to complete the complex and difficult tasks of making public policy in 90 days. This process works -- but it does not work well.

Adopting HB 293 and 294 will provide many benefits. The Executive Branch profits by having more time to develop and propose major initiatives, both through substantive legislation and through the budget. The Legislature gains by having sufficient time to have legislation drafted and reviewed by a broader public, by allowing greater analysis and consideration of complex policy issues, and by providing more evenly-paced and timely schedules for action on legislation. Perhaps the greatest beneficiaries, however, are Montana's citizens who stand to gain from greater access to participation in the process.

The new process is simple: following November general elections, the Legislature would take the oath of office, organize, and adopt rules of procedure, which activities should be done in a few days. Throughout the remainder of the odd-numbered year, legislators could have legislation drafted, standing committees could meet to discuss complex issues, and leadership could schedule an orderly agenda for the regular session in the even-numbered year. Good planning allows for good process; sufficient time for consideration allows for greater participation and better government.

An additional benefit is that no extra costs should be incurred, and cost savings could accrue. Having all bills drafted and introduced prior to the Legislature convening would allow leadership to plan the pace of the session and schedule activities accordingly.

In summary, the benefits promised by adopting an even-numbered year session schedule are substantial for everyone involved. The simple change in process will allow extensive improvements in the process of making public policy in Montana.

CONSTITUTIONAL AMENDMENT

House BILL NO. 293
LARRY HAL GREENE

1 AGAINST the legislature meeting in even-numbered
 2 years.
 3 NEW SECTION. **Section 3.** Effective date. If approved by
 4 the electorate, this amendment is effective January 1, 1994.

-End-

1 INTRODUCED BY LARRY HAL GREENE
 2
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE
 5 QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE V,
 6 SECTION 6, OF THE MONTANA CONSTITUTION TO PROVIDE THAT THE
 7 LEGISLATURE SHALL MEET IN EVEN-NUMBERED YEARS; AND PROVIDING
 8 AN EFFECTIVE DATE."
 9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 **Section 1.** Article V, section 6, of The Constitution of
 12 the State of Montana is amended to read:

13 "Section 6. Sessions. The legislature shall meet each
 14 odd-numbered even-numbered year in regular session of not
 15 more than 90 legislative days. Any legislature may increase
 16 the limit on the length of any subsequent session. The
 17 legislature may be convened in special sessions by the
 18 governor or at the written request of a majority of the
 19 members."

20 NEW SECTION. **Section 2.** Submission to electorate. This
 21 amendment shall be submitted to the qualified electors of
 22 Montana at the general election to be held in November 1992
 23 by printing on the ballot the full title of this act and the
 24 following:

25 FOR the legislature meeting in even-numbered years.

EXHIBIT 5
 DATE 2/20/91
 HB 293 + 294

INTRODUCED BILL
HB 293

1
2 INTRODUCED BY House BILL NO. 294
3 Leary Has. Caucus

4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE
5 MEETING OF THE LEGISLATURE IN EVEN-NUMBERED YEARS; PROVIDING
6 FOR THE ORGANIZATION OF THE LEGISLATURE IN THE YEAR
7 PRECEDING THE MEETING OF THE LEGISLATURE; AMENDING SECTIONS
8 2-8-105, 5-2-103, 5-2-202, 5-2-203, 5-2-212, 5-5-202,
9 5-7-103, 5-13-402, 17-7-112, 17-7-202, 90-3-203, AND
10 90-4-605, MCA; AND PROVIDING A CONTINGENT EFFECTIVE DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 **Section 1.** Section 2-8-105, MCA, is amended to read:

14 "2-8-105. Determination of agencies and programs to be
15 reviewed. (1) Before September 1 of each even-numbered
16 odd-numbered year, the governor may furnish the legislative
17 audit committee with a list of his recommendations for
18 agencies and programs to be terminated and subject to a
19 performance audit during the next biennium pursuant to the
20 provisions of this chapter. The list must be prioritized and
21 must set forth the governor's reasons for recommending each
22 agency or program for review.

23 (2) The legislative audit committee shall review the
24 list submitted by the governor, suggestions from legislators
25 and legislative committees, staff recommendations, and any

1 other relevant information and compile recommendations of
2 agencies and programs to be terminated and subject to a
3 performance audit. The committee shall submit its
4 recommendations to the next legislature in the form of a
5 bill terminating those designated agencies and programs at
6 the times specified in the bill and requiring a performance
7 audit of each agency and program under the provisions of
8 Title 2, chapter 8, within the time specified and prior to
9 termination."

10 **Section 2.** Section 5-2-103, MCA, is amended to read:

11 "5-2-103. Time and place of meeting. Each regular
12 session of the legislature shall be convened at the seat of
13 government at 12 noon on the first Monday of January of each
14 odd-numbered even-numbered year or, if January 1 is a
15 Monday, on the first Wednesday. The legislature shall meet
16 at other times when convened by the governor or by the
17 written request of a majority of the legislators or, when
18 the legislature is in session, by a recorded vote of a
19 majority of the legislators."

20 **Section 3.** Section 5-2-202, MCA, is amended to read:

21 "5-2-202. Pre-session activity. (1) Members of the
22 legislature nominated to leadership positions during the
23 pre-session caucus and members nominated or appointed to the
24 legislative administration committees, committee on
25 committees, and rules committees may meet and perform



BIT	5
	2/20/91
	2931294

1 be licensed as a lobbyist. The commissioner shall provide a
 2 license application form. The application form may be
 3 obtained in the office of the commissioner and filed
 4 therein. Upon approval of the application and receipt of the
 5 license fee of \$10 by the commissioner, a license shall be
 6 issued which entitles the licensee to practice lobbying on
 7 behalf of one or more enumerated principals. Each license
 8 shall expire on December 31 of each even-numbered
 9 odd-numbered year or may be terminated at the request of the
 10 lobbyist.

11 (2) No application may be disapproved without affording
 12 the applicant a hearing. The hearing shall be held and the
 13 decision entered within 10 days of the date of the filing of
 14 the application.

15 (3) The fines and license fees collected under this
 16 chapter shall be deposited in the state treasury."

17 **Section 8.** Section 5-13-402, MCA, is amended to read:

18 "5-13-402. Audit costs. (1) Prior to July 1 of each
 19 even-numbered odd-numbered year, the legislative auditor
 20 shall advise each agency and the budget director of the
 21 estimated audit costs for the following biennium. Each
 22 agency shall include the estimated audit costs in its
 23 proposed budget submitted to the budget director pursuant to
 24 17-7-112. The budget director shall notify the legislative
 25 auditor if the executive budget recommendation to the

1 legislature for audit costs differs from that proposed by
 2 the legislative auditor.

3 (2) Not later than 60 days after adjournment of each
 4 legislature, the budget director shall provide to the
 5 legislative auditor a schedule reflecting, by fund, amounts
 6 appropriated to each agency for audit costs.

7 (3) The legislative auditor shall bill agencies for
 8 audit services as he considers necessary. In no event may
 9 the legislative auditor bill an agency for audit services in
 10 excess of amounts appropriated for audit services.
 11 Additional audit related services may be provided by the
 12 legislative auditor at a cost agreed to by an agency and
 13 billed to the agency."

14 **Section 9.** Section 17-7-112, MCA, is amended to read:

15 "17-7-112. Submission deadline. (1) It shall be the
 16 duty of each department, agency, and office, including the
 17 Montana university system, to submit the information
 18 required under 17-7-111 to the budget director on or before
 19 September 1 in the even year preceding the convening of the
 20 legislature.

21 (2) Between August 15 and September 30 in the year
 22 preceding the convening of the legislature, the director
 23 must submit each state agency's budget request required
 24 under 17-7-111(2) to the legislative fiscal analyst. The
 25 transfer of budget information shall be done on a schedule

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0294, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The proposed legislation would change the meeting of the legislature to even-numbered years from odd-numbered years; provide for the organizational meeting of the legislature to be held during January of each odd-numbered year; and making the act effective June 30, 1993, contingent upon approval by the electorate.


ASSUMPTIONS:

General Assumptions

1. The effective date of the bill is June 30, 1993. It is assumed that legislative sessions will be held during fiscal years 1993, 1994, 1996, and even-numbered years thereafter.
 2. For bienniums subsequent to the 1993 biennium, state agencies which incur session-year cyclical costs would have those costs reversed with respect to the years in each biennium. These agencies include, but are not limited to, the Montana Arts Council, Governor's Office, Office of Legislative Fiscal Analyst, Department of Revenue, and the Legislative Council.
 3. It is assumed that the FY93 legislative process will involve budgeting and appropriations for one year only: FY94. However, associated cost reductions, if any, during FY93 are assumed to be negligible.
- Secretary of State
4. The Secretary of State will publish the complete text of all Constitutional Amendments in the Voter Information Pamphlet and a newspaper in each county.
 5. The total number of Constitutional Amendments on the general election ballot for 1992 will be similar to the 1988 and 1990 elections.
 6. County Clerk and Recorders will continue to pay for the mailing of the Voter Information Pamphlet.

FISCAL IMPACT:

Minimal impact during the 1993 biennium.

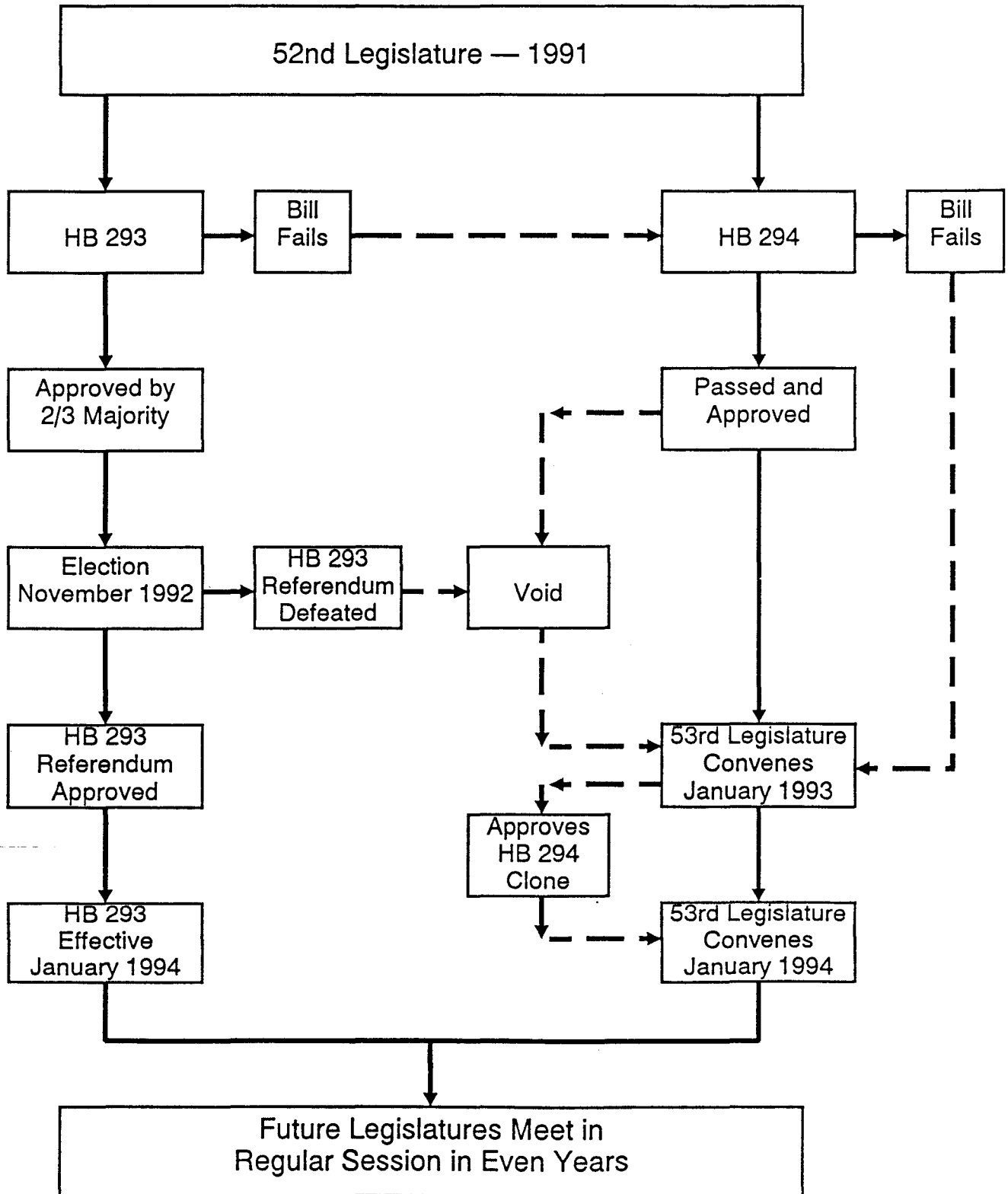

ROD SUNDSTED, BUDGET DIRECTOR
Office of Budget and Program Planning
DATE 1-25-91

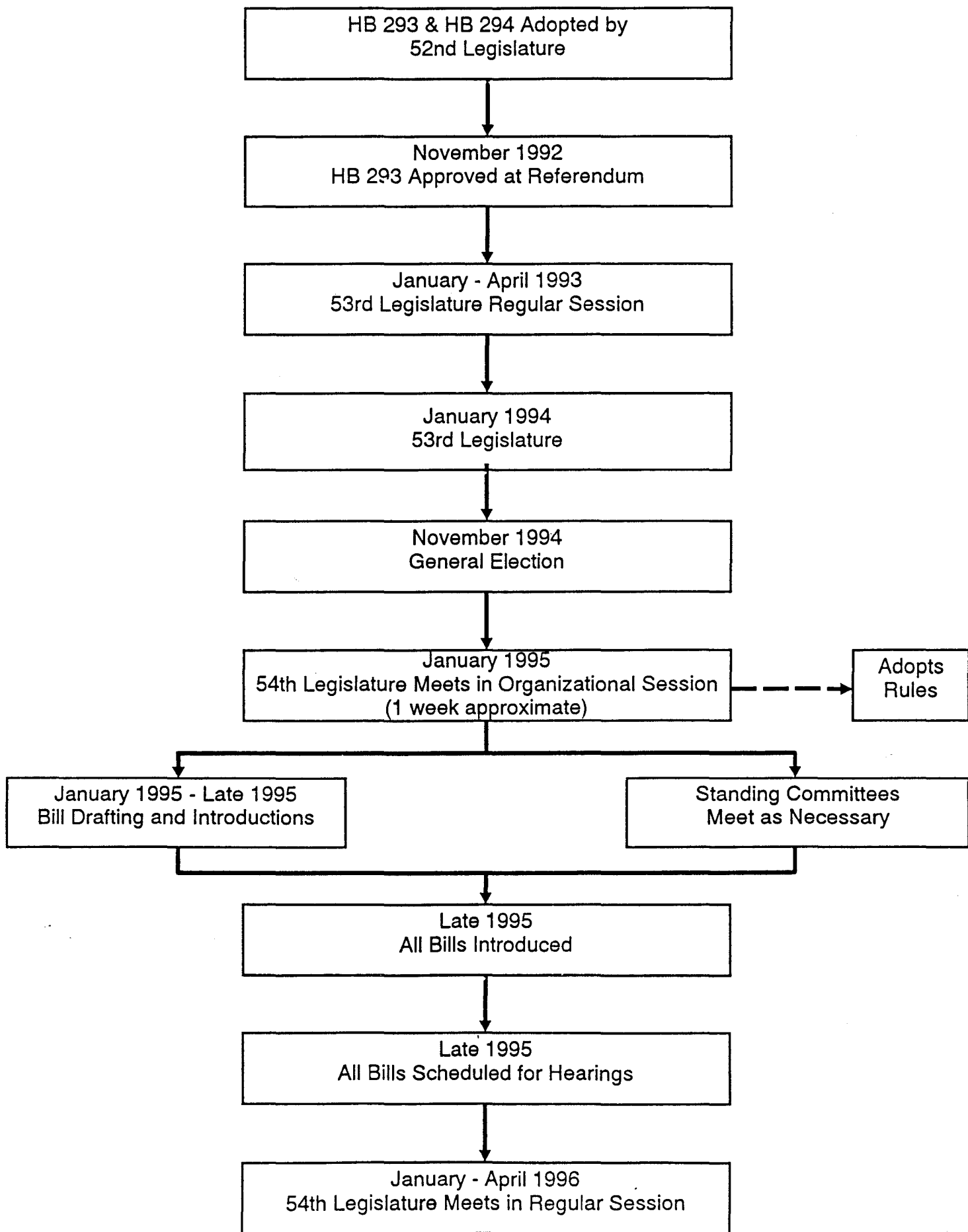

LARRY HAL GRINDE, PRIMARY SPONSOR
DATE 1-26-91

EXHIBIT 5
DATE 2/20/91
HB 293 & 294

Fiscal Note for HB0294, as introduced

HB294





POTENTIAL BENEFITS OF THE CHANGEGreater Involvement of the Public

- Pro** The public could be the single biggest beneficiary. With more work done prior to legislative sessions, the public would have an opportunity to participate at the local level, rather than having to come to Helena or being excluded completely.
- Con** Greater involvement of the public will slow down the process. While the legislative institution is not disposed to quick action in any sense, heavy public involvement will require a more deliberate pace still.

Proximity of Elections

- Pro** The public would also benefit from elections being held at a time closer to legislative sessions, thereby creating an opportunity for a "referendum" on each respective legislator's accomplishments and effectiveness.
- Con** Politics could play a more prominent role than it does now. How? Currently, newly elected legislators are riding the wave of their respective mandate. They were elected to do a job and they want to get after it! If elections follow the session by only 6 months, it may be that legislators will vote their politics rather than their conscience. The politics of reelection could affect legislators much differently than the politics of election.

Policy Inquiry, Analysis, and Reflection

- Pro** Legislative committees would benefit because they would be able to focus on complex matters for an adequate amount of time, rather than being forced to deal with issues within the constraints imposed by the current process. By having the ability to hold public hearings/meetings in local communities, people other than lobbyists and special interests, including state and local agencies, would have an opportunity to be heard.

Con Having public meetings/hearings would involve some costs: legislator salary and per diem, plus travel expenses of necessary staff. Additionally, as neither the House nor the Senate has permanent staff support, some legislative branch agency would likely have to provide support.

Efficiency in Process

Pro By having all of the bills drafted and introduced, legislative leadership would have a better opportunity to plan and schedule legislative action. Additionally, committee chairs would be able to more effectively schedule bills for hearing.

An opportunity would be created for each legislature to conduct its business in less than 90 days. If all of the bills were drafted and introduced prior to the regular session, standing committees could begin substantive work on "Day 1" of the session, rather than having to wait 10 days or two weeks to get up to speed. A session of less than 90 days could mean a cost savings, although that might not be a major consideration.

Con Parkinson's Law ~~may~~ will come into play: "The amount of work will expand to fill the allotted time." One of the bills' goals is to allow the process more time to deal with the workload. That is fine as long as the workload does not increase. As hard as leadership may try, there is no guarantee that more bills will not be requested or introduced, or that the legislature will effectively restrict, through limits or deadlines, the number of bills or late requests or late introductions. It may be impossible to legislate efficiency or discipline -- especially for the legislative institution.

Benefits to the Governor

Pro A newly-elected, incoming governor would have about 1 year to develop a budget rather than about 1 month. The current process precludes for 2 years a governor from using his most valuable management tool -- the budget.

Con While a newly-elected governor would have a year to prepare a budget under the new system, the current system places the burden on the outgoing governor who has 4 years of experience. As an outgoing governor, special interests may need less "special attention" in the budget, budget efficiencies might be advocated without fear of intransigence from administrators, and the politics of budgeting could be ignored.

Affect on Gubernatorial Appointments

Pro Having sessions in even-numbered years could have benefits relative to the governor's appointees. Initially, an incoming governor would have more time to recruit "the best and the brightest" for his cabinet. Additionally, newly appointed department heads would have time to become informed about their respective agency and budget. The legislature would also benefit as the Senate should have more time to devote to conducting inquiries of the governor's nominees.

Con Department directors and other gubernatorial appointees could serve for more than a year prior to confirmation by the Senate. Such a term without legislative "advice and consent" could allow an appointee to direct an agency for a significant period of time when, if confirmation had come sooner, the appointee may have not been confirmed. Additionally, by allowing the legislature more time to conduct inquiry about departmental and other nominees, an opportunity could exist for individuals to engage in "witch hunts", whereby gubernatorial nominees could be subject to harassing invasions of their privacy and personal lives. Such inquiry could damage good reputations, but even the threat of such inquiry could result in highly qualified and desirable candidates choosing to not be considered for appointment.

POTENTIAL DRAWBACKS OF THE CHANGE

1. Change itself may be the most prominent drawback! It might seem absurd, but the legislature as an institution is insistently reluctant to change -- especially change for itself. Experience suggests that very few legislators believe that the legislative process runs as efficiently or as effectively as possible, yet there is an inexplicable reluctance to change it. It is almost as if a known quantity, even though it's undesirable, is perceived as better than an unknown quantity, even if it promises improvement.
2. Imprecision of cost might be a drawback. There is no way to accurately ascertain the cost of moving the session from the odd-numbered year to the even-numbered year. Unquestionably, a cost difference of even \$100,000 must be considered. However, the cost of running a legislative session -- \pm \$4.5 million -- is less than 2 tenths of 1 percent of total biennial expenditures, and about only one-half of 1 percent of total biennial general fund expenditures. Bottom line: the legislature does not spend very much of the state's resources to conduct its business -- and won't spend very much if it meets in even-numbered years!
3. The process will require the legislature to meet for 3 years in a row. (Actually, the legislature will meet every year, although the odd-numbered year meeting will be organizational only.) With even only a modicum of discipline, however, the session in 1994 could be limited to a very few subjects, among which should be a budget for FY 1996. The 1996 legislature would then budget biennially for FY 1997 & 98, and so forth.
4. There may be no real drawbacks -- but only if the legislature acts responsibly and with more discipline than it has shown heretofore! One argument that can and probably will be made is that this is "change" and change is not needed. The question to ask then is: "Does the current process run as efficiently and effectively as it possibly can?" If the answer is "yes", then there is no reason for the bills. If the answer is "no", then some type of change should be considered. . . . Why allow the process to continue to work ineffectively and inefficiently? These bills may not guarantee effectiveness, but they certainly allow for it much more so than the current process.

Also, for every reason that is proffered that makes even-numbered year sessions a good idea, the reason can be turned around making the prospects sound bad -- and for some, actually be bad. . . .

POTENTIAL QUESTIONS ABOUT THE CHANGE HB's 293 + 294

Question 1. What will the legislature do during the 1994 session?

An answer. Whatever it wants to do. However, the only real business that must be addressed is the FY 1996 budget. The 1994 session could be approached as if it were a focused, budget-oriented special session.

Question 2. How much will it cost to convert to even-numbered year sessions?

An answer. It will cost something to conduct the 1994 session, but there may be savings during the 1996 session if the legislature's work can be done more effectively and efficiently -- one of the primary objectives of the bills.

Question 3. How will even-numbered year sessions affect elections, especially primaries?

An answer. Elections will be affected as determined most appropriate by the 1996 legislature (although that could be one subject of the 1993 or 1994 legislature). The current elections processes can work as they exist, but some legislators might feel inconvenienced or at a disadvantage from an opponent under current law. Primary election dates, filing deadlines, and so forth can certainly be dealt with in either the 1993 or 1994 session.

Question 4. If HB 293 and HB 294 are adopted, doesn't that return the state to annual sessions?

An answer. Not really. While the members of the legislature will meet in the odd-numbered year to the members and organize, there is no provision in either HB 293 or HB 294 that allows the legislature to "convene". However, when the legislature convenes under HB 293 in the even-numbered year to conduct general business, the legislature will still be limited by Art.V, section 6 of the Constitution to 90 days of session in the even-numbered year. There is no change in the 90-day session limit -- only a change from an odd-numbered year process to an even-numbered year process. Evidence, such as letters to the editor, suggest that the public wants more efficiency from the legislature and better accountability. These bills accomplish both!

POTENTIAL QUESTIONS ABOUT THE CHANGE

(continued)

Question 5. Won't this change give the legislature more opportunity to make more laws and spend more money?

An answer. No. There is no real limit on what the legislature can do now. The change will allow the people back home to participate in the process more easily. Additionally, elections will be held 6 months after a session instead of 18 months after a session. That means that if your legislator is not doing the job you want, you'll have the opportunity to vote him or her out of office much sooner! Not only is the public given better opportunity to participate in the process, the voters have a better opportunity to respond at the ballot box. This is a win-win situation!

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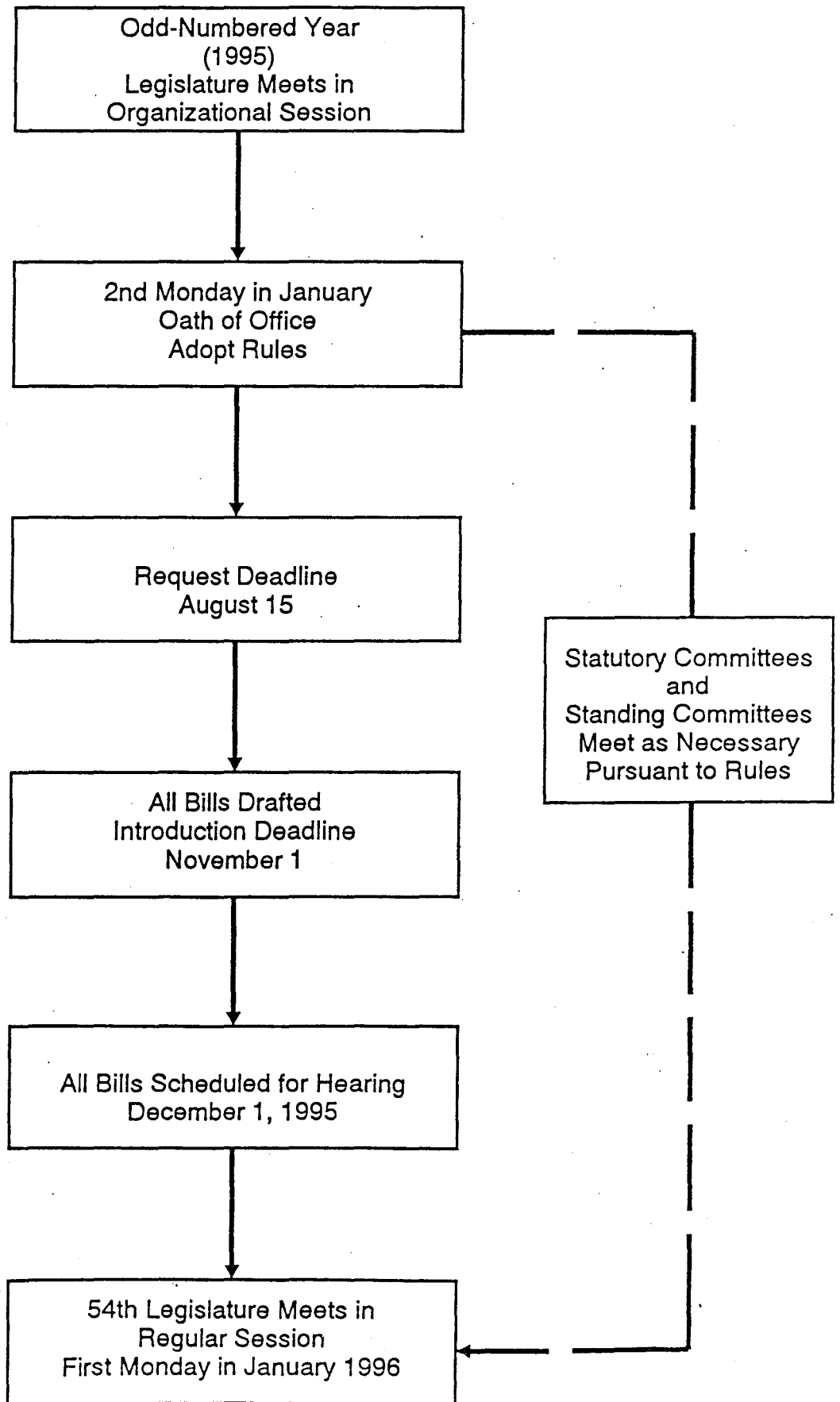


EXHIBIT 5A
DATE 2-20-91
HB 595

Amendments to House Bill No. 595
First Reading Copy

Requested by House State Administration Committee

Prepared by Sheri S. Heffelfinger
February 20, 1991

1. Title, line 5.
Strike: "AND LOCAL"

2. Title, line 10.
Following: "19-9-804,"
Insert: "AND"
Strike: "19-10-401" through "19-10-501, AND"

3. Title, line 11.
Strike: "19-10-502,"

4. Page 11, line 13 through page 14, line 10.
Strike: sections 9 through 13 in their entirety
Renumber: subsequent section

CITY OF HAVRE

P.O. Box 231
HAVRE, MONTANA 59501

EXHIBIT 5B
DATE 2-20-91
HB 595

February 13, 1991

Honorable Bob Bachini
House of Representatives
State of Montana
Capitol Building
State Capitol
Helena, MT 59620

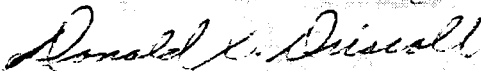
Re: HB 595

Dear Bob,

I wish to make known to you and the State Legislature, that I fully endorse HB 595 that deals with the retirement system for Police Officers. As Mayor of Havre, I have had the privilege to get to know the law enforcement professionals that serve my community and they are entitled to the retirement system that is proposed in HB 595.

If you have any questions regarding my support, please feel free to contact me.

Sincerely,



Donald X. Driscoll
Mayor

AMENDMENTS TO HB 760

February 15, 1991

EXHIBIT 6
DATE 2-20-91
HB 760

Page 1, Line 8

after "JULY 1, 1981;"

insert: "INCREASING THE STATE CONTRIBUTION RATE"

strike "AND;"

add "S" to "SECTION" to read "SECTIONS"

strike the ", " after "19-13-803"

Page 1, Line 9

insert: "AND 19-13-604" at the beginning of the line

after "MCA"

insert: "; AND PROVIDING AN EFFECTIVE DATE"

Page 2, add sections to read:

Section 2. Section 19-13-604, MCA, is amended to read:

19-13-604. State contribution. The state shall make its contributions through the state auditor from the premium taxes on the insurance risks enumerated in 19-11-512. These payments shall be made annually to the administrator after the end of each fiscal year but no later than September 1 from the gross premium taxes after deduction for cancellations and returned premiums. The payment is statutorily appropriated as provided in 17-7-502. The administrator shall notify the auditor of the annual compensation, excluding overtime, holiday payments, shift differential payments, compensatory time payments, and payments in lieu of sick leave, paid to all active members during the preceding year, and effective July 1, 1981, the state's contribution is 12% of this compensation. This contribution shall increase to 15% effective July 1, 1982, to 18% effective July 1, 1983, ~~and~~ to 22.98% effective July 1, 1985, and to 23.27% effective July 1, 1991. As soon as practicable after receipt of the state contribution, the administrator shall deposit it with the state treasurer.

NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 1991.

EXHIBIT 6A

DATE 2-20-91

HB 830

Amendments to House Bill No. 830
First Reading Copy

Requested by House State Administration Committee

Prepared by Sheri S. Heffelfinger
February 20, 1991

1. Title, line 10.

Following: "AN"

Insert: "IMMEDIATE"

2. Page 3, line 20.

Following: "1."

Insert: "If the base salary of a newly confirmed police officer has not been set for the current fiscal year in time to be included in the August 1 report to the state auditor, the department shall make any retroactive adjustments necessary to individual supplemental benefits after the base salary has been determined and shall include these amounts in the next year's report for reimbursement at that time."

3. Page 4, line 20.

Strike: "July 1, 1991"

Insert: "on passage and approval"

EXHIBIT 7
 DATE 2-20-91
 HB HR 25

HOUSE OF REPRESENTATIVES
 STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 2-20-91 BILL NO. HR 25 NUMBER 1

MOTION: To Remove from the dulle

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

EXHIBIT 7A
DATE 2-20-91
HB HSR 25

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 2-20-91 BILL NO. HSR 25 NUMBER 1

MOTION: DO 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	✓	
TOTAL	10	9

Amendments to House Bill No. 314
First Reading Copy

Requested by Representative Cocchiarella
For the Committee on State Administration

Prepared by Sheri S. Heffelfinger
February 19, 1991

1. Title, line 5.
Strike: "10"
Insert: "20"

2. Title, line 6.
Following: ";"
Insert: "TO PROVIDE THAT REGISTRATION FORMS SIGNED WITHIN 20 DAYS
OF THE CLOSE OF REGISTRATION MUST BE RETURNED TO THE
ELECTION ADMINISTRATOR WITHIN 3 DAYS;"
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS 13-2-203 AND"

3. Page 1.
Following: line 9
Insert: "Section 1. Section 13-2-203, MCA, is amended to read:
"13-2-203. Registration by mail. (1) A qualified individual
may register by mailing, postage paid, a properly completed
registration form to the election administrator in the county in
which he resides.

(2) The election administrator shall send registration
forms for mail registrations to all qualified individuals
requesting them and shall, in addition, arrange for the forms to
be widely and conveniently available within the county. The mail
registration form shall be designed as prescribed by the
secretary of state. A form prescribed by the secretary of state
explaining voter registration qualifications, deadlines, and
purge information shall be distributed with the mail registration
form.

(3) The elector shall complete, sign, and, except as
provided in 13-2-212, either verify or affirm the mail
registration form before a notary public or other officer
empowered to administer oaths or complete and sign the form and
obtain the signature, address, and voting precinct of at least
one registered voter in the county who shall witness the facts
stated on the registration form.

(4) The registration form must be received by the election
administrator on or before the day of the close of registration
and must be returned to the administrator no later than 15 days
after the date it is signed by the witness or officer before whom
signed or no later than 3 days after the date it is signed if the
registration form is signed within 20 days of the close of
registration."

Renumber: subsequent section

4. Page 1, line 13.
Strike: "10"
Insert: "20"

EXHIBIT 8
DATE 2-19-91
HB 314

EXHIBIT 9
DATE 2-20-91
HB 293 + HB 294

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 2/20/91 BILL NO. HB 293 + 294 NUMBER 1

MOTION: to 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	11	7



The Big Sky Country

EXHIBIT 10
DATE 2-20-91
HB 40, 218, 283, 358, 492
HJR 1, HBs 316, 634, 95, 644
and HB 632

MONTANA STATE HOUSE OF REPRESENTATIVES

February 17, 1991

TO: State Administration Committee

FROM: Campaign Reform Subcommittee

Rep. Squires, Chr., Rep. Brown, Rep. Southworth, Rep. Bergsagel
& Rep. R. DeBruycker

The subcommittee met during the noon hour on Friday, Feb. 15 and made recommendations on the bills that had been assigned to us. For your ease in finding and reviewing these bills prior to committee action, we present this list to you with our recommendations. Prior to a subcommittee member making a motion to table on the bills we are so recommending, the committee will have an opportunity for discussion and possible alternative action.

Bills dealing with term limits and other changes to legislative terms or Congressional terms are:

HB 40
HB 218
HB 283
HB 358
HB 492
HJR 1

---- We recommend that these 6 bills be tabled

Other bills we considered followed by our recommendations:

HB 316 - table

HB 634 - table

HB 95 - table

HB 535 - table (some suggestions were made for possible amendments that the committee might want to discuss)

HB 644 - pass as is

We were assigned HB 632 but we ran out of time and it needed some amendments that weren't ready, so we are referring it back to the whole committee without a recommendation.

Amendments to House Bill No. 644
First Reading Copy

Requested by Representative Daily

For the Committee on State Administration

Prepared by Sheri S. Heffelfinger
February 13, 1991

1. Title, line 7.

Following: "CONTRIBUTIONS;"

Insert: "DEFINING MONETARY CONTRIBUTIONS SUBJECT TO LIMITATION;"

2. Page 1, line 13.

Following: "committees."

Insert: "(1)"

3. Page 2.

Following: line 6

Insert: "(2) For the purposes of this section, "monetary contributions" means all contributions having a definite monetary value, including contributions of postage stamps and payment of campaign debts, such as printing and advertising."

EXHIBIT 11A
DATE 2-20-91
HB 644

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 2/20/91 BILL NO. 412 644 NUMBER 1

MOTION: To table

NAME AYE NO

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	11	8

Amendments to House Bill No. 535
First Reading Copy

Requested by the Subcommittee on Campaign and Election Reform
For the Committee on State Administration

Prepared by Sheri S. Heffelfinger
February 18, 1991

1. Page 2, line 4.

Following: "commissioner"

Strike: ", the attorney general,"

2. Page 2, line 8.

Strike: ":"

3. Page 2, lines 9 through 15.

Strike: subsections (i) and (ii) in their entirety

Insert: "the commissioner or the appropriate county attorney has
failed to either commence an action or dismiss the complaint
by written notification to the complainant within 50 days
after notice."

4. Page 2, line 22.

Strike: "may"

Insert: "shall"

EXHIBIT 13DATE 2-20-91HB 535

HOUSE OF REPRESENTATIVES

STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 2/20/91 BILL NO. HB 535 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	6	12

EXHIBIT 14
DATE 2-20-91
HB 535

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION COMMITTEE

ROLL CALL VOTE

DATE 2/20/91 BILL NO. HB 535 NUMBER 1

MOTION: To table 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	12	6

EXHIBIT 11

DATE 2-20-91

HB 644

Amendments to House Bil. No. 644
First Reading Copy

Requested by Representative Daily

for the Committee on State Administration

Prepared by Sheri S. Hefelfinger
February 13, 1991

line 7.

"CONTRIBUTIONS;"

"LIMITING MONETARY CONTRIBUTIONS SUBJECT TO LIMITATION;"

line 13.

"committees."

1)"

line 6

(2) For the purposes of this section, "monetary contributions" means all contributions having a definite monetary value, including contributions of postage stamps and payment of campaign debts, such as printing and advertising."

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO. HB 873

DATE 2/20/91

SPONSOR(S) REP. RANEY

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<i>Jim Jensen</i>	MEIC	X	

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

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO.

HB 829

DATE 2/20/91

SPONSOR(S) REP. PHILLIPS

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PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Tootie Welker	MADD	✓	
Jan McEstey	CE/MT		

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**HOUSE OF REPRESENTATIVES
VISITOR REGISTER**

STATE ADMINISTRATION

COMMITTEE

BILL NO. HB 830

DATE 2/20/91

SPONSOR(S) REP. PHILLIPS

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Bill Steele	Retired Police Assn	X	
CHARLES BICSAK	" " "	X	
Thomas W. Huff	" " "	X	
Curtis Snyder	" " "	X	
Franklin	" " "		
Troy McGehee	Montana Police Prot. Assoc. Helena Police Prot Assoc.	X	
Jerry Williams	Montana Police Protective Assn.	X	
Harriet L. Snyder	Retired Police Office Assoc	X	

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

**HOUSE OF REPRESENTATIVES
VISITOR REGISTER**

STATE ADMINISTRATION

COMMITTEE

BILL NO. HB 848

DATE 2/20/91

SPONSOR(S) REP. BARDANOUE

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
W. A. King	Bd of Visitors	✓	
Sue L. Wilkins - Missoula, MT	Montana Correctional Association	X	
Shirley Rouders	Mont. Alliance for the Mentally Ill Helena "	✓	
John Shontz	Mental Health Assoc.	✓	
Kathy McDowan	MCMHC	✓	

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HOUSE OF REPRESENTATIVES
VISITOR REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO. HB293

DATE 2/20/91

SPONSOR(S) REP. GRINDE

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<i>Dave Bohyer</i>	<i>Legislative Council</i>		

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

**HOUSE OF REPRESENTATIVES
VISITOR REGISTER**

STATE ADMINISTRATION _____

COMMITTEE _____

BILL NO. HB 294

DATE 2/20/91

SPONSOR(S) REP. GRINDE

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<i>Dave Bryn</i>	<i>Legislative Council</i>		

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

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO. HB 794

DATE 2/20/91

SPONSOR(S) REP. McCULLOCH

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PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Phil Campbell	Ment. Ed. Assoc.	X	

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