

MINUTES

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

Call to Order: By Chairperson Eleanor Vaughn, on March 6, 1991,
at 10 A.M. in room 331

ROLL CALL

Members Present:

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

Members Excused: Senator Bernie Swift

Members Absent: Senator Bill Farrell

Staff Present: David Niss (Legislative Council).

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

Announcements/Discussion: The committee bill, Senate Resolution
7, will be heard on March 15 in room 405 at 10 A.M.

HEARING ON HOUSE BILL 424

Presentation and Opening Statement by Sponsor:

Representative Jessica Stickney, House District 26, Miles City, said House Bill 424 mandates that all appointive boards, commissions, committees, and councils of the state be gender-balanced to the greatest extent possible. House Bill 424 also mandates that 10 percent of the total membership of appointive entities must represent minorities. It is intended that a board should be complete, and if a qualified minority or gender balancing person cannot be found, they have included the statement "to the greatest extent possible". The last amendment gives instructions to the Secretary of State's office to publicize appointments, which are made and pending. The request for information will go to people after they have been appointed.

Proponents' Testimony:

Bea McCarthy, Representative of House District 66, talked of discrimination because of being a married woman. She would like a female appointed to the Board of Regents.

Kate Cholewa, Montana Women's Lobby, supports House Bill 424. She gave written testimony. (Exhibit 2) She handed the committee a letter from Jane Lopp, representing the American Association of University Women, who works at finding qualified women for appointments. (Exhibit 1)

Angela Russell, Representative of House District 99, Lodge Grass, Big Horn County, and the Crow Reservation believes this is an excellent piece of legislation and recommends a strong support of House Bill 424.

Tootie Welker, Montana Alliance for Progressive Policy, represents over 50,000 Montanans, supports this bill.

Jan Wright, Montana Education Association, is concerned that there should be more women on the Board of Public Education and the Board of Regents. It is necessary and reasonable to have women and minorities on boards.

Linda Saul, representing the Interdepartmental Coordinating Committee for Women, gave examples of boards that were composed of all males. Her testimony is in exhibit 4.

Ken Toole, personnel officer for the Office of Public Instruction, gave written testimony in support of House Bill 424. (See exhibit 3)

Colette Baumgardner, Democratic Women's Caucus, said they support House Bill 424.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Blaylock asked about page 2, line 15 through 17. Representative Stickney said that is the method decided upon to see if we are abiding by the law. They do not have any forms that specifically indicates race or gender.

Senator Burnett mentioned that it is against the federal law to ask to question gender, religion, or race. This puts a hardship on the person involved in appointing boards. Representative Stickney said there are many ways to learn information about someone. The appointed person can refuse to give the information if they so choose.

Senator Burnett asked what's the penalty, if they don't? Representative Stickney said there is no penalty. They have tried to make it easy and yet it is very important.

Closing by Sponsor:

Representative Stickney closed the hearing and said Senator Dorothy Eck will carry it to the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 424

Motion:

Senator Hockett moved that we DO CONCUR IN HOUSE BILL 424.

Recommendation and Vote:

The VOTE was 7 in favor of HOUSE BILL 424 and Senator Burnett voted no. House Bill 424 was approved and Senator Dorothy Eck will carry it to the Senate floor.

HEARING ON HOUSE BILL 450

Presentation and Opening Statement by Sponsor:

Representative Hal Harper, House District 44, Helena, said House Bill 450 is presented at the request of the Commissioner of Political Practices. It does several things to help the Commissioner do the job. It provides for the disapproval of an application to lobby if reports have not been filed or are inaccurate. It clarifies the contents of the lobbying docket, provides for the issuance of order of noncompliance, provides for enforcement and provides for review of orders of noncompliance. It reduces the period of time lobbying records must be kept and reduces the time period for bringing an action for a violation of the lobbying laws. Presently, she has to go to court to get lobbyists to comply. This is a half-way step that makes sense. Most lobbyists file reports faithfully and should be rewarded for doing so. The law presently allows 7 years for a civil action, which is too long, and House Bill 450 reduces that to 3 years.

Proponents' Testimony:

Dolores Colburg, Commissioner of Political Practices, said House Bill 450 provides additional leverage to obtain lobbying reports from principals. This would allow the issuance of noncompliance orders when they aren't filed or are incomplete. (Exhibit 5) These noncompliance orders can be given to the media and that is more leverage.

C. B. Pearson, Executive Director of Common Cause/ Montana, supports House Bill 450 because it is a reasonable and important

improvement in the lobbying laws of the state. Compliance with the law is lacking and this is a needed improvement. Please support House Bill 450.

Mike Pichette, Montana Power Company, supports this bill and the Commissioner has made a good case for additional enforcement tools. It seems like a reasonable procedure and recommends a do pass.

Tootie Welker, MAPP, supports good government and this is a good government bill. Please support House Bill 450.

Opponents' Testimony:

None

Questions From Committee Members:

Representative Fritz asked about the amendments that are struck out on pages 3, 4, 5 and 6. Dolores Colburg said that is struck from this bill because that language is taken care of in House Bill 472, which will come before this committee tomorrow.

Senator Blaylock asked about the hearing procedure. Dolores Colburg said that currently you cannot deny an application to register as a lobbyist without a hearing. That is fair. This bill is the exception to that fair hearing procedure, because it stipulates that if you haven't filed your reports from the previous election, the application to register would be denied. It doesn't punish the lobbyist, it is the obligation of the principal to file their lobbying disclosure reports. She has 5 people from last session who have not filed lobbying disclosure reports despite incredible efforts on her office's part, short of going to court.

Closing by Sponsor:

Representative Harper closed the hearing and thanked the committee for a good hearing.

EXECUTIVE ACTION ON HOUSE BILL 450

Motion:

Senator Blaylock moved that we DO CONCUR IN HOUSE BILL 450.

Recommendation and Vote:

The VOTE was UNANIMOUS in favor of House Bill 450. Senator Fritz will carry HB 450 to the Senate floor.

HEARING ON HOUSE BILL 599Presentation and Opening Statement by Sponsor:

Representative John Mercer, House District 50, Flathead area, said that presently the volunteer firefighters' pension plan fluctuates the benefits paid. This bill will authorize the changing of the formula to stabilize those benefits. This fixes the benefit at \$120 per month for the next 2 years and allows the PERS to do a study to come up with a new formula. This is not an increase; it's a average that was arrived at after some work.

Proponents' Testimony:

Larry Nachtsheim, Administrator, PERD, read his testimony into the record. The maximum benefit that can be paid out of this fund is \$200. (Exhibit 8)

Art Korn, representing the Montana State Retired Volunteer Firemen, read his testimony into the record. (Exhibit 6)

Lyle P. Nagel, Montana State Volunteer Firefighters Association, supports House Bill 599, because it is a good stabilization of benefits. (Exhibit 7)

Henry E. Luhr, Montana State Volunteer Firefighters Association, rises in support of House Bill 599.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Fritz asked Larry Nachtsheim how he is going to come up with a proper formula? Larry Nachtsheim responded they will run some detail on membership. They don't have any compensation to work from, so they get once a year reports, which includes years of service. He plans to have the actuary do a program and give some idea what payout will be, based on membership.

Senator Hockett asked where does this money come from? Larry Nachtsheim said the Tax Premium Fund is under the fire insurance across the state of Montana. When this fund was created the fire insurance tax was divided among the municipalities based on the amount of insurance that was sold in each city. Since this is rural fire departments, we don't have the number of actual insurance agents and companies operating in those areas, so they simply said 5% of all the fire insurance premium taxes that are collected will go to the fund.

Senator Hockett doesn't want additional property taxes for any reason.

Senator Blaylock asked if the \$120 per month for 2 years benefit is actuarially sound? Larry Nachtsheim responded that the critical part of this bill is the report they will write and the suggested manner of changing the formula. The \$120 amount is conservative.

Closing by Sponsor:

Representative Mercer said this stabilizes the benefits. It is no new tax and does not take anything away from anyone. Senator Harding will carry the bill to the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 599

Motion:

Senator Blaylock moved that we DO CONCUR IN HOUSE BILL 599.

Discussion:

Senator Hockett said that with so many newly formed volunteer fire departments there might be an impact on this fund that hasn't been thought about.

Mr. Korn responded that presently they have 40 to 50 volunteers every year coming into the pension program. At this time they have 496 retirees. The fund is growing quite rapidly. In this particular bill they have set a minimum of \$6 million in the fund to enable them to pay benefits. If the Retirement System's figures drop below \$6 million, then the formula will be cut to keep that up there. This helps the rural fire districts and after 20 years the volunteers get a small pension and they are happy for the reward.

Amendments, Discussion, and Votes:

None

Recommendation and Vote:

The VOTE was UNANIMOUS in favor of House Bill 599. Senator Harding will carry HB 599 to the Senate floor.

HEARING ON HOUSE BILL 288

Presentation and Opening Statement by Sponsor:

Representative William Strizich, House District 41, said House Bill 288 allows elected sheriffs to retire without problems in receiving their retirement benefits. This is a responsible change. The fund is able to support the minimal cost.

Proponents' Testimony:

Rick Later, Sheriff of Beaverhead County, Dillon, asked for support on this bill. This legislation isn't asking for any money from the state, counties, or members. The fund is actuarially sound. They have the only retirement fund under the PERD that has no unfunded liability.

Tim Solomon, Sheriff of Hill County, asks for support of House Bill 288.

Jay Printz, Sheriff/Coroner of Ravalli County, urges support of this bill.

Greg Hintz, Missoula County Sheriff's Department, representing Missoula County Deputy Sheriff's Association, supports House Bill 288.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Hockett commented that these people need to teach the other retirement systems how to manage their funds.

Closing by Sponsor:

Representative William Strizich closed the hearing on House Bill 288. Senator Hockett volunteered to carry House Bill 288 to the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 288

Motion:

Senator Rea moved that we DO CONCUR IN HOUSE BILL 288.

Recommendation and Vote:

The VOTE was UNANIMOUS in favor of House Bill 288. Senator Hockett will carry HB 288 to the Senate floor.

HEARING ON HOUSE BILL 432

Presentation and Opening Statement by Sponsor:

Representative Dorothy Cody, House District 20, Wolf Point and Poplar, said this bill addresses the involuntary discontinuance from service after 5 years for sheriffs. As the law is now, if they serve less than 10 years and are less than 55

years of age they cannot keep their retirement in the fund. This bill lowers the number of years to 5 to have vested rights, and lowering the age from 55 to 50.

Proponents' Testimony:

Rick Later, Sheriff of Beaverhead County representing the Sheriffs and Peace Officers, supports House Bill 432. Please pass this bill.

Tim Solomon, Sheriff of Hill County and representing Montana Sheriff and Peace Officers, supports House Bill 432.

Jay Printz, Sheriff of Ravalli County and representing the Montana Sheriffs and Peace Officers Association, supports House Bill 432.

Greg Hintz, representing the Montana Sheriffs and Peace Officers and the Missoula County Deputies Association, supports House Bill 432.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Fritz asked what is involuntarily discontinued service? Representative Cody said if you loose the election.

Senator Hockett asked if this includes the deputies? Representative Cody said no, it does not. The deputies have tenure, and they have their job unless they don't do the work properly. Senator Hockett asked about the fiscal note. It says it's not possible assess the impact on benefit payments during the coming biennium.

Representative Cody responded that they don't know what electors are going to do. You don't know how many sheriffs will run for office. You don't know who will be reelected, etc.

Senator Hockett asked how many would be eligible to receive these benefits?

Larry Nachtsheim explained that this is benefit enhancements that are funded by their system. Our actuary cost was at .09 of 1%, which isn't even measurable in their figures. In an involuntary lay off in a department, this could be a deputy. Primarily, it would be just sheriffs.

Senator Rea asked if this creates an unfunded liability? Larry Nachtsheim responded that any time you pass a benefit enhancement there is immediately an unfunded liability. The Sheriffs' Retirement System has no unfunded liability at the present time.

Closing by Sponsor:

Representative Cody closed by saying that in 1970 - 71 a Sheriff in Roosevelt County by the name of Leo Cody worked very very hard to establish the Sheriffs' Retirement System. His widow would do nothing to jeopardize that system that has proved to be very successful over the years. Please concur in House Bill 432. Senator Rea volunteered to carry it to the Senate.

EXECUTIVE ACTION ON HOUSE BILL 432

Motion:

Senator Blaylock moved that we DO CONCUR IN HOUSE BILL 432.

Recommendation and Vote:

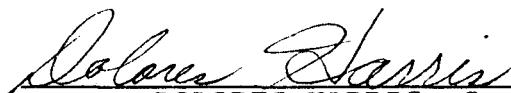
The VOTE was UNANIMOUS in favor of House Bill 432. Senator Rea will carry HB 432 to the Senate floor.

ADJOURNMENT

Adjournment At: 11:00 A.M.



ELEANOR VAUGHN, Chairman



DOLORIS HARRIS, Secretary

EV/dh

ROLL CALL

STATE ADMINISTRATION COMMITTEE

DATE 3-6-91

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			<i>excused</i>

Each day attach to minutes.

DATE

March 6, 1991

COMMITTEE ON

State Administration

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Tootie Walker	MAPP	424	<input checked="" type="checkbox"/>	
ART KORN	Vol Firemen	599	<input checked="" type="checkbox"/>	
Gle Nagel	mt. St. Vol Firefighters Assn	599	<input checked="" type="checkbox"/>	
Rick LATER	MT Sheriff's Assoc. H. 432	432	<input checked="" type="checkbox"/>	
Jan Wright	MEA	HB 424	<input checked="" type="checkbox"/>	
Ken Toole	MT	11	<input checked="" type="checkbox"/>	
Collette Baumgardner	Democratic Women's Caucus	HB 424	<input checked="" type="checkbox"/>	
Bea McCarthy	mt. St. Vol Firefighters Assn	424	<input checked="" type="checkbox"/>	
Lynda Saul	ICCW	424	<input checked="" type="checkbox"/>	
Carol Manin	ICCW	424	<input checked="" type="checkbox"/>	
Tina Solomon	MT Sheriff's Peace Officer	432	<input checked="" type="checkbox"/>	
Alfred Beck	MT CHAMBER	432		
CB Pearson	Commissioner of Montana	HB 450	<input checked="" type="checkbox"/>	
DOLORES COLBURG	COMMISSIONER OF POLITICAL PRACTICES	HB 450	<input checked="" type="checkbox"/>	
Larry Nachtkeim	PERC	599	<input checked="" type="checkbox"/>	
JAY PRITZ	MT Sheriff's Peace Officers Assoc	HB 432	<input checked="" type="checkbox"/>	
Denny De Zeeuw	MT St. Vol Firefighters Assn	HB 599	<input checked="" type="checkbox"/>	
T. Gregory Hintz	MT Sheriff's Peace Officers Assoc	HB 432		
Mike Pickette	MT Power Co	H 450	<input checked="" type="checkbox"/>	

(Please leave prepared statement with Secretary)

SENATE STATE ADMIN.

EXHIBIT NO. 1

March 5, 1991

DATE 3-6-91BILL NO. H B 424

State Administrator
Montana Senate Judiciary Committee
Montana Legislature
Helena, Mt 59624

Members of the Senate Judiciary Committee

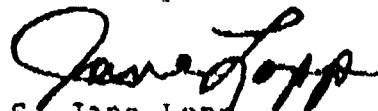
As a past State President of the American Association of University Women, I have been involved for more than 15 years in the process of submitting the names of well qualified women for appointment consideration by both Republican and Democratic Governors. The facts clearly point to a significant bias in our system. The good news is that HB 424 provides a remedy and that remedy does not require MONEY!

HB 424 (Gender Balance) represents an important step in overcoming bias in the appointment system of this State. In the past, Legislatures have deemed it important to balance appointments to boards on the basis of professional and consumer interests, geographic distribution, political party, and other criteria. This Legislature now has the opportunity to remedy gender bias with the criteria of HB 424.

At a time when another branch of government, the Montana Supreme Court, has established a Task Force to assess gender bias in the judicial system and recommend appropriate remedies, it would be timely for this Legislature to remedy bias in the appointment system.

At a time when this Legislature has set aside a holiday to honor a Civil Rights leader, the passage of HB 424 would send the message that the contributions of interested, well qualified women are valued by this Legislature. This Legislature has the opportunity to make the rhetoric about remedying gender bias a reality in this part of the governmental system.

Sincerely,


S. Jane Lopp

SENATE STATE ADMIN.

EXHIBIT NO. 2DATE 3-6-71BILL NO. HB 424

HB 424

Sponsor: Jessica Stickney
Kate Cholewa, MWL

Women make up over half of the Montana population, half of the Montana taxpayers, yet represent only one third of the governor appointees. The 51st Legislature passed HJR 28 which urged gender-balancing governor appointments. But clearly, HJR 28 has not resulted in the governmental appointments process adequately addressing the goal of equal representation of women in government. That is why at this time we urge you pass HB 424.

When public policies reflect the perspectives of less than 50% of the population, important needs and values of the society go unaddressed. Women and minorities identify different priorities, perspectives, problems, and solutions. They take into consideration factors that may go unnoticed by a board consisting exclusively of white men. The lack of representation of women and minorities can result in failed policies, which reveal themselves as other societal ills, such as the disproportionate number of women, children, and minorities living in poverty. If public policy was serving all people equally, the percentage of the have-nots would not be crowded as it is with minorities and women.

Because boards and commissions serve as stepping stones in governmental services, boards balanced for gender and race can lead to better policy issuing from the legislature, as well as the boards. Appointees gain experience, knowledge, exposure, and the political and personal connections necessary to further their public leadership careers. Access to these positions is access to officeholding. A study by the Center for the American Woman and Politics proves this especially true for women. According to the study, 55% of elected women legislators have held one or more appointive governmental positions. This is true only for about 25% of elected men legislators. Thus, appointive positions cultivate female leadership at other levels of government.

Women and minority appointees and officeholders also serve as role models which, in turn, cultivates future leaders. We tell children they can grow up to be whatever they want, but children are not fooled by rhetoric. Children model their ambitions after persons, not platitudes. Equal opportunity begins with the equal opportunity to aspire.

We needn't cultivate role models at the expense of expertise. Montana possesses a generous pool of talented women and minorities. Many of them possess the traditional qualifications for a given board. However, in balancing our boards we also are awarded with the opportunity to recognize that "qualified" may include experiences previously unrecognized, valid experience which often may be unique to women or minorities. This previously discounted experience can bring a broadened perspective to our public policies. To reach these both traditionally and non-traditionally qualified individuals,

the governor may need to more effectively recruit, perhaps requesting aid from various organizations. Far from there being a shortage of qualified women and minorities, women and minorities represent a virtually untapped resource.

Although HJR 28 urged gender-balancing to address the foresaid concerns, mandating is warranted because, simply put, the resolution is not working. 50% is about as objective as a goal can be. Yet, when it comes to gender equity, our conditioning can interfere with the most basic of computations. Writer-researcher Dale Spender did a study wherein she taped conversations between women and men, and then asked them afterward what percent of the conversation they believed they had. In every case, both men and women believed the woman to hold "her share" of the air time whenever she held 8% - 38% of it. The statistics were even worse for other forms of air time, such as book reviews and classroom reading material. This reveals that as a result of our conditioning, our logic is able to defy mathematics when it comes to equal representation of women. Left to our instinctive sense of "fairness", we will be unfair. Our traditional sense of what is women's fair share is less than what her numbers indicate. We must mandate equity if we are ever to witness equity. Dale Spender said that it is difficult for a woman to get 50% of air time because in order to get it she must break every rule in the book. It feels unfair, rude, and objectionably overbearing.

We're going to have to get over that. And I believe we can. We have faith that our elected governors want the best for all Montanans. This mandate will help our governors produce equitable public policies. Yes, our governor is doing a better job than his predecessors, but HB 424 calls for more than improvement. It calls for equality. HB 424 is not directed at our present governor, but serves as a guideline for all our governors, present and future.



SENATE STATE ADMIN.

EXHIBIT NO. 3

DATE 3-6-91

BILL NO. HB 424

OFFICE OF PUBLIC INSTRUCTION

STATE CAPITOL
HELENA, MONTANA 59620
(406) 444-3095

Nancy Keenan
Superintendent

Members of the Committee, thank you for the opportunity to present testimony today. I am Ken Toole. I am the personnel officer for the Office of Public Instruction. I am here to present testimony in support of House Bill 424.

Even a cursory examination of the membership of appointed Boards in the state of Montana reveals a clear gender bias. 71% of the available positions on appointed boards are filled by men, 29% by women.

When I first saw the list I thought that it might be related to the occupations of the regulatory boards. After all, how many women electricians are there who could serve on the board of electricians (there are currently 7 women apprentices in Montana, I assume that there are at least that many licensed). This may indeed be a reason for the lack of women on some of the boards, but it does not explain away the problem.

What possible reason is there that the Board of Health and Environmental Sciences is comprised of seven men and no women? The statute requires a doctor, a veterinarian, a health care professional, and four others. It is beyond the realm of random chance that the make up of the board is so dominated by men.

TESTIMONY PRESENTED TO THE
SENATE STATE ADMINISTRATION COMMITTEE

March 6, 1991

Chairwoman Vaughn, Members of the Committee:

My name is Lynda Saul. I represent the Interdepartmental Coordinating Committee for Women, known as ICCW. ICCW was established in 1977. Our main purpose is to promote the full participation of women at all levels of state government.

House Bill 424 will allow women to more fully participate at all levels of state government by providing equal representation on each appointive Board, Commission, Committee and Council of the state.

Examples of current imbalances on these Boards as of December 31, 1990 are:

	Men	Women
Board of Housing	7	0
Board of Investments	8	0
Judicial Nomination Commission	6	0
Prison Branch Advisory Council	6	0
Reserved Water Rights		
Compact Commission	9	0
Data Processing Advisory Council	20	2

However, the percent of women in proportion to men has increased by nearly 7 percent under the current administration. Governor Stephens has appointed women to some key positions, such as: the first woman ever on the Fish and Game Commission; the first woman chair of the Board of Natural Resources and Conservation; a woman as Coordinator of Indian Affairs and a member of the Board of Pardons; three women as judges at the district court and Supreme Court level; and two women in Cabinet level positions.

House Bill 424 would ensure a commitment to gender balance from one administration to the next. This bill is vital to assuring full participation of all Montana citizens in state affairs.

ICCW supports House Bill 424 and urges you to vote in favor of this Bill.

COMMISSIONER OF
POLITICAL PRACTICES

SENATE STATE ADMIN.

EXHIBIT NO. 5

DATE 3-6-91

BILL NO. HB 450



STATE OF MONTANA

DOLORES COLBURG
COMMISSIONER
TELEPHONE (406) 444-2942

CAPITOL STATION
1205 EAST EIGHTH AVENUE
HELENA, MONTANA 59620-2401

March 6, 1991
Senate State Administration Committee
Hearing on HB 450

TESTIMONY IN SUPPORT OF HB 450

For the record, I am Dolores Colburg, Commissioner of Political Practices. I appear before the committee this morning in support of HB 450.

One of the two main purposes of this bill is to provide some additional leverage for the commissioner to obtain lobbying reports from principals. As is the case in the campaign finance laws, this bill would authorize the commissioner to issue noncompliance orders when reports either are not received or are incomplete. Right now, the only recourse is to go to court against delinquent filers--an expensive and time-consuming proposition. Sending out orders of noncompliance to errant candidates and committees has proved to be an effective way to obtain required reports and, hence, compliance with the law. I believe noncompliance orders would prove equally effective in rousing principals to their duty--especially since the orders routinely would be given to the media when issued.

Dolores Colburg
Testimony on HB 450
Page two

Also in the enforcement area, the bill provides that any principals that have not filed required reports will be denied lobbying registration automatically next time around. As it is now, a hearing would be required to deny registration. That's also expensive and time consuming. In fairness to those who faithfully file their lobbying reports, those who do not should not be allowed to re-register if they still have lobbying reports outstanding.

The second major area in the bill concerns the time that a civil action may be brought and the attendant time that lobbying records must be maintained. Right now, the law allows up to 7 years for a civil action to be brought. That's too long. The Montana Code generally provides two or three years to bring a civil action. This bill, then, reduces from 7 years to 3 years the period in which a civil action may be brought concerning lobbying. Similarly, it reduces the period of time that principals must keep lobbying records from 7 to 3 years.

In addition to these substantive issues, the bill clarifies that the date of receipt of reports is the information entered on the docket, not the reports themselves. Other changes are stylistic in nature and were made by the code commissioner.

I hope the committee will act favorably on this bill.

Thank you for your consideration. I will be pleased to take any questions you may have.

SENATE STATE ADMIN.

EXHIBIT NO. 7

DATE 3-6-91

BILL NO. HB 599

WITNESS STATEMENT

NAME Lyle P. Nagel BUDGET HB 599

ADDRESS P.O. Box 93, Simms Mt. 59477

WHOM DO YOU REPRESENT? Mt. St. Vol. Firefighters Assn.

SUPPORT ☒ OPPOSE ☐ AMEND ☐

COMMENTS: The passage of this bill would allow for a basis to try to determine a stable formula for computing retirement benefits for vol. firefighters covered under 19-12-401.

At the present time the benefit fluxuates greatly from year to year. This presents problems for retirees on a fixed income because they do not know from year to year what the benefits will be.

By establishing a base benefit level for 2 years there would be a factor to use to try to establish some sort of base formula for future years.

Retirees will benefit in being more able to budget their income more wisely, they will know what the benefit will be from year to year.

As it is now benefits have varied greatly from year to year. In 87-88 approx. \$88⁰⁰ 88-89 approx. \$143⁰⁰ 89-90 approx. \$73⁰⁰ 90-91 approx. \$139⁰⁰ There must be a way to average this out. This bill would allow for the time and basis to do that.

I urge you to support HB 599. Thank you.

L. Nagel

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

MR. & MRS. ART KORN
1914 SHERMAN BUTTE, MONTANA 59701

SENATE STATE ADMIN.
EXHIBIT NO. 6
DATE 3-6-91
BILL NO. HB 599

Madam Chairman and Committee Members

I was the secretary-treasurer for the Montana State Volunteer Firemen for 25 years and for some 40 years a volunteer firemen, as for the most of us older Volunteer Firemen we are looking forward to this small pension, and we now have some 496 retirees.

Some 35 years ago with the help of Larry Nachsteim and Andy Kiely we had legislation out lining the provisions of the Volunteer Firemens Pension, but did not make any pension payments until around 1973 or 1974 and until it reached one million dollars.

Nothing is changed on HB 599 except unifying the monthly pension payments.

Example; Just going back a few years

1987-88	Monthly payments	\$ 87.90
1988-89	" "	142.76
1989-90	" "	72.59
1990-91	" "	139.45

Projected figures for 1991-92 could be less than \$80.00

So HB 599 is just trying to level it off and \$120.00 seemed to be about center or between.

I have talked to a number of retirees and they support HB 599 as I do.

Thank you Art Korn
Retired Volunteer Firemen

SENATE STATE ADMIN.
EXHIBIT NO. 8
DATE 3-6-91
BILL NO. HB 599

PUBLIC EMPLOYEES' RETIREMENT BOARD

TESTIMONY HB 599

Larry Nachtsheim
Administrator, PERD

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

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

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

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

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

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

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

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

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 6, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 424 (third reading copy -- blue), respectfully report that House Bill No. 424 be concurred in.

Signed _____
Eleanor Vaughn, Chairman

171 3-6-91
Amd. Coord.

51-26-1150
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 6, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 288 (third reading copy -- blue), respectfully report that House Bill No. 288 be concurred in.

Signed: *Eleanor Vaughn*
Eleanor Vaughn, Chairman

BB 3-6-1'
Amd. Coord.

SP 3-6-11.55
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 6, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 450 (third reading copy -- blue), respectfully report that House Bill No. 450 be concurred in.

Signed: Eleanor Vaughn
Eleanor Vaughn, Chairman

LB 3/91
Amd. Coord.

SK 3/6 11:55
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 6, 1921

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 599 (third reading copy -- blue), respectfully report that House Bill No. 599 be concurred in.

Signed: Eleanor Vaughn
Eleanor Vaughn, Chairman

LB 3/6/21
Amd. Coord.

R. E. 1155
Sec. of Senate