

MINUTES

**MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION
COMMITTEE ON STATE ADMINISTRATION**

Call to Order: By Chairman Eleanor Vaughn, on February 7, 1991,
at 10:05 a.m.

ROLL CALL

Members Present:

Eleanor Vaughn, Chairman (D)
Bob Pipinich, Vice Chairman (D)
John Jr. Anderson (R)
Chet Blaylock (D)
James Burnett (R)
Bill Farrell (R)
Harry Fritz (D)
Bob Hockett (D)
Jack Rea (D)

Members Excused: Bernie Swift (R)

Staff Present: David Niss (Legislative Council).

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

Announcements/Discussion:

HEARING ON HB-242

Presentation and Opening Statement by Sponsor: Representative Fred Thomas, District 62, said this bill amends the statutes that restricts previous state employees from contracting with a public agency for 6 months after they have terminated their employment. The bill removes this restriction from public employees who are involuntarily terminated. This corrects a very unfair situation. These might be employees whose jobs have been eliminated due to privatization or a reduction enforce. They are now prohibited from working for the company that is hired to replace them. In the case of privatization, that service is no longer functioning with state employees, and under current law it has not allowed the former employee to contract back with this new company. In case of riff, for instance, we may want to

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contract with an employee that has been reduced in force to do part of the job that they used to be doing. But currently there is this six month law on the books that prohibits this from happening in most cases. As you can see, this creates a double jeopardy for those people. Not only do they lose their job, but they can not compete for the new private sector job, or contract. He understands that the current law on the books was adopted to restrict employees, who voluntarily quit their public job at a critical time, from contracting back to the state to finish the project at a higher pay rate. This could fall in the category of a lawyer, engineer, architect, or someone in this type of professional service, that was working on a particularly important project and quits. Since they are the only one who can finish the job, they get contracted back at a higher rate of pay. This is unfair, and this is why this law is on the books now. This bill keeps our current intent of the law, so that someone can't hold the state hostage. It keeps the critical job employee from quitting and contracting back, but it opts out as the bill states " a former employee does not include a person whose employment in the state has been involuntarily terminated due to the reduction in force or the involuntary termination not intended as a violation of this chapter for privatization. So this creates a fair situation for an employee of the state whose involuntarily jobless v.s. someone who voluntarily quits and hopes to take the state hostage. It is clear that this law should be changed.

Proponents' Testimony: Mark Cress, Department of Administration, said he works for the State of Montana Personnel Division and in this position he adopts personnel policies and assists agencies in reorganization and reduction of work force. Several agencies have expressed concern to the department about the provision of this law, and its fairness when employees are involuntarily laid off. It is difficult for an agency to explain to an employee, who has lost their job involuntarily, why they may not be able to compete for a job that the contractor may offer or to compete for the contract themselves. Six months is a very long period of time when you are unemployed. With many of our public employees they have specialized skills that may make it very difficult to find a job, in our small labor market, that is does not involve a public contract. Now, existing law does allow them to be employed if the contract is left to the lowest responsible bidder, but as you know, there are many state contracts where there is not that kind of a competitive bidding process with a request for proposal. There may be a sole source, so there are a number of situations where these involuntarily laid off employees would be precluded from that employment. It is our concern that

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this law raises the question in the eyes of an employer whether it is legal or not to hire the employee. We don't want those potential employers or contractors to be hesitant, and we feel this bill will remove any hesitation. Yet, it would maintain the original intent of the law. He urged the committee to support HB-242.

Opponents' Testimony: none

Questions From Committee Members: none

Closing by Sponsor: Representative Thomas closed by stating that he felt the committee understood the concept here. A law that has good intentions, but puts people in a predicament that we ought to eliminate it from happening. This is all this bill does.

Senator Vaughn asked if Representative Thomas had someone to carry this bill to the Senate floor? Representative Thomas said that Senator Farrell said he would carry the bill.

HEARING ON HB-244

Presentation and Opening Statement by Sponsor: Representative Fred Thomas, District 62, said this bill would allow in the situation of a veto override vote, after a session is adjourned, and the veto override vote is being polled, then the members of the legislature would be able to send in their vote by facsimile. This situation has come up in past special sessions, when members did not get their mail quick enough because of address changes, etc. They would have the ability to send their vote in via fax today if this is the deadline when they receive the notice. Can they mark the ballot that was sent to them from the Secretary of State, and then send it back by fax? This is the first thing the bill does. It allows the return vote on a veto override to be sent back via facsimile. The procedure for a veto override is: #1. you receive a registered letter with your ballot and you sign for it. There is a strict procedure on who can receive this registered veto override ballot. #2 then this ballot that is signed and returned by facsimile under this bill. HB-244 also eliminates the requirement that the Secretary of State must mail out a full copy of a bill that has been vetoed, but it did not have sufficient votes to override the veto. It is just an information deal. HB-244 would allow the Secretary of State to save postage and printing by not mailing out the full copy of the

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bill, but a cover sheet with the title, etc. There is a cost savings also in this bill. Finally, the bill corrects an inconsistency between the Constitution of the state of Montana and the statute. The state Constitution specifies that the veto override triggers by a 2/3 of the members present. The statute say the veto override triggers by 2/3 of the members present in each house. This is a conflict because the statute is not conforming with the Constitution. This bill changes and corrects this. Representative Thomas said he could give examples of the need for facsimile override, etc., but he left his opening at that.

Proponents' Testimony: Garth Jacobson, representing the Secretary of State's Office, said that HB-244 as explained by the sponsor, Representative Thomas, is a bill which is an ounce of prevention to cure of pound of problems. (Exhibit #1).

Opponents' Testimony: none

Questions From Committee Members: none

Closing by Sponsor: Representative Thomas said that the only thing that needed to be done, is that an amendment to our joint rules as to which vote will trigger the veto override, and which is counted against. This would be an amendment, so if it passes the Senate then it would go back to the House, but just to vote on the amendment. The question is it an amendment vote or is it second reading, that rule needs to be clarified. This will be done by some committee on rules.

HEARING ON HB-225

Presentation and Opening Statement by Sponsor: Representative John Phillips, District 33, said his bill was a little different type of facsimile bill. This bill merely permits election administrators, the Secretary of State in conjunction with his advisory committee, to set up procedures to vote by casting ballots via facsimile. We all know that we are living in a machine age, a fax world. This probably came about more from the idea of those folks serving in Desert Shield. We are not telling anyone that they have to do this, but if they don't have facsimile equipment they don't have to buy any. But this bill permits and lays the ground work for the Secretary of State to start setting up procedures for when this is wide spread. The Federal Government is pushing Secretaries of States pretty hard

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to get this for military members to be able to vote by fax. Some folks in the House saw a boogey man in this bill. People running around door to door with a fax machines, etc. He said he had no problem limiting the bill down to out of state or maybe just trying with the DOD, the military, or what the committee would like to see the limit be. Representative Phillips said we are going to have to get into the world of facsimile machines. He turned the discussion over to the representative from the Secretary of State's office.

Proponents' Testimony: Garth Jacobson, Chief Council, Secretary of State's office, said the deployment of Desert Shield last summer, and now, Desert Storm, election administrators and the Secretary of State were confronted with an issue they had not faced in some twenty years. (Exhibit #2).

Betty Lund, Clerk and Recorder, Ravalli County, and representing the Montana Association of Clerks & Recorders, said that she offered her support of HB-225 (Exhibit #3, #4). She suggested that the trial group could be just oversees ballots until the kinks are worked out with amendments to propose that (Exhibit #5).

Opponents' Testimony: none

Questions From Committee Members:

Senator Vaughn asked Mr. Jacobson if the Federal Government makes this a law will this mandate the states to do this also? Has he had contact from the Federal Government pertaining to federal election laws that this will be done as a federal process and mandate the states to do it? Mr. Jacobson said that yes there had been hints that it might be mandatory thing that the DOD would force upon states. What we are looking at is the flexibility to get ahead of it before we get steam rolled over the top by it. There is a fair amount of flexibility in this bill. We want to work towards protecting the integrity of the ballot process. If the Feds say you have to do this, then we have to do it. But right now, the Feds are saying we would really like you to do this, but we are not saying you have to do it, yet. During the Desert Shield operation, there were comments that several states were doing this. That wasn't quite true. A lot of states are asked to do it, but very few states actually did do this. We received three ballots this way, and none of those people were registered to vote, so no ballots were accepted. If they had been registered voters, there may have been a lawsuit to determine if the Feds could tell us to do this.

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We are very nervous about that. Senator Vaughn asked if this is limited to uniform people and overseas, what about those called out of state or country, and they can't cast an absentee ballot, would we have problems with them wanting to do this too? Mr. Jacobson said this is a question of whether there is an equal protection problem under the Constitution? He said the answer is probably no. We do have in the Montana Constitution a provision that permits exceptions to be made for veterans and military people. We can have special laws for them. In addition, the federal laws are different for overseas and military people, so with that we could provide this exclusively for that group of people and not violate the Constitution.

Senator Hockett said he did not feel comfortable with this bill in the sense of fairness to some people within the state. He thought this could cause a major problem. He had a problem with the fairness, not the constitutionality of it.

Senator Fritz asked Mr. Jacobson about the bill where it says in two places that rules will be devised that will maintain the accuracy, integrity and secrecy of the ballot process, yet Betty Lund said that military votes aren't secret now? How are you going to maintain accuracy, integrity and secrecy of a fax ballot? Mr. Jacobson said quite frankly with the current fax technology it can't be done. He does not feel comfortable with this under the present technology, but he does feel that technology changes every day. They do have fax machines that will hold the information in memory until some latter time when it will print. We have the ability to assist handicapped people, so the secrecy of the ballot procedure is not there when someone assists a handicapped voter in the booth. There are exceptions to the secrecy process, but this raises a good point. This is something the election advisory committee will have to grapple with. He hoped that we do not start fax voting until this issue is resolved. Hopefully the Feds will be lenient enough to wait until the technology catches up.

Senator Pipinich asked about the two dates in the bill that were put in for the convenience of the Secretary of State's office, on Page 4, line 25, "January 1, 1995, and Page 5, line 15, "effective July 1, 1992". Amendments were proposed to change these dates to 1993? Mr. Jacobson said they had no problem with the amendment, and Betty Lund is on the election advisory council and very sensitive to the needs of the election administrators and the Secretary of State's office. As a member of the committee, she will have to deal with these dates.

Senator Pipinich asked Betty Lund about voting by absentee. He

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said that 13-13-201 should be brought into the amendments about this, so that if house bound, or wheel chair people, could get to a fax machine, then they could vote that way. Senator Pipinich said he would like to see that in the amendments. Ms. Lund said that there is a provision that for emergencies a ballot can be taken to their home. But she felt Senator Pipinich was talking about a handicapped person in their home who could not get out, but has access to a fax machine. She did not know, and thought this would be up to the committee to work this in. If they can leave their house to go to a fax, then they can come to the courthouse and curbside vote. Senator Pipinich felt that these house bound people have fax machines in their homes, so he asked Ms. Lund to look at getting this section, 13-13-201, into the amendments. She said she would look at it.

Senator Farrell asked Ms. Lund what the definition of "overseas" was? Is it Alaska, Columbia, South America, Guam? Ms. Lund said she may have to defer this to the Secretary of State. This is a definition under the Federal Election Code. She did not believe that Alaska was considered "overseas". Representative Phillips said that the definition the military uses that Alaska and Hawaii are not considered to be part of the 48 contiguous states.

Senator Pipinich added that military personnel in Alaska and Hawaii do not get "overseas pay", but is that what determines "overseas"? Senator Pipinich asked if our provinces or holdings were considered "overseas"? Representative Phillips said he was sure Guam is considered to be, but wasn't sure of the rest.

Senator Hockett asked if this bill is premature relative to the technology? Representative Phillips said that yes it is. This bill merely starts the ball rolling, and this is not a Secretary of State request, it is mine. An old boy from Dublin, Ireland, thought he would automatically get a ballot, and he wanted to send it back by fax. I told him that he had to fill out the form, and mail it back. He wrote that he got the ballot, but he had to carrier it to New York City to be posted before the deadline. Senator Phillips thought that this is not too early for the technology to handle the request for an absentee ballot. Actual balloting and voting, no the technology isn't ready for that, but this bill merely leaves open. This can be tightened up, but the ability to request ballots by fax can be done today. If we did Senator Pipinich's amendments it would not do anything. Representative Phillips had no problem with Betty Lund's amendments because it gives the election advisory committee the ability to make it as tight as they want. This is mainly a permission to start into this system. He did not think that

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taking balloting out would stop it from coming in a bill in 1993, but he thought it should be left to the election advisory committee to determine what they can do.

Senator Blaylock presented a letter from Peggy Zielie, Election Administrator in the most populated county in the state (Exhibit #6). She supported the amendments proposed by Ms. Lund.

Representative Phillips said he had no trouble with not allowing fax balloting, but the only thing that bothered him, was that the old boy in Florida should be able to fax in a request to be sent a ballot. That should be permitted now.

Senator Pipinich asked if this bill would be opening up cemeteries? Representative Phillips said no, but someone says they could go to Eagle's Manor with a fax machine, there could be problems. The committee agreed.

Closing by Sponsor: Representative Phillips closed by reiterating that the amendments are o.k., but he would like to see a request for a ballot by fax be permitted, and maybe it is already possible.

Senator Vaughn said another bill would allow that. HB-156. She asked if he had someone to carry? Senator Burnett said he would. Senator Vaughn asked if someone would volunteer to carry HB-244? Senator Farrell said he would carry it. Senator Farrell said the bill should pass the committee first, before it is assigned to be carried. Senator Pipinich said that Senator Bob Brown had signed the bill, so Senator Farrell said that he could carry it. Senator Vaughn said she would check with Representative Thomas.

HEARING ON HB-231

Presentation and Opening Statement by Sponsor: Representative John Cobb, District 42, said that HB-231 is a bill to determine which bills to deliver to Legislators. (Exhibit #7) He had a list of reports that are currently sent to the Legislature. There are over 90 reports. Most reports were started over 100 years ago, and now over 70 reports that most end up in the garbage can. There is so much information, some not needed, some gotten elsewhere. This is an attempt to take approximately 70 of these, and allow the Legislative Council to receive the agency reports, compile the list of reports available, what it will cost to print and ship those reports. The reports circled on the

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Exhibit will still be sent to all Legislators as they are now. The other reports would be on file with the Legislative Council. The agencies could distribute them to Legislators, but they would pay for that. This is an attempt to restrict unnecessary paper that ends up in the garbage. Allow Legislative Council flexibility to send a list of reports available, and then print and send those reports requested from the list. If the Council finds that after time, no one wants the report, maybe they will come back to the next session, and ask to abolish the report because no one wants or uses it. We are trying to get a handle on all of these reports, who wants what, and how many are needed. This might save a lot of paperwork, paper, printing, etc. Again, those circled reports will not be affected, and will continue as they are currently dispersed. Page 1 and 2 discuss how the Council gets the reports, and how they would decide to make, etc. Page 4, line 7-13 allows this procedure to be used with reports under the Multistate Tax Compact, the Vehicle Safety Compact, and the Multistate Highway Transportation Pact, or the Western Interstate Nuclear Compact. There are approximately 70 reports that would be covered by this bill, and the Legislative Council is not responsible for any costs, the agencies still pay. This is an attempt to find out who wants these reports, and it may allow the Council to cut down the number of reports needed or wanted and the costs of printing and mailing.

Proponents' Testimony: none

Opponents' Testimony: none

Questions From Committee Members:

Senator Fritz asked Representative Cobb if the members of the Legislature would receive a list of reports available with the little synopsis? Representative Cobb said the bill does not say that, but it would be up to the Legislative Council and the Director to figure this out. If the Legislators want a list that they can vote on with a synopsis then they need to request that. The bill only says that on September 1, the agencies present a report and a one page synopsis of it. It is up to the Council to decide how many reports, etc. One report will be on file. It was suggested that after session a list of reports would be sent and you would return it with the ones you want. Senator Fritz just wanted to clarify that the Legislators would be made aware of the reports that are available, they can secure a copy of all 70 if they want. Representative Cobb said it is not in the bill, that every one gets a list, it only says a list will be prepared. Maybe the bill should be amended to make sure that every member does get a list after the session of all the reports available.

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Senator Blaylock said he presumed that the Legislative Council could do it much like all the audit reports from the audit committee are done. This could be the report number with one sentence about the report. Representative Cobb agreed that they might use that approach, but he just made it broad, but this committee could set that up if they want it that way.

Senator Vaughn asked Representative Cobb if these reports would still have to go to the Legislative Council, all these areas would still have to make their reports? Representative Cobb said on September 1, they send the title, a one page synopsis, and the report has to be done. Whether they put a copy in the library is what Senator Fritz wanted, and it would be made clear if they had to put a copy in the library. If after a couple of years, no one orders some of the reports, then the Legislative Council would look at those reports and possibly abolish it. This bill would find out what people want, and hopefully restrict the number of reports printed.

Closing by Sponsor: Representative Cobb closed, and said he would find a sponsor to carry the bill.

Discussion of Resolution:

Senator Vaughn asked if there was a motion for the resolution. David Niss, Legislative Council, said that he has now found out that a motion is not necessary. According to Bob Pierson, there is a division of opinion in the Legislative Council as to whether or not this is needed. There are rules addressing confirmation reports, and separate rules of the Senate addressing committee legislation. The issue is whether one applies to the other. There is no indication in the Senate rules as to whether or not the rules governing preliminary and final resolution confirming gubernatorial nominations is subject to the rules requiring the 3/4 vote from the Senate or the request for legislation coming from the committee. The latest reading is that the rules about resolutions confirming appointments is not subject to the other rules concerning committee legislation. So no motion is needed.

Senator Burnett introduced James Rector, an appointee for the Fish & Game Commission. Senator Vaughn asked if committee members had questions for Mr. Rector.

Senator Burnett said he questioned people about Mr. Rector's character, and people said he was as clean as a nude ball of

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snow.

Senator Fritz asked where he was from? Mr. Rector said he was from Glasgow that he was an attorney. Senator Fritz said his constituents are upset over proposed fee increases, and he asked Mr. Rector how he felt about them? Mr. Rector said that there had to be money from some place. The department has done a good job of going around the state and discussing with sportsmen's groups about where this additional funding should come from. The sportsmen's clubs have indicated that they would like to see the residential fee increases rather than increases in the number of nonresident licenses. He said there is a Senate bill to do this. Increase the fee on resident license, and maintain the number of nonresident fees.

Senator Pipinich asked him how he felt about raising the number of nonresident licenses from 17000 to 18500? Mr. Rector said he did not like the idea. He said his constituency have met and had several meetings about this issue. We have decided that we do not want to increase the number of nonresident license. The reason, we have an area around Fort Peck Lake there on the CMR, and some of those hunting districts have nonresident hunting pressure that is approaching 50% of the hunters in the area. Because of this, the local sportsmen are feeling a great deal of pressure, and they are applying pressure on the department to do something about it. If we increase the number of nonresident licenses it will directly impact this problem in this region. Senator Pipinich said why not double the cost of nonresident licenses. He said Idaho and other states are not bashful about charging, and the clientele coming to Montana to hunt does not care about the \$500 they are spending. Senator Pipinich has met many of them in the woods, and they are not there for the game, they are out there for a good time. Put the fee at \$1000, and they'll still come. Mr. Rector said he did not have an answer for that. He said there is a problem because there was a lawsuit filed the last time Montana raised the nonresident license fee significantly. The difference between resident and nonresident fees is very dramatic. The big game combo tag at \$460, he thought this case went to the 9th Circuit Court of Appeals. The Appeals Court said that it was o.k. to discriminate in rates between residents and nonresidents, and they would not say how far the state can go, but you are getting close. So there is some things in that case that indicate that if we try to discriminate any broader than we do now, then we will wind up back in court. Then we may have a Federal judge somewhere telling us that raising those rates another multiple is a no-no. The departments opinion is that we are leery of raising nonresident fees much higher than they are for fear of litigation

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that we really don't want, and may not prevail on.

Senator Hockett said he was not sure he agreed with his position on not raising fees. His question related to the walleye tournament held at Fort Peck Lake. He said there was a lot of opposition to it from the state walleye association, as to why the limit was raised based on the fishing pressure that the tournament would create. Mr. Rector said he was the guy who created all the press. He voted against the new tournament instead of The Capella's Fisherman's Tournament to be held in conjunction with the Governor's Cup. The state Walleyes Unlimited group did not take a position on this. However there were groups that did. One was lead by a guide and outfitter on Fort Peck Lake. His petition said that they felt it would damage the resource, so they opposed it. The other opposition was the sponsor of the Hell Creek Tournament, and he had signatures, but after hearing the modifications proposed in the hearing, he did not have further concerns about it. So because the primary opponent acquiesced at the hearing is pretty much what did it in. Most of the concerns raised were expressed in terms of damage to the resource. There are not enough walleye in the lake. At the hearing, the department discussed this in great detail, lots of questions from the committee and the audience were answered, and the consensus was that in fact this would not damage the resource. The number of fish to likely be taken is about 1200-1500 fish. They have an extensive live release program, so not all these fish would be sacrificed. Even if they took 1500 fish, if that damaged the resource on a lake that is 175 miles long, then we have a bigger problem than a fishing tournament. He did vote against it because he cast a descending opinion, so that his constituents would know that the department did not ride rough shod over there.

Senator Pipinich said he had a letter from four different sportsmen's associations from Butte, Anaconda, and Bozeman, stating that all the Governor's appointments are coming out of two small areas. They oppose this for the board of Fish and Game to be represented this way. They feel it should be spread out, so the entire state is better represented. Mr. Rector said he is from the other end of the state, so he is definitely spread out. Senator Pipinich said that Elaine Alstead was the other nomination is from Big Timber.

EXECUTIVE ACTION ON HB-225

Discussion: Senator Vaughn asked if the committee was prepared

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to take action on HB-225? Senator Pipinich said he would pull his request for fax voting by the disabled because it could get out of hand.

Amendments, Discussion, and Votes: Senator Farrell said he still had a problem with fairness with the amendments even if "uniform and overseas citizens" does this include the dependents? Can the dependents vote? This bothers him, and he said he hoped that the military presence overseas would not be for years, so he thought this bill was addressing a real problem now, but could come back and haunt us. Senator Pipinich added that there is always that body overseas. Senator Vaughn said there are always overseas citizens. Senator Farrell said uniformed overseas citizens bothers him.

Senator Fritz asked if the amendments had been moved? Senator Burnett said he moved the amendments. Senator Fritz said he opposed the three amendments which insert "uniformed and overseas citizens" because this bill does not insist that everybody be able to vote by facsimile, it is merely an inquiry into preparing a measure which would come before the next Legislature. He would like to see them at least investigate the question as to people who live outside Montana should be able to vote by fax. Then after the investigation they can come to the Legislature, and make their case. These amendments are not necessary, we know the concerns, and this bill simply gives the commission and the Secretary of State authority to prepare the process. The other amendments concerning dates should pass, so Senator Fritz made a substitute motion to approve only the two amendments changing the dates.

Senator Farrell said he did not feel Senator Fritz had read the bill. The bill says that they can do that, so that is why they asked for the amendments to restrict it to "uniform and overseas citizens", because right now it does not restrict fax voting to anybody. Senator Farrell said he could today, decide not to vote in Missoula because he's busy, so he can fax his vote from across town, if this bill is passed as is.

Senator Vaughn said that Mr. Jacobson could add some light to this. Mr. Jacobson said it was his understanding that there would be no fax voting unless the items of accuracy, security and integrity were addressed. He assured the committee, that given the technology now, there will be no fax voting for people who want to vote across town. The Feds may require us to do something, and at present we are required to accept the Federal ballots. Betty Lund eluded that these ballots are not secret. If the Feds say we have to accept a fax vote, then we would come

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forth with some procedure for that, but the technology today does not allow this bill to be possible. Senator Fritz is correct that this is more or less a fishing expedition to proceed forward, even though the technology is not available. The commission would develop the rules before the technology is available.

Senator Rea said we are assuming the fax machines in the counties will be able to do this at a cost of \$1500. If this individual wants to vote from overseas in the town of Three Forks, then we are assuming that the county will be able to afford the fax. It seems to me that this is undue pressure on the counties. Senator Pipinich said the bill is an option. Senator Vaughn said it is an option for those counties that have fax machines, to offer this. Unless the Federal Government would require them.

Senator Vaughn said there is a substitute motion to only accept the amendments that include the dates. The question was called for. The substitute motion passed unanimously. The amendments will only change the dates.

Motion: Senator Pipinich moved to Concur on HB-225 as Amended.

Recommendation and Vote:

Senator Farrell said that the bill states that the Secretary of State will adopt rules pursuant to section 1, and that is the implementation section. Mr. Jacobson said that he understood that the rules would be binding, but the option is with the election administrator whether they participate or not. Senator Farrell said he understood that he perceived it that way, but he questioned if the bill was written to do that. So if the election administrator decides to do this, then everyone in that district can vote from their home. Mr. Jacobson said to back up, that the rules would be established by the election advisory council with the Secretary of State. The idea is that the rules would be binding throughout, and apply to all types of voting. However, at this time, it is not possible to do anything. Maybe on the Federal side the exception could be carved out, and we could say that we can do this for the Feds only. By rule this could be established. Senator Farrell said he asked because he is not sure that Senator Hockett isn't right that under what this says, you say you can eliminate cross town voting, but equal protection says they can. Mr. Jacobson said section 1 triggers on the secrecy, integrity and accuracy. When this bill was discussed, we felt that these items could not be met under present technology. Therefore, it would not happen for voting

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today. Betty Lund is concerned about the registration, and notice of voters. Those other items could be implemented under what we have today because they are not questions of secrecy. The accuracy would have to be worked on to make sure that authenticity is upheld. The Secretary of State's office dealt with this issue for our own records, and we said that a faxed document had to be followed by the original in a few days.

Senator Farrell said this bill needed further discussion and he asked Senator Pipinich to withdraw his motion. Senator Pipinich said registration was already covered in SB-157, but Senator Farrell said he did not know what would happen to SB-157. Senator Vaughn asked if removal of the amendments would mean that through election administrators and the Secretary of State's office would determine who is actually eligible to vote by fax if and when? Mr. Jacobson said that is the way he saw this, is nothing would happen unless the Feds required us to meet the needs of that special class of citizens. This does have a blanket effect for all potential voters, but the key item is the secrecy, integrity of the ballot. This is not possible right now, so this is a fishing expedition, rather than an actual implementation type bill. Until the fax machine does what the voting machine does, then he feels nervous about this. Senator Farrell said that if he was nervous, then why not strike the lines about "Montana procedure acts" and not make them rules. Then have the advisory council and Secretary of State's office come back to the next Legislature and propose your rules, so this can not be implemented. Mr. Jacobson had no problem with that.

Senator Pipinich withdrew his motion. Senator Farrell asked to have time to discuss this bill with others.

EXECUTIVE ACTION ON HB-231

Discussion: Senator Fritz moved do pass on Executive Action on HB-231, and to direct David Niss to draft an amendment to HB-231 to stipulate that the Legislature will receive a check list of all reports available along with a brief description like the list Representative Cobb submitted. Then the legislators could check off which report they wanted.

David Niss asked if the amendment should specify mailing be done by the Legislative Council or by the agency providing the report? Senator Fritz said he would think no mailing is required. When the Legislature convenes the list would be available. Senator Pipinich asked if the Council would provide the list? Senator Fritz agreed. Senator Farrell thought the list would be mailed

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SENATE STATE ADMINISTRATION COMMITTEE

February 7, 1991

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ahead of time. Senator Fritz wasn't sure. The committee thought the list should be mailed before the Legislature convenes. Senator Vaughn said Mr. Niss' question is whether the Legislative Council mails the list, and then the reports requested, like they send the audit reports? Senator Fritz said he would like the amendment to apply only to those reports not circled, and the list would be mailed before the Legislature convenes, and requested reports would be mailed from the Legislative Council.

Senator Hockett thought it should be checked to see who will pay the postage. The Legislative Council may not want to pay it all, and it comes out of the agency budgets now. He asked David Niss to research this. Senator Farrell said possibly the requested reports could be distributed when the Legislature convenes. The reports that we need to read are already circled. The committee agreed. Senator Vaughn said the motion to direct Mr. Niss to draft an amendment to have a list mailed to the Legislature, then the reports requested will be delivered when the Legislature convenes. The to draft these amendments passed.

EXECUTIVE ACTION ON HB-242

Senator Vaughn asked for a motion on HB-242 that would allow an involuntarily dismissed state employee to contract back with the state without waiting 6 months.

Motion: Senator Farrell moved to Concur on HB-242. The motion passed unanimously, and was recorded as a roll call vote. Senator Farrell will carry this bill.

EXECUTIVE ACTION ON HB-244

Senator Vaughn asked for a motion on HB-244 that would clarify the procedure for polling the Legislature following the veto of a bill when the Legislature is not in session.

Motion: Senator Burnett moved to Concur in HB-244. The vote was unanimous and recorded as a roll call vote. Senator Vaughn will check with Representative Thomas as to whom he wants to carry the bill. Senator Brown will probably do so.

Discussion of Nominations Process:

Senator Fritz said that a Senator has requested that one of the appointees on one of the boards assigned to him, be segregated and a hearing be held. Senator Vaughn said that a public hearing is held after this resolution is heard. Anyone has the right to come to the public hearing, and we will work on confirming the

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appointees we have ready to go. The committee members will give their recommendation to confirm or not to confirm. Anybody who wishes to speak for or against that person can do so at that time. Then preliminary action will be taken. Then there will be 3 days for any or all of the Senators, or committee members to request for an appointee to be segregated at that time. They come to the Chairman, within those 3 days, and request that the person or persons be withdrawn from the resolution. Then the committee will have to come up with a separate resolution to present those particular people that have been segregated.

Senator Fritz said that the segregation is after the public hearing, not before. Senator Pipinich said the ones on the Senate floor desks now can be requested to be segregated. Senator Vaughn said that list is of Directors. The appointments to the boards have not had a public hearing, yet. The board member resolution will be processed like the one for the directors. Senator Farrell said a hearing will be held on each board, and the day the hearing is scheduled, then the individual who wants an appointee segregated, can request it at the hearing. Senator Fritz said each board receives a hearing, and maybe there will be multiple hearings on that day. Senator Vaughn said each board will be discussed. At the public hearing they can make their statements, but for 3 days after the hearing, Senators can still request for an appointee to be segregated. Then there will be a separate resolution for those that were segregated. Senator Farrell said the fly in the ointment would be after the testimony, the committee would decide not to confirm. Then that appointee would not be printed on the resolution. Senator Fritz said there are two possible ways to get someone off. He asked if any of the boards is scheduled for hearing? Senator Vaughn said the first resolution has been held up by the question of whether the committee needed to move it. It is ready to go today. Senator Fritz said the Senator who spoke about segregating, asked if the board hearing could be held on February 15, 1991, but that is probably not possible since the resolution has not been done. Senator Vaughn said 3 days notice must be given, and how quickly it can be done, so the hearing can be scheduled.

Senator Vaughn said these resolutions have top priority and will be taken care of when they get to the Legislative Council. David Niss said he could try to have it out of Council this week. Senator Fritz said he has not presented this board to the committee, so the process is not yet triggered. Senator Vaughn said that board would be on the next resolution. Senator Fritz asked if he can recommend not to confirm a board member before the hearing? Senator Pipinich said yes, but people need to

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February 7, 1991

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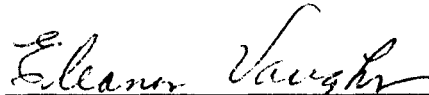
testify in person or writing. Senator Vaughn said this is the purpose of the public hearing.

Discussion of previous Executive Action HB-140:

Senator Anderson asked what happened with the vote on HB-140 to Do Not Pass? Senator Vaughn said she understood there was a motion to Do Not Pass HB-140, and the vote was 5 to 4, and she cast her vote that tied the vote. So the motion fails. Senator Burnett asked what the procedure is now? Senator Farrell said it would need to go through Executive Action again. Senator Vaughn said we will wait on this bill because Senator Blaylock was gone.

ADJOURNMENT

Adjournment At: 11:51 a.m.



ELEANOR VAUGHN, Chairman



JOYCE INCHAUSPE-CORSON, Secretary

EV/jic

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ROLL CALL

STATE ADMINISTRATION COMMITTEE

DATE 2-7-91

52 LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SENATOR ELEANOR VAUGHN	X		
SENATOR BOB PIPINICH	X		
SENATOR JOHN ANDERSON	X		
SENATOR CHET BLAYLOCK	X		
SENATOR JAMES BURNETT	X		
SENATOR "BILL" FARRELL	X		
SENATOR HARRY FRITZ	X		
SENATOR BOB HOCKETT	X		
SENATOR JACK "DOC" REA	X		
SENATOR BERNIE SWIFT			X

Each day attach to minutes.

DATE February 7, 1991

COMMITTEE ON State Administration

VISITORS' REGISTER

[illegible]

SECRETARY OF STATE

STATE OF MONTANA



Mike Cooney
Secretary of State

SENATE STATE ADMIN.

EXHIBIT NO. 1

DATE 2-7-91

BILL NO. HB-225

Montana State Capitol
Helena, MT 59620

Testimony in Support of
HB 244
February 7, 1991

Madam Chairman and members of the Senate State Administration Committee, for the record I am Garth Jacobson representing the Secretary of State's Office.

HB 244, as explained to you by its sponsor Representative Thomas, is a bill which is an ounce of prevention to cure a pound of problems. This bill we believe cures potential problems that may occur when the Secretary of State's office conducts a veto override poll following the adjournment of the legislature.

In a nutshell this bill clarifies the procedures for veto polling the legislature following the end of the legislative session and it permits legislators to cast their votes by facsimile transmission.

Specifically the bill addresses four concerns.

1. Legislators will now be able to cast their vote to sustain or override a governor's veto by facsimile transmission. At the end of the last session certain legislators did not have their mail forwarded to them until the deadline for voting almost had expired. The only way they could vote was via fax. The Secretary of State's office felt it did not have the statutory authority to accept a fax vote from a legislator. We now seek that authority to help facilitate voting for all legislators.

2. This bill requires the legislature to determine which vote triggers the polling process. It is important that the legislature make this call. You must decide if it should be third reading, conference committee vote or what. Also you need to say what two thirds of the members present means. Does it mean two thirds of those casting votes on that bill or two thirds of the members attending that day's session? These are the questions that create litigation. You need to decide the rules and we will perform the process without any interpretation on our part.

3. This bill creates some cost savings for the state. If the governor vetoes a bill that does not result in the polling of the legislature then the Secretary of States office will only have to send a copy of the title of the bill and the veto message. We will not sent the entire bill. This may result in savings by reducing printing and postage costs. However if you want a copy of

the entire bill, we would be more than happy to send it to you.

However if there is a polling of the legislature then we will send you the entire bill by certified mail with the instructions and the deadline for voting.

4. Finally HB 244 specifies when the Secretary of State's office tallies the final vote count of the veto override poll. While the period for casting votes is 30 days there is some question when our office would declare the results of the polling. This will parallel your voting procedures when the Speaker says does any one wish to change his or her votes - will the clerk please record the vote. The secretary of state's office will not announce the official tally until after the close of the voting period. You will be given the opportunity to change your vote or not vote until the very last minute. Technically it will not be a done deal until the end of the thirty days. Our concern here is that everybody knows the rule of the process up front and agrees to them.

As a side note, when the legislative council drafted this bill they noticed a portion of the Section 5-2-105, MCA may be unconstitutional. This bill corrects that problem.

Based upon this testimony you can see that this bill prevents problems before they happen and makes the process of voting easier for you when you leave and return to your other activities. I urge you to recommend that the Senate concur in HB 244.

SECRETARY OF STATE

STATE OF MONTANA



Mike Cooney
Secretary of State

SENATE STATE ADMIN.

EXHIBIT NO. 2

DATE 2-7-91

BILL NO. HB-225

Montana State Capitol
Helena, MT 59620

Testimony of Mr. Garth Jacobson
In Support of House Bill 225
February 7, 1991

Madam Chairman and members of the Committee, for the record my name is Garth Jacobson. I appear before you today on behalf of the office of the Secretary of State as a proponent of House Bill 225.

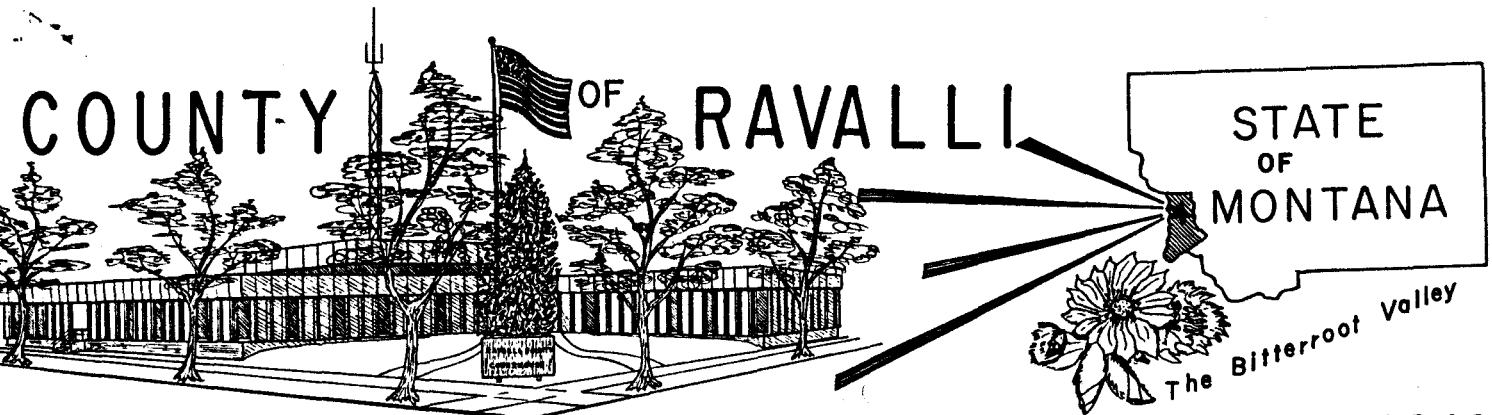
With the deployment of operation Desert Shield last summer, election administrators and Secretaries of State were confronted with an issue they had not faced in some twenty years. Namely, the timely and secure means by which we can allow our troops serving overseas access to the electoral process.

In response to this situation, the Federal Voting Assistance Program operated by the Secretary of Defense implemented a system by which troops on active duty in the Persian Gulf could register to vote, request and absentee ballot and vote using a facsimile machine. Montana participated in the program in the registration and request phases. State law, however, prohibited us from accepting voted ballots by facsimile. This measure would allow for the development of a program to utilize available technology to ensure that those serving overseas, and potentially others in emergency situations may exercise their constitutionally protected right to vote.

The office of the Secretary of State will regularly testify in support of bills that will increase access to the electoral system. However, a bill that allows fax balloting would not be acceptable without clear and comprehensive guidelines for its implementation. In granting rule making authority to the Secretary of State, the bill explicitly states on page four, beginning with line six, that: "The rules must maintain the accuracy, integrity, and secrecy of the ballot process."

Before a system for fax balloting is put in place, the accuracy, integrity and security of the process will have to be assured. Today, I can not make these assurances and therefore we can not accept nor will we propose the acceptance of fax ballots. Many technical problems exist, which must be addressed by the election advisory council. However, within a matter of months or years, technology will likely present us with a solution that meets these requirements and that will allow for increased access to the electoral process. Passage of House Bill 225 will mean that when that day comes, we in Montana will be ready to implement a system that is prudent and efficient.

I thank you for your time today, and I will be more than happy to answer any questions you might have in this regard.



February 7, 1991

State Administration
State Senate
Helena, MT 59620

HAMILTON, MONTANA 59840

SENATE STATE ADMIN.

EXHIBIT NO. 4

DATE 2-7-91

BILL NO. HB-225

Madam Chairman and Members of the Committee:

For the record, my name is Betty T. Lund, Ravalli County Clerk and Recorder/Election Administrator and member of the Secretary of State's Election Advisory Council.

I would like to offer my support for HB225 with amendments. The purpose of the bill is admirable - we all want to do as much as we can for the military and overseas personnel. Our job is to make voting more convenient and accessible to the people. We suffer pain when a person is unable to vote due to registration or ballot problems. This bill will make it easier for the uniformed and overseas citizens to vote. In fact, those are my amendments to this bill, limiting it at this time to only overseas personnel. This is such a new concept that, as a member of the Secretary of State's Election Advisory Council, I would like test HB 225 on the overseas voters first and perhaps, as success warrants it, extend it to the Montana residents who are out of the state at voting time. Finally, as new technology comes about, allow electors who reside in the state of Montana to benefit by it. The secrecy of the ballot concerns me due to the nature of the fax machine.

I believe the Secretary of State can, with the assistance of the Election Advisory Council, draft rules that would cover many of the problems that we can not foresee today. We do not want to deny any person the right to vote as our jobs are to get the highest voter registration and turnout as possible but we must also maintain the integrity of the election process.

Please accept my amendments and pass HB 225 as amended.
Thank you.

Sincerely,

Betty T. Lund
Betty T. Lund
Ravalli County Clerk &
Recorder/Election
Administrator

SENATE STATE ADMIN.

EXHIBIT NO. 5

DATE 2-7-91

BILL NO. HB-225

AMENDMENT TO HB 225

Page 2 line 23.

Insert following "state's residents", who are uniformed and overseas citizens.

Page 3 line 5.

Insert following "to allow facsimile voting" for its uniformed and overseas citizens

Page 3 line 17.

Insert following "to become an elector". who is an uniformed or overseas citizen

Page 4 line 25.

Amend date to be January 1, 1993.

Page 5 line 15.

Amend date to be January 1, 1992.

County of Yellowstone



SENATE STATE ADMIN.

ELECTION ADMINISTRATOR

EXHIBIT NO. 6

DATE 2-7-91

BILL NO. HB-225 P.O. Box 35002
Billings, Montana 59107

TO: Senator Blaylock, Senate State Administration Committee

FROM: Peggy J. Zielie, Election Administrator *P. Zielie*

DATE: February 1, 1991

SUBJECT: House Bill 225

I am writing to express my concern regarding House Bill 227 which allows for FAX registration for voting and actual voting. My concerns lie in the following areas:

Our entire voting system is based on protecting the integrity and secrecy of the citizen's right to vote. I believe this Bill would be violating that basic right to privacy.

Another concern of mine lies in the potential abuse of this system. As I read the Bill in its current form, I see no stipulations as to who will be able to use this method of voting. Does this mean that somebody across town who is "too busy" to go to the polls will be allowed to request a FAX ballot? Can you imagine the increased costs if this is allowed? Yellowstone County currently receives up to 6000 requests for absentee ballots for a General Election. You and I both know that many of these requests are not made by people who legitimately need the ballot mailed to them. Are we going to open the door even wider for abuse of absentee voting?

I would urge you to amend this Bill to ALLOW ONLY OVERSEAS CITIZENS AND MILITARY PERSONNEL to make use of this method of voting. Those are the people who are truly in need of this service. Citizens within the United States have ample time to request their ballot up to 75 days before the election and return it by 8:00 p.m. on election evening. Let's limit this to the voters who really need it!

Regarding registering to vote by FAX, I believe you need to require a form with an original signature to follow the FAX transmission within 20 days before the election to allow this office to have an official document in our files.

REPORTS REQUIRED TO BE FILED WITH THE LEGISLATURE
(REPORT ON REPORTS)

PREPARED FOR REP. JOHN COBB
BY DOUG STERNBERG
PARALEGAL, LEGISLATIVE COUNCIL

KEY: 1. STATUTE WHICH REQUIRES REPORT
2. ENTITY OR AGENCY REQUIRED TO FILE
3. FREQUENCY OF FILING
4. DESCRIPTION OF REPORT
5. OTHER ENTITIES WITH WHOM REPORT IS FILED, IF OTHER THAN
LEGISLATURE AS A WHOLE

- 1) 1. Article VIII, section 13, Mont. Const.
2. board of investments
3. at least annually
4. audit report of the unified investment program
5. governor
- 2) 1. 1-11-204
2. code commissioner
3. prior to November 1 immediately preceding each regular legislative session
4. code commissioner's recommendations for legislation to update and correct provisions of the MCA
5. legislative council
- 3) 1. 2-4-411
2. administrative code committee
3. at least once each biennium
4. recommendations for amendment of the Montana Administrative Procedure Act or amendment, adoption, or repeal of an administrative rule
- 4) 1. 2-7-104
2. director of revenue
3. at request of the legislature
4. studies of fiscal problems and tax structures of state and local governments
5. governor
- 5) 1. 2-8-112
2. legislative audit committee
3. ensuing legislative session
4. bill recommending continuation, modification, or termination of a state agency or program scheduled for termination

- 6)
 1. 2-8-203
 2. legislative audit committee
 3. regular legislative sessions
 4. recommendations regarding licensing of professions or occupations, estimated state cost for licensing, and proposed schedule of license fees
- 7)
 1. 2-8-207
 2. legislative audit committee
 3. regular legislative sessions
 4. recommendations regarding consolidation of existing licensing boards
- 8)
 1. 2-8-208
 2. legislative audit committee
 3. next legislative session
 4. findings and recommendations regarding licensing of professions or occupations when proposed through initiative
- 9)
 1. 2-15-2021
 2. department of justice and gaming advisory council
 3. 1991 and 1993 regular legislative sessions
 4. recommendations for amendments to gambling statutes, need for additional or modified department rules, clarification of existing rules, and other recommendations on department operation or other gambling-related matters
- 10)
 1. 2-18-209
 2. department of administration
 3. each legislature
 4. status of the study of comparable worth standard and recommendations as to what impediments exist to meeting the standard
- 11)
 1. 2-18-811
 2. department of administration
 3. available to each legislature
 4. detailing operation of state employee group benefit plans, including analysis of rate adequacy, and recommendations for changes in the plans
12.
 1. 2-8-1103
 2. department of administration
 3. biennial
 4. list of incentive awards and corresponding state savings and a general review of and suggestions for improving the incentive awards program

3. (13) 1. 3-1-702

2. court administrator
3. upon request of the legislature
4. statistical and other data relating to business transacted by the courts

- 14) 1. 3-1-1126
2. judicial standards commission
 3. each year the legislature meets in regular session
 4. information filed during the preceding biennium regarding complaints filed against judicial officers and the disposition of the complaints

- 15) 1. 5-5-216
2. legislative interim subcommittees
 3. next regular session
 4. interim study reports and recommendations for legislation

- 16) 1. 5-7-207
2. commissioner of political practices
 3. beginning with the first Tuesday following the beginning of any regular or special session and on the first Tuesday of every month thereafter during which the legislature is in session
 4. names of registered lobbyists, names of principals the lobbyists represent, and subjects of legislation in which each principal is interested
 5. report to be supplied to each member of each house of the legislature

- 17) 1. 5-12-302
2. legislative fiscal analyst
 3. as desired by the fiscal analyst or as required by the legislative finance committee or the legislature
 4. reports and recommendations deemed desirable by the fiscal analyst regarding fiscal analysis of state government and financial matters relevant to issues of policy and statewide importance

- 18) 1. 5-13-304
2. legislative auditor
 3. during first week of each regular session
 4. copies of or summaries of audit reports on state agencies and recommendations relating to the reports

- 19) 1. 5-17-103
2. capitol building and planning committee
 3. each regular session
 4. report of committee activities and recommendations regarding the orderly development of state buildings in the immediate area of the capital city

- 20) 1. 5-18-107

2. revenue oversight committee
 3. periodically in regular session and in the interim between regular sessions
 4. indication of the revenue oversight committee's current revenue estimate
- 21) 1. 5-18-203
2. coal tax oversight subcommittee
 3. each regular session
 4. report on potential uses of the coal tax trust fund
- 22) 1. 5-19-108
2. committee on Indian affairs
 3. regular sessions
 4. report of committee activities, findings, recommendations, and proposed legislation
- 23) 1. 5-20-105
2. joint legislative committee on accountability and quality in education
 3. 1991 legislature
 4. report of findings, options for legislative consideration, and any proposed legislation
 5. governor, board of public education
- 24) 1. 10-4-102
2. department of administration
 3. biennial
 4. report on progress made in implementing a statewide emergency telephone system
- 25) 1. 13-37-121
2. commissioner of political practices
 3. at the close of each fiscal year
 4. report on actions taken by the commissioner, including names, salaries, and duties of all individuals in his employ and money he has disbursed; report on matters prescribed by the legislature; and recommendations for desirable legislation
 5. governor
- 26) 1. 15-1-205
2. department of revenue
 3. to each member of the legislature 20 days before session, upon request
 4. report showing all taxable property of the state, counties, and cities and its value, with recommendations for improvements in the taxation system, together with alternative measures formulated for legislative consideration; and changes made or contemplated in property appraisal or assessment
 5. governor
- 27) 1. 15-1-601

2. multistate tax commission
3. annually
4. report covering commission activities during the preceding year, including information on donations or grants accepted or services borrowed
5. governor

- 28) 1. 17-1-103
2. department of administration
3. upon request
4. make all reports and submit all information and data the legislature requests regarding financial affairs of state agencies

- 29) 1. 17-1-131
2. budget director
3. upon request
4. furnish any information regarding the budget
5. standing committees of the house and senate concerned with appropriations, revenue, finance, and claims

- 30) 1. 17-2-107(5)
2. department of administration or commissioner of higher education
3. by September 1 of the fiscal year following the second consecutive fiscal yearend in which a loan or loan extension is authorized to the same accounting entity
4. an explanation as to why the second loan or extension was made, an analysis of the solvency of the accounting entity or entities within the university fund or subfund, and a plan for loan repayment
5. legislative finance committee

- 31) 1. 17-2-107(6)
2. commissioner of higher education
3. by September 1 of the fiscal year following the second consecutive fiscal yearend in which an accounting entity in a fund or subfund has a negative cash balance
4. an explanation as to why the accounting entity has a negative cash balance, an analysis of the solvency of the accounting entity, and a plan to address any problems concerning the entity's negative cash balance or solvency
5. legislative finance committee

- 32) 1. 17-2-111
2. department of administration
3. not later than June 1 of the year preceding a regular legislative session
4. report findings and recommendations relating to all state special revenue accounts and proprietary accounts
5. legislative finance committee

33) 1. 17-4-107
2. department of administration
3. next session of the legislature
4. report of any canceling and writing off of accounts receivable

34) 1. 17-5-1650
2. board of investments
3. by December 31 of each year
4. financial report and summary and estimate of activities compared to previous annual report
5. governor and the public

35) 1. 17-7-301
2. governor
3. next legislature
4. report in a special section of the budget the amounts expended as a result of authorizations granted to make expenditures during the first fiscal year of the biennium from appropriations for the second fiscal year, and request any necessary supplemental appropriations

36) 1. 17-7-404
2. legislative fiscal analyst
3. as required
4. review of each proposed budget amendment certified by the approving authority for compliance with statutory budget amendment requirements and standards
5. legislative finance committee

37) 1. 18-7-303
2. publishing policy committee
3. each legislature
4. report detailing the savings to state government resulting from the State Printing Control Act

38) 1. 19-4-201
2. retirement board
3. biennially by January 1 of each year the legislature meets
4. details of financial transactions for immediately preceding 2 fiscal years, amount of accumulated cash and securities of the retirement system, and the last fiscal year balance sheet
5. governor

39) 1. 19-21-111
2. teachers' retirement board
3. 1991 legislature
4. results of a June 30, 1990, actuarial valuation of the teachers' retirement system made to determine the past service unfunded liability of active, inactive, and retired members of

the Montana university system, including the effect on the amortization of the unfunded liability by persons electing to participate in the optional retirement program

- 40) 1. 20-7-302.1
2. state director of K-12 vocational education
3. as required
4. prepare any necessary reports on the status of K-12 vocational education
- 41) 1. 20-9-346
2. superintendent of public instruction
3. any year when a session is convened
4. figures and data concerning distribution of state equalization aid during the preceding 2 school fiscal years; amount of state equalization aid then available; apportionment made of the available money but not yet distributed; the latest estimate of accruals of money available for state equalization aid
- 42) 1. 20-25-236
2. Montana agricultural experiment station and cooperative extension service
3. each legislature
4. expenditures, activities, and outcomes of the Montana Sustainable Agriculture Research and Education Act
- 43) 1. 20-25-301
2. board of regents of higher education
3. each regular session
4. report of progress and condition of the bureau of mines and geology, including any other necessary or required information
- 44) 1. 20-25-305
2. president of each unit of the university system
3. as required
4. any special report on request of the legislature, subject to the supervision of the regents
- 45) 1. 22-3-107
2. board of trustees of the Montana historical society
3. biennially
4. statement of all important transactions and acquisitions, with suggestions and recommendations for the better realization of the purposes of the society and the improvement of its collections and services
5. governor

- 46) 1. 23-5-1007

2. state lottery commission
3. quarterly and annually
4. reports on all aspects of the state lottery, including types of games, gross revenue, prize money paid, operating expenses, net revenue to the state, contracts with gaming suppliers, and recommendations for changes to the Lottery Act
5. governor, department of administration, legislative auditor, president of the senate, speaker of the house, and each member of appropriate legislative committees as determined by the president and speaker

- 47)
 1. 23-5-1008
 2. legislative liaison committee
 3. each legislature
 4. report on activities and operations of the state lottery

- 48)
 1. 23-5-1028
 2. legislative auditor
 3. annual
 4. audit report of the state lottery
 5. state lottery commission, lottery director, governor, president of the senate, speaker of the house, and each member of appropriate legislative committees as determined by the president and speaker

- 49)
 1. 33-22-1513
 2. insurance commissioner
 3. on or before January 15 each year the legislature meets in regular session
 4. total amount of premium tax offset claimed by comprehensive health association members during the preceding biennium

- 50)
 1. 37-1-106
 2. department of commerce, in cooperation with each professional or occupational licensing board
 3. biennial
 4. summary of each board's activities, goals, and objectives; detailed breakdown of board revenues and expenditures; statistics illustrating board licensing activities; summary of complaints and their disposition; legislative or court action affecting the board; and any other relevant information
 5. governor

- 51)
 1. 39-6-101
 2. department of labor and industry, through the governor
 3. not less than once every 2 years
 4. report of department activities and findings

- 52)
 1. 39-51-407

2. governor
3. promptly
4. amount required for replacement of money supplied by the state or its subdivisions for use of the department of labor and industry in the administration of the Unemployment Insurance Law

- 53) 1. 44-2-304
2. attorney general
 3. every legislature at the time funds are requested for administration of the teletypewriter communications system
 4. detailed report covering the operations of the communications network, the accounting of all money received and expended, and the need to expand or improve the system
 5. appropriations committee

- 54) 1. 44-13-103
2. attorney general
 3. not later than 4 months after the end of each fiscal year
 4. detailed report of amounts and property credited to the law enforcement assistance account and of the disposition thereof

- 55) 1. 46-23-316
2. governor
 3. each regular session
 4. each case of remission of fine or forfeiture, respite, commutation, or pardon granted since the previous report

- 56) 1. 50-5-317
2. departments of health & environmental sciences, family services, and social and rehabilitation services
 3. 1991 legislature
 4. a determination of the need for services provided by residential treatment facilities

- 57) 1. 53-2-1107
2. each private industry council in each service delivery area in the state
 3. annual
 4. a job training plan report describing the activities conducted in the service delivery area during the program year and the extent to which activities exceeded or failed to meet performance standards adopted in the job training plan
 5. governor

- 58) 1. 53-6-110
2. department of social and rehabilitation services
 3. at the commencement of each legislative session
 4. report and recommendations concerning medicaid funding for the next biennium

- 59) 1. 53-20-104

2. mental disabilities board of visitors
3. each session of the legislature
4. report concerning the status of residential facilities
and habilitation programs inspected by the board
5. governor

60) 1. 53-21-104
2. mental disabilities board of visitors
3. each session of the legislature
4. report concerning the status of mental health facilities
and treatment programs inspected by the board
5. governor

61) 1. 53-24-204
2. department of institutions
3. biennial
4. update of comprehensive long-term state chemical
dependency plan

62) 1. 53-24-210
2. department of institutions
3. each legislative session
4. status of department's state plan for alcohol abuse and
chemical dependency

63) 1. 52-30-133
2. department of institutions
3. each legislature
4. report of continuing plans and recommendations in
implementing the prison industries training program

64) 1. 60-11-111
2. department of commerce
3. periodically
4. progress report on identification of abandoned railroad
rights-of-way and feasibility of acquisition by the state
5. legislative finance committee

65) 1. 61-2-201
2. vehicle equipment safety commission
3. annually
4. coverage of commission activities for the preceding year
and recommendations issued by the commission
5. governor

66) 1. 61-10-1101
2. multistate highway transportation agreement cooperating
committee
3. no later than November 1, annually
4. report setting forth the committee's work during the
preceding year and including recommendations developed by the
committee

5. transportation committee of the western conference, council of state governments, and the western association of state highway and transportation officials

- 67)
1. 69-1-222
 2. consumer counsel
 3. yearly
 4. report on consumer counsel activities during the year and recommendations for appropriate remedial legislation
 5. legislative consumer committee

- 68)
1. 69-1-404
 2. legislative finance committee
 3. each regular legislative session
 4. results of the committee's review of the budget of the department of public service regulation and of the calculations made by the department of revenue in determining regulatory fees, as well as any recommendations concerning the matter of funding the department

- 69)
1. 72-16-202
 2. department of revenue
 3. opening of legislative sessions
 4. general result of the department's labors and investigations in inheritance tax matters during the previous biennium, specific reports of counties where administration of inheritance laws has been lax and unsatisfactory, and recommendations for legislative action
 5. governor

- 70)
1. 72-16-447
 2. in-kind review committee
 3. upon completion of review of application for in-kind payment of inheritance or estate taxes by the transfer to the state of personal property, real property, or an interest in real property
 4. advise as to uses of the property
 5. revenue oversight committee and the department of revenue

- 71)
1. 75-1-203
 2. each state agency that prescribes fees for issuance of a lease, permit, contract, license, or certificate when the agency is required to compile an environmental impact statement
 3. prior to the time a request for an appropriation is made to the legislature
 4. complete report on fees collected

- 72)
1. 75-1-324(1)--(3)
 2. executive director and staff of the environmental quality council
 3. each legislature
 4. studies of conditions and trends affecting the quality of

the environment and recommendations for state policies to improve environmental quality

5. governor

- 73) 1. 75-1-324(10)
2. executive director and staff of the environmental quality council
3. annually
4. environmental quality report concerning the state of the environment
5. governor and the public

- 74) 1. 75-1-1101
2. governor
3. at the beginning of each regular session
4. complete financial report on the environmental contingency account, including a description of all expenditures made since the preceding report

- 75) 1. 75-7-304
2. Flathead basin commission
3. biennial
4. information summaries, financial accounting, and appropriate recommendations
5. appropriate legislative committees and the governor

- 76) 1. 75-10-533
2. department of health and environmental sciences
3. each legislature
4. amounts collected for motor vehicle recycling and disposal and costs of administration of the program

- 77) 1. 75-10-704
2. department of health and environmental sciences
3. at the beginning of each regular session
4. complete financial report on the environmental quality protection fund, including a description of all expenditures made since the preceding report

- 78) 1. 76-11-203
2. department of natural resources and conservation
3. annually, not later than January 1 of each year
4. progress of the soil survey plan and mapping program
5. governor

- 79) 1. 76-12-109
2. board of land commissioners
3. each legislature
4. annual report on designation and acquisition activities of the board

- 80) 1. 80-7-713

2. department of agriculture
 3. biennial (optional at department's discretion)
 4. report on status of noxious plants and their management
 5. governor and other groups and organizations
- 81) 1. 80-12-402
2. department of agriculture
 3. at least 30 days before each regular legislative session
 4. details of the operations of the agricultural loan authority program since the adjournment of the last legislature and a financial statement showing the program's assets and liabilities
 5. governor
- 82) 1. 82-11-161
2. board of oil and gas conservation
 3. beginning of each regular session
 4. complete financial report on the oil and gas production damage mitigation account, including a description of all expenditures made since the preceding report
- 83) 1. 85-1-407
2. department of natural resources and conservation
 3. next session of the legislature
 4. report of the canceling and writing off of accounts receivable upon abandonment or disposition of the Daly ditch water project
- 84) 1. 85-1-621
2. department of natural resources and conservation
 3. biennial
 4. status of the water development program
 5. president of the senate and speaker of the house, members of the water policy committee, and other members of the legislature upon request
- 85) 1. 85-2-105
2. water policy committee
 3. not less than once every biennium
 4. analysis and comments on the state water plan, state water development program, water-related research, and the water resources data management system
- 86) 1. 87-1-250
2. department of fish, wildlife, and parks
 3. biennially
 4. activities concerning upland game bird enhancement and any recommendations for improvement of the program
 5. fish and game committee of each house of the legislature
- 87) 1. 87-1-722

2. department of fish, wildlife, and parks
3. each legislature
4. use or investment of proceeds from the auction of a mountain sheep license

88) 1. 87-2-724

2. department of fish, wildlife, and parks
3. each legislature
4. use or investment of proceeds from the auction of a Shiras moose license

89) 1. 87-5-123

2. department of fish, wildlife, and parks
3. each legislature
4. results of any program using money from the nongame wildlife account, listing in detail how the money was used

90) 1. 90-3-203

2. board of science and technology development
3. by January 1 of each odd-numbered year
4. description of board programs and accomplishments
5. governor

91) 1. 90-4-111

2. department of natural resources and conservation
3. beginning of each regular legislative session
4. report of expenditures and other information concerning the implementation and effectiveness of specific projects or programs for which grants were awarded to enable research, development, or demonstration of energy conservation or alternative renewable energy sources

92) 1. 90-5-201

2. western interstate nuclear board
3. annually
4. report covering activities of the board for the preceding year and recommendations adopted by the board
5. governor

93) 1. 90-8-311

2. board of investments
3. annually
4. report concerning Montana capitol companies
5. revenue oversight committee

51st Legislative Session

STATE ADMINISTRATION COMMITTEE

PROXY VOTE

I, Senator Chet Blaylock do hereby
grant my proxy vote to Chairman Vaughn or Secretary Harris as
follows:

BILL NUMBER HB-231

MOTION

Do Pass
Yes ✓ No

Do Not Pass
Yes No

Indefinitely Postponed
Yes No

Tabled
Yes No

*I support the amendment of Senator Fritz
if he offers it*

Chet Blaylock
Signature

Date 2-7-91

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

52st LEGISLATIVE SESSION

Date 2-7-91 Bill No. HB-242 Time 11:38

NAME	YES	NO
Chairman Eleanor Vaughn	X	
Vice Chairman Bob Pipinich	X	
Senator John Anderson	X	
Senator Chet Blaylock		
Senator James Burnett	X	
Senator "Bill" Farrell	X	
Senator Harry Fritz	X	
Senator Bob Hockett	X	
Senator Jack "Doc" Rea	X	
Senator Bernie Swift		

Secretary Dolores Harris

Chairman Eleanor Vaughn

Motion: Due Pass as Concure

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

52st LEGISLATIVE SESSION

Date 2-7-91 Bill No. HB-231 Time _____

NAME	YES	NO
Chairman Eleanor Vaughn		
Vice Chairman Bob Pipinich		
Senator John Anderson		
Senator Chet Blaylock		
Senator James Burnett		
Senator "Bill" Farrell		
Senator Harry Fritz		
Senator Bob Hockett		
Senator Jack "Doc" Rea		
Senator Bernie Swift		

Secretary Dolores Harris

Chairman Eleanor Vaughn

Motion: _____

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

52st LEGISLATIVE SESSION

Date 2-7-91 Bill No. HB-225 Time _____

NAME	YES	NO
Chairman Eleanor Vaughn	X	
Vice Chairman Bob Pipinich	X	
Senator John Anderson	X	
Senator Chet Blaylock	X <i>By Reply</i>	
Senator James Burnett	X	
Senator "Bill" Farrell	X	
Senator Harry Fritz	X	
Senator Bob Hockett	X	
Senator Jack "Doc" Rea	X	
Senator Bernie Swift		

Secretary Dolores Harris

Chairman Eleanor Vaughn

Motion: Due Pass as Amended

51st Legislative Session

STATE ADMINISTRATION COMMITTEE

PROXY VOTE

I, Senator Chas Blaylock do hereby
grant my proxy vote to Chairman Vaughn or Secretary Harris as
follows:

BILL NUMBER 225

MOTION

Do Pass
Yes ✓ No _____

Do Not Pass
Yes _____ No _____

Indefinitely Postponed
Yes _____ No _____

Tabled
Yes _____ No _____

*If amended with
county clerk's & recorder's
amendment -*

*I vote for their
amendment.*

Chas Blaylock
Signature

Date 2-7-91

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 7, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 242 (third reading copy -- blue), respectfully report that House Bill No. 242 be concurred in.

Signed: _____

Eleanor Vaughn, Chairman

MB 4/7/91
Amd. Cobrd.

SR 2/7 1:10
Sec. of Senate