

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Senator Eleanor Vaughn, on January 27, 1993,
at 10:00 a.m.

ROLL CALL

Members Present:

Sen. Eleanor Vaughn, Chair (D)
Sen. Jeff Weldon, Vice Chair (D)
Sen. Jim Burnett (R)
Sen. Harry Fritz (D)
Sen. John Hertel (R)
Sen. Bob Hockett (D)
Sen. Bob Pipinich (D)
Sen. Bernie Swift (R)
Sen. Henry McClernan (D)
Sen. Larry Tveit (R)

Members Excused: None.

Members Absent: None.

Staff Present: David Niss, Legislative Council
Deborah Stanton, Committee Secretary

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

Committee Business Summary:

Hearing: SB 181, SB 169
Executive Action:

HEARING ON SB 169

Opening Statement by Sponsor:

Sen. Beck, Senate District #24, spoke in favor of SB 169. This bill would turn the old prison complex over to the Powell County Museum and Arts Foundation. This bill is the same bill that was presented last Legislature. It passed out of the Senate but not the House. Presently, the old prison complex is leased to the City of Deer Lodge which subleases it to the Powell County Museum and Arts Foundation in Deer Lodge. In order to give the Powell County Museum and Arts Foundation long term objectives of what they can do with the prison complex we would like the State of Montana to turn the property over to the Powell County Museum and

Arts Foundation. It would be a good move for all parties involved, for liability reasons. (EXHIBIT #1).

Proponents' Testimony:

Sen. Tom Towe, Senate District #46, stated he carried this bill in the last session and did not succeed in getting it through the House. It is a matter of concern to the people of Powell County and the people who are running the museums, that they have some interest in the property. They can't obtain a grant or spend any money on the property if it is not theirs. They can't justify making a substantial improvement until the ownership issue is resolved. There is a substantial limitation on the activity of those museums. In the last session the Legislature placed on the ballot, a ballot issue making it no longer necessary to have fair market value for any property transferred from the State to a local government entity. That referendum failed. In this situation other things can substitute for the fair market value. On page 3, line 15, the commitment to expend sums of money, the past expenditure of money in the development of the property for use for museum purposes, and the dedication of the property as so developed for public use for the benefit of all Montanans may be considered as a part or all of the consideration necessary to constitute full market value if it is determined that the state cannot transfer the property without obtaining full market value for it.

In other words, the museum itself says it's going to spend a certain amount of money improving this property. It's being improved for the purpose of dedicating it to the public for a museum for all time for the people to enjoy. That is what government spends money for. That has been used with connection to ZOO Montana. We used it to transfer some property from the State of Montana that was left over from the Highway Department when they ran the highway through. That property was transferred to the ZOO Montana, non-profit organization. It has now been given to the city but it was done on the same basis as this case. Even though the Constitutional change failed in the last election that would not interfere with this proposal.

Dick Boman, President of Powell County Museum and Arts Foundation, spoke in favor of SB 169 and distributed the Museum Post (EXHIBIT #2). The Museum Post tells of the many activities in the Powell County area and it also includes the operating budget. There are many past and future projects which are important to the Foundation. The Powell County Commissioners, the Mayor of Deer Lodge and the City Council are also in favor of passing this bill.

Gail Rothbank, Montana Promotion Division, Department of Commerce, spoke in favor of SB 169. In past years the Powell County Museum and Arts Foundation has given substantial volunteer and financial support to the development and improvement of the old Montana State Prison Complex. This is a major tourism

attraction to the City of Deer Lodge as well as the entire southwestern area of the State. It is the desire of the foundation to continue to improve this attraction, to increase the number of visitors beyond the 60,000 in 1992, and to expand the payroll beyond \$125,000 annually. It is this type of attraction and site that fits well with the desires of Montanans in promoting the state as a vacation destination. To keep the visitor in the state at least one day longer and to publicize events and attractions that most heavily impact the areas of the state.

Gloria Hermanson, representing the Montana Cultural Advocacy, spoke in favor of SB 169. This bill would provide a broadened base for private foundation fundraising and it would provide for flexibility in operations.

Jim Thompson, Deer Lodge resident, and a lifelong resident of Montana spoke in favor of SB 169. Mr. Thompson became involved with Cottonwood Museum which later became Powell County Museum and Arts and served 12 years as its treasurer. When the State vacated the old territorial prison and the museum was able to obtain the lease, it was evident that the complex needed to be maintained and updated. The lease with the Powell Foundation provided the vehicle that was needed to advertise and sell this complex. We had something to bring people to. The foundation provided \$100,000 that was earmarked for signing throughout the area to bring visitors. The Powell Foundation provided funding for the needed visitor center. They needed a center to work out of as well as security for this complex. Small grants, donations and any funds we could obtain were used to do the needed preservations. This background he provided for the purpose of indicating how much money has been spent for the complex and how much more is needed in the future to preserve it. He urged support of SB 169 so that grants and funding can be obtained to continue this project for future generations.

Rep. Liz Smith, District #48, spoke in favor of SB 169. A lot of effort has gone into the developing the preservation of the history of the area. There has also been a lot of effort put forth from the people of the community in attempting to bring visitors to the area. She urged support of the bill.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Sen. Hockett asked Sen. Beck for the history of the bill last session. Sen. Beck explained that the bill was introduced last session. The market value was difficult to come up with and the people have put a lot of effort into enhancing the market value. The law enforcement museum is there also. It was not written into the bill properly and finally it was decided to wait until

this session and have it written in proper form. They have it leased now for approximately \$1 a year or whatever makes it a legal transaction. We want the state's liability responsibilities reduced. The main reason is to give the Powell County Museum and Arts Foundation some direction as far as long term planning is concerned. This bill would do that.

Sen. Hockett asked Sen. Beck about the provision (line 14, 15, page 3) for revision to the property used for museum purposes. Is that going to be done. It says it may establish, but it doesn't say it shall. Sen. Beck stated that will be done in agreement with the Dept. of Institutions and the Powell County Museum and Arts Foundation. The department has to actually draw up the agreement to turn this over to the Powell County Museum and Arts Foundation. In that agreement we specify in the law that if they cease as an organization that the property reverts back to the department of Institutions. Sen. Beck will let the committee decide that issue.

Closing by Sponsor:

Sen. Beck recommended one amendment, page 3, line 6, description of the property. (lots 4-10, instead of 1-10. If that is not excluded the warden's resident is included in lots 1-3, and that is the base of the board of pardon's. The department of Institutions is in agreement with this amendment. This is a good bill that would give the foundation some direction.

Sen. Vaughn asked Sen. Beck if he would like David Niss to draw up the amendment. Sen. Beck stated he would work with Mr. Niss in drawing up the amendment.

HEARING ON SB 181

Opening Statement by Sponsor:

Sen. Doherty, Senate District #20, explained SB 181 would provide for term limits for lobbyists. Legislators are here to do the people's business. As part of doing the people's business we hear from the special interest people. Occasionally, we agree and disagree with them. This bill is not to bash lobbyists. This bill would look at the process of lobbying. The times have changed. The balance of power shifted in the election. The balance shifted from legislators who would have experience, knowledge and insight to legislators who may be able to gain that in eight years but after that time they're out. The times have changed and we have to change also to ensure the integrity of the process. Knowledge is power. Anyone who knows about a bill is a very powerful individual, whether that individual is in legislature or in the fourth branch of government, the lobbyists. That power is something we have to be careful with. We're here to do the people's business, not the lobbyists business. The WHEREAS clauses will give an idea of why I am asking the legislature to take this step to add a simple eligibility

requirement to registered lobbyists. There are very few limitations on lobbyists. This is one we need to have. The scene has changed. The balance of power shifted in the last election from part-time citizen legislators who are not paid very much to the lobbyists. This bill would balance their power. It's the fourth branch of government that has the incredible amount of power. We need to protect ourselves as legislators and in doing so, protect the people so we can be doing the people's business. Is there a compelling state interest in limiting the eligibility of individuals to obtain a lobbyist license. The compelling state interest is to make sure the legislators are not "outgunned." The question comes down to whether we are limiting someone's ability to represent themselves or to have someone represent them. No we aren't. Any citizen can come for as many years as they want to try to influence legislation. When they cross the line and get paid for it is when the state has an interest in limiting their eligibility. The right of representation is not absolute in itself. Oftentimes lawyers have conflicts. If I want a lawyer to represent me but that lawyer has represented an opposing party in the past or has represented me in the past, they are in conflict. It happens all the time, and it is not absolute. Would we be interfering with contracts and business arrangements. We change eligibility requirements all the time around here. People would just have to meet the new eligibility requirements if they want to continue to get the license. A license to lobby is not necessarily a right. It is a privilege to lobby that we the legislature have granted individuals if they meet certain criteria. Another issue is free speech. Are we limiting these interests the ability to express themselves. I don't think so. If the legislature has found a compelling state interest in attempting to find the people's business in the process, those legislative findings will be respected by the current supreme court. It will undoubtedly cause some organizations some problems. Turnover will occur and it will open up vast new job opportunities in the Helena area. Times have changed. We need to change too. We need to protect the process.

Proponents' Testimony:

None.

Opponents' Testimony:

George Oschenski stated that it is a privilege to lobby. Especially it is a privilege to lobby for the citizens of the great state of Montana. People come here with aspirations to try to accomplish things and try to pass legislation that will help the people of the state. It is not easy. A lot of people are here to try to kill bills. That's the easy thing to do. What is really tough is to put together good legislation that makes sense, that knows about government, that follows the extremely complex system of where the money goes, how does the money get expended, what is the organization of the department that you are

dealing with, and the history of bills that are being brought before the legislature, attempted, passed or failed. That saves a lot of time if you know these things. Term limits for legislators was a bad idea. It was a public response to dissatisfaction with government. Today, I believe with term limits on lobbyists, this is a method to make sure government runs itself. If people who do not know the system come in here every year as new lobbyists or after eight years, government will tell you what government wants to tell you. It will be bureaucrats that provide you with information. Bureaucrats have a self interest in a perpetuating system. The bill is well intended but is the wrong vehicle. If you want to balance lobbyists' influence in the halls, tighten the expenditure in the reporting requirements. Telling people they can't pursue a profession of governmental affairs, which is an honorable profession, which is complex, which is a great challenge and great joy to many of us, is the wrong way to approach it.

Tom Schneider represents the Montana Public Employees Association, said he feels the bill is aimed directly at him. He has been in front of the Legislature since 1957. I would be directly affected by the bill. There are two types of paid lobbyists. There are those of us who have a full time profession which has included in that, lobbying for the organization. We aren't paid lobbyists. Whether the Legislature is in session or not, we get paid the same amount of money. We do a full array of job requirements. When the Legislature is in session, we still have to go back and run an association. We do the same things that we always do with no additional money for the fact that we spend our time up here. This bill would cut off our careers and in Mr. Schneider's case immediately after this session is over. I don't think that is fair. Term limits were perspective. The way the term limit passed for the political side went into the future. It did not affect anyone who was already elected for a number of years. If this were made perspective, eight years into the future, I probably would have been a proponent of the bill rather than an opponent. This bill would cut off the career of the association executive who is hired to run an association and be a lobbyist at the same time. A fallacy in the WHEREAS's is there will be a part-time legislative body immature to the point of not having years of service here and a very professional lobbying crew. There is a professional lobbying crew but there is never a bill that goes through here that there is not a lobbyist on both sides of the issue. So it doesn't make sense to say we will be better off because we don't have anyone with the knowledge and facts when right now we have professional people on both sides of the issue and you benefit from that. So you give up a lot if you want to limit lobbyists. The process will suffer for that. We oppose the bill.

Mona Jamison spoke against SB 181. She stated she is a lobbyist. It's her work and she takes pride in it. This bill will eliminate her personal prerogative to represent the people on different bills every two years or every year. Sen. Doherty

talked about the process being the people's business. That's my business. I represent the people. I represent special interests. They are the people of this state. The people are those who have interests on how government runs and how the money is spent. Lobbying is part of the American process. This process is America at work. I like to be a part of it. This bill would prevent me from being a part of the process. From participating and from contributing to it. I voted against the term limit because I understand there is a value to institutional memory and institutional history. Legislators contribute to that. Lobbyists contribute to that. If we are no longer affective or if we "blow smoke" we don't have clients. That's the veto power out there. If we don't do our work and perform faithfully we will be eliminated. This is an artificial attempt to basically prevent the people from participating and from providing the citizens' input into that institutional memory. I believe the bill is illegal and she asks the counsel attorney to provide that information in executive session. Sen. Doherty talked about knowledge is power. This bill is anti-knowledge. Even though I personally believe the term limit bill is also unconstitutional, knowledge that you bring to this process has not been artificially eliminated by that initiative. This bill now prevents the knowledge that the citizens bring. We hope good knowledge. I ask you to look at the other professions and occupations in title 37. I agree, lobbying is a privilege. IT's not a right. There is no other occupation license in title 37 that sets a duration on that particular profession or occupation to provide that service. There are continuing education requirements and there is annual licensure required and tests and fees. No other statute says after X amount of years your right is taken away from you. On lines 16-18 of the bill it states that the Legislature recognizes that lobbyists perform a legitimate role in representing clients. Why does that legitimate role stop after eight years. There is no rational relationship from the legitimate role that we serve to the eight years. I've been lobbying since 1986. If this bill passed seven years ago I would be sixty before I could participate in this process again. I don't think that is fair. In line 21, the bill talks about the undue influence of lobbyists. If there is undue influence that is the matter of the Legislators. Please don't take this right away from me. This work that I enjoy doing. I believe that I contribute to the system. If you don't think I do, don't agree with what I say. That's the way you can veto my influence and my authority. I don't believe this bill serves anyone. It will lock out public and their institutional memory and contribution to this process. Let us be a part of America working.

John Alke, appeared on behalf of the Montana Society of Association Executives in opposition to the bill. "I think the way for the Legislature to understand is that Sen. Doherty's premises of this bill are fundamentally flawed. First of all, he says you have a small staff. I think, although I can't vouch for these numbers, I had someone else get these numbers for me, I

think the Legislative Council has seventy employees during the session, Legislative Auditor has sixty, LFA has 17. 258 employees is not a small number. More importantly, essentially what Sen. Doherty is saying is, until you are a third term senator or a fifth term representative you don't have what it takes. Only third term senators and fifth term representatives know when the lobbyist is giving them good information or when the lobbyist is giving them bad information. Seniority does not equate to knowledge. Seniority does not equate to statesmanship. Many of the most senior members of this body are there because they have a job and a dedication to run time after time. They may be in a safe district. The concept that only senior members have the knowledge to deal with the lobbyists is a very, very foolish concept. In fact, quite frankly, demeans the legislative process. By my calculation, sixty percent of this committee, according to Sen. Doherty, does not have what it takes to deal with lobbyists. Again, that is a very demeaning proposition. More importantly, he has tied his bill to a very limited definition to what is and what is not a lobbyist. Everyone knows here what lobbying is. What probably a lot of people here don't know is those who must license themselves as lobbyists are actually only a very small portion of those who lobby. And this bill then only affects a very small portion of those who lobby. The lobbyist disclosure initiative has a hole in it the size of a MAC truck that is frequently driven through. And that hole is you are only a lobbyist under the lobbyist disclosure act if you lobby "for hire as defined in the lobbyist disclosure act." Now, I'd like to give you two examples to show how that works. Let's say there are two ranchers, two casino operators, two anything. If the rancher or the casino operator is the sole proprietorship, in other words, he doesn't employ himself, he can come here year after year, lobby you, spend any amount of money and that's not lobbying because he is "doing it for himself." If that same rancher or casino operator simply incorporates, in other words, he puts his ranch operation, for tax purposes, into a corporation, now under Montana law he is a lobbyist. Because he is an employee of his corporation and as soon as an employee of a corporation comes here under Montana law, he is now lobbying. That is the distinction, an unfortunate one which has always been in the lobbyist disclosure act and now Sen. Doherty says those evil doers who work for corporations are going to have lesser rights than those who do not. Please understand that is precisely what his bill will accomplish if you tie his licensing requirements and his definition of a lobbyist that is in the current lobbyist disclosure provision. I disagree with virtually everyone who has testified here that lobbying is a privilege and not a right. The reason that I disagree with that is as a matter of constitutional law, article V, section 10, the finding of the legislative powers, you are obliged as a matter of constitutional law to conduct your proceedings in public. That is not something you have a right to dispense with. It is not something you have a right to minimize. Likewise, the public has a right guaranteed by the constitution to approach the government for redress. That means a lot of things. I think you would find that also means

coming to you, the legislature, and saying this bill is bad, this bill is good. That is not a matter of privilege. Lobbyist disclosure and licensing is permissible because the only purpose of lobbyist licensing right now is to key in the reporting requirements. And no one is going to suggest that requiring paid lobbyists to report their expenses is unconstitutional. But you then turn around and say we're going to determine legislatively that certain people may come to the legislature and talk to us but certain people may not. The criteria were going to use this time is if you are a lobbyist "for hire" and defined by the lobbyist disclosure act, and you've been here eight years, suddenly as if by magic you lose your right to come to the Legislature and speak. That is a right. That is a right guaranteed by the Montana Constitution. And I haven't even gotten to the freedom of speech provision. It is also a right, quite frankly, I believe, guaranteed by the federal constitutional provision on freedom of speech and the state constitution provision on freedom of speech. It is a right because of the unusual distinction in the law of who is and is not a lobbyist. This bill also violates equal protection provisions in the Montana Constitution. You cannot sit here as legislators and say we are going to define who are the chosen few who will come and speak to us and who are the unchosen few who will not come and speak to us. I disagree virtually with everybody who has said lobbying is a privilege. It is a right. It is a right that has responsibilities, i.e., disclosure under the lobbyist initiative law. But it is a right that you as legislators cannot infringe upon. I think this bill does not deserve to get out of this committee. I hope you give it a Do Not Pass. I'd be more than willing to answer any questions you may have regarding the constitutionality of this bill. Obviously, Sen. Doherty is going to dispute everything I say. He's a lawyer. He's not going to come up here and say, "The bill I asked you to pass is unconstitutional." I will engage in any debate that you like, Senator Doherty, on constitutionality of the provision. Thank you very much.

Don Judge, representing the Montana State AFL-CIO, spoke in opposition to SB 181. Mr. Judge stated Sen. Doherty brought this bill before the legislature for a reason. I agree with the reason the legislation is here before you. Term limits were a lousy idea for legislators. They did place in the hands of those of us who are lobbyists and I have been before this legislature since 1973, far more power than we probably had prior to the passage of that legislation. Because eight years from now, none of you will be here. There will be all new freshmen or some mix thereof, sitting in this committee, listening to those of us who are considered powerful lobbyists, explain to them why they can or cannot do something to represent the citizens of the State of Montana. Frankly, I think you ought to make this an initiative because I think lobbyists are just as unpopular with the Montana public as are the legislators who create those laws. And probably just as foolishly, with the referendum, the voters would vote to try to limit the terms of the lobbyists just as they have

limited your terms to serve in the Legislature. You were sabotaged by out-of-state dollars coming into the State of Montana influencing the citizens of Montana to believe that you corrupt simply because you hold public office. We know that that is not true. We know that you are a citizen legislature. We know that you give of your time, your dollars, some of you lose money to come in here and serve. WE know that you've pushed the edges of your time frame from when you have to get out there and pull the calves, and take care of the crops, and do the harvesting. We know that happens. We as lobbyists aren't stupid about that. Unfortunately, some are a little confused and actually did support term limits that will now give us more power than we had before. I agree with the other opponents that this legislation is in all probability not constitutional. Probably impairs our freedom of speech. I, like Tom Schneider, am elected to do a far greater job than lobbying. In fact, this is only the fourth or fifth time I've been to the Legislature this year. But what I suggest to you is that we help to open the eyes of the Montana public as to just what they did with term limits and hopefully at some point find the courage in this legislature and elsewhere to propose that we overturn the term limits and leave some legislators with some seniority who understand what the legislative process is all about and understand who the lobbyists are up here from year to year and allow those voters in those districts to continue to support those legislators to send them back there without an artificial restriction. We don't think the legislation is going to go anywhere. We are opposed to it.

Doug Abelin spoke in opposition to SB 181. Mr. Abelin spent 20 years in the oilfields. He came with a concern that the legislature didn't have the expertise to make decisions that affect similar industries. You need the knowledge of the people that have been involved. To limit the use and the knowledge of the people that have been involved with the decisions you need to make, is a mistake.

Van Erickson, Montana State Fireman's Association, spoke in opposition to SB 181. The organization decided many years ago that we would like to talk about the issues by ourselves and have our own representatives here. That's where the problem is. We are so limited in the selection of individuals who come here both by the particular department they may work in or by their home life which would not allow them to come here. If this bill passed there would be a situation where we may not be able to be represented here at the level that we want to be represented. We stand in opposition to SB 181.

Gloria Hermanson also spoke in opposition to SB 181. There is one segment of the population that we have not talked about. That is the segment of the population that is not necessarily asking that there businesses be represented. There is a large segment of Montanans who make their living in the arts and a great number of Montanans who appreciate the arts. There concern is maintaining the diversity of the arts in the state. It is

their right to have whoever they choose to represent them. I am one of those people who do not make their living in the arts but have a major concern about it. I feel that I have the right to represent that concern.

Harley Warner spoke against SB 181. I am not a contractor for the association of churches. I am an employee of the association of churches. Part of my job description requires that I come up before you to offer the opinion and information concerning legislation. This bill if passed will limit my employment. I will be out of a job. There are two types of lobbyists. There's a heart lobbyist and a pocketbook lobbyist. There is a difference between the people who represent a financial interest and people who lobby from the heart with no financial gain. I represent a group who is a heart lobbyist. We will be here whether I am here or not.

Questions From Committee Members and Responses:

Sen. Fritz asked Sen. Doherty if he considered the possibility of a "flipside" of the WHEREAS's. The people who are really compromised here are experienced legislators who have over many years fallen under the evil influence of paid professional lobbyists, who have successfully compromised their freedom of thought and engaged them in what is known as iron triangles. The only way to really break this change of dependence is to have young fresh inexperienced legislators who don't know enough and might rebel against this. Sen. Doherty stated the dependence grows more virulent with passing years.

Sen. Fritz asked Mr. Alke about his intimation that the staff of the legislature was not small but there are about 10,000 people in the executive branch of government and the legislative staff works out to about 1 person for every 3,200 citizens of Montana. Did he think that was too large a bureaucracy. Mr. Alke responded that he did not think it was too large. His point was not to compare the size of the legislative bureaucracy to the legislative branch. His point was to say the assertion that you have a small staff, a lot of people would disagree with that. He would not dispute the size of the executive branch.

Sen. Pipinich stated he should get legislation drawn up because he does not like Sen. Fritz being in the University System for eight years. Mr. Judge is head of the AFL-CIO, he will get legislation to get him out of there. I work for Stone Container. Maybe someone wants to get me out of there. I feel these people do a great job. I refer to them very much. I think junior legislators, which we will have soon, need some quality people. This bill does not make sense to me. I don't like it at all. Just a comment.

Sen. Swift asked Sen. Doherty if he was a certified practicing lawyer in the State of Montana. Sen. Doherty stated he was. Sen. Swift asked how long he had been a lawyer. Sen. Doherty

stated he has been a lawyer since 1984. Sen. Swift asked if he thought he influenced people's thinking. Sen. Doherty answered when he is hired to be a lawyer, yes that's his job. Sen. Swift asked if there was any restriction on how long he could practice. Sen. Doherty answer there was not, once he maintains his plea requirements and continue his license. Sen. Swift asked Sen. Doherty what he would think if the legislature viewed your occupation the same way he was viewing the lobbyists. Sen. Doherty answered they were two entirely different matters. If you are paid to influence legislation in the State of Montana and you have a license to do that, because of the way the world is now, in order to do the people's business, there needs to be that limitation. Sen. Swift said in other words, if you are paid, you unduly influence people and if you aren't paid you don't unduly influence people. Sen. Doherty said licenses were not required of individuals in Montana who want to come and express their opinion. Sen. Swift said we all have our own opinion, but influence is influence whether paid for or not.

Sen. Hockett asked Sen. Doherty what date this legislation would become effective. Sen. Doherty answered it was the proposal that it would go into effect prospective so the people who have already had their number of years, it would not count against them. It would be as of the next season.

Sen. Weldon stated it would be desirable to have citizen groups come in and allow them to watch the legislative process so they could see that information is power. It's power that has been given to senators because they are allowed to ask the people who are experts in their field what the consequences are. How can the point be made beyond this bill. Sen. Doherty stated it is an ongoing process to educate people on how difficult it is to be here and we do not enjoy plush splendor and money flowing out of spigots. It is important that we do this. The landscape has changed. It's reality.

Closing by Sponsor:

Sen. Doherty said this bill would not block citizen input. This will block certain individuals ability to get a license to influence opinion at the montana Legislature. If the same individuals want to come up here on their own dime, on their own time, and live up here, because they want something for the good of the State of Montana and not something for the good of their principle that's a good thing to do. And it won't block that at all. Mr. Alke made a good point. I am a lawyer. He is a lawyer too. This is not about demeaning legislators. It is not about blocking the attempts of citizens to obtain redress to their government. This is about the balance of power. That's what the bill is all about. We may not like what happened with term limits initiative. But that's reality. The balance of power shifted last November. Unless we do something to protect ourselves, protect our ability to do the people's business, we will be giving more power to those interests. The lobbyists each

represent a special interest. We have to find a way to balance the power out. The lobbyists outgun us three to one. Sen. Vaughn closed the hearing on SB 181.

There was a motion to to get the preliminary report out to the Senate on the confirmation of the Governor's appointments to the Northwest Power Planning Council and the Dept. of Natural Resources and Conservation. The motion carried.

ADJOURNMENT

Adjournment: 11:10 a.m.



SENATOR ELEANOR VAUGHN, Chair



DEBORAH STANTON, Secretary

EV/ds

ROLL CALL

SENATE COMMITTEE

STATE ADMINISTRATION

DATE

1-27-93

NAME	PRESENT	ABSENT	EXCUSED
Sen. Eleanor Vaughn	✓		
Sen. Jeff Weldon	✓		
Sen. Jim Burnett	✓		
Sen. Harry Fritz	✓		
Sen. John Hertel	✓		
Sen. Bob Hockett	✓		
Sen. Henry McClernan	✓		
Sen. Bob Pipinich	✓		
Sen. Bernie Swift	✓		
Sen. Larry Tveit	✓		
David Niss	✓		

F08

Attach to each day's minutes

R.F. LABBE, Mayor

BARBARA P. McOMBER, CLERK
DIXIE HENDERSON, Treasurer

KERMIT DANIELS
City Attorney

CITY OF DEER LODGE

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Jan 26, 1993

MAURICE R. SIVERTSON
LYLE E. GILLETTE, JR.
GAIL M. JONES
HAROLD ERICSON
FRANCES B. HELTON
IVAN WALLGREN
JIMMY RAY ANDERSON
KENNETH E. FENNER

Hon Tom Beck
State Senator
State Capitol
Helena Mont 59601

SENATE STATE ADMIN.

EXHIBIT NO. 1

DATE 1-27-93

BILL NO. SB 169

Dear Tom:

I strongly support and hereby give my wholehearted approval to the transfer of the title of the Old Montana Prison to the Powell County Museum and Arts Foundation.

They have kept this facility open to the public continuously since June of 1979 which has greatly benefitted Deer Lodge. To the best of my knowledge, they have done this without any substantial cash money support from either the city or county governments.

It would be beneficial to everyone involved if Powell County Museum and Arts Foundation could feel secure in their future by having control of the Old Montana Prison complex.

Very sincerely,



R. F. Labbe
Mayor

RFL:sm

Exhibit No. 2 is a copy of an article from Powell County Museum and Arts Foundation, Museum Post, December 1992. The original is stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.

MUSEUM POST

Powell County Museum and Arts Foundation

December 1992

Old Montana Prison
Page 4

Old Prison Paddy Wagon
Page 13



Old Prison Players
Page 14

Yesterday's Playthings
Page 9

Towe Ford Museum
Page 7

Our Volunteers
Page 18



SENATE STATE ADMIN.

EXHIBIT NO. 2

DATE 1-27-93

BILL NO. SB 169



Visitors viewing decorations on one of the many Christmas trees that were displayed at Powell County Museum. The Deer Lodge Art club will present its 1992 Christmas showing at Powell County Museum from November 27 through December 23.

Annual Membership Meeting and Election of the Board of Directors

Tuesday January 12, 1992

at the Powell County
Community Center

The Nominations Committee has prepared a slate for the election of three board members. Nominations from the floor will also be accepted.

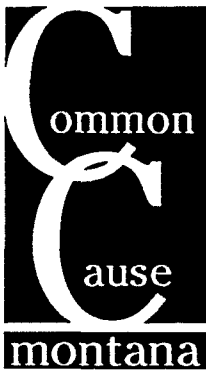
All members are requested to be present and to vote. Interested people are welcome to join us.

Powell County Museum and Arts
Foundation
1106 Main Street
Deer Lodge, MT 59722

Non-profit org.
U. S. Postage
P A I D
Permit No. 4
Deer Lodge, MT

Postal Customer

Deer Lodge, MT 59722



SENATE STATE ADMIN.

EXHIBIT NO. 3

DATE 1-27-93

BILL NO. SB 181

COMMON CAUSE TESTIMONY
ON SB 181

P.O. Box 623
Helena, MT
59624
406/442-9251

Madame Chair, members of the Committee, for the record my name is Amy Kelley, Executive Director for Common Cause/Montana.

On behalf of our members I would like to register our qualified support for SB 181, establishing term limits for lobbyists.

We feel this bill is attempting to address the issue of who has power in our government. To the extent that this bill may help limit the undue influence of private economic interests on this legislature, it may be a good thing. We support all efforts to lawmaking authority back into the hands of citizens and the representatives they elect rather than private economic interests.

However, we strongly feel that lobbying serves a vital function in a citizen legislature that must address more than 1,500 bills in a 90 day session. Lobbyists who represent citizen groups provide legislators with important information about specific issues that citizens in Montana care about.

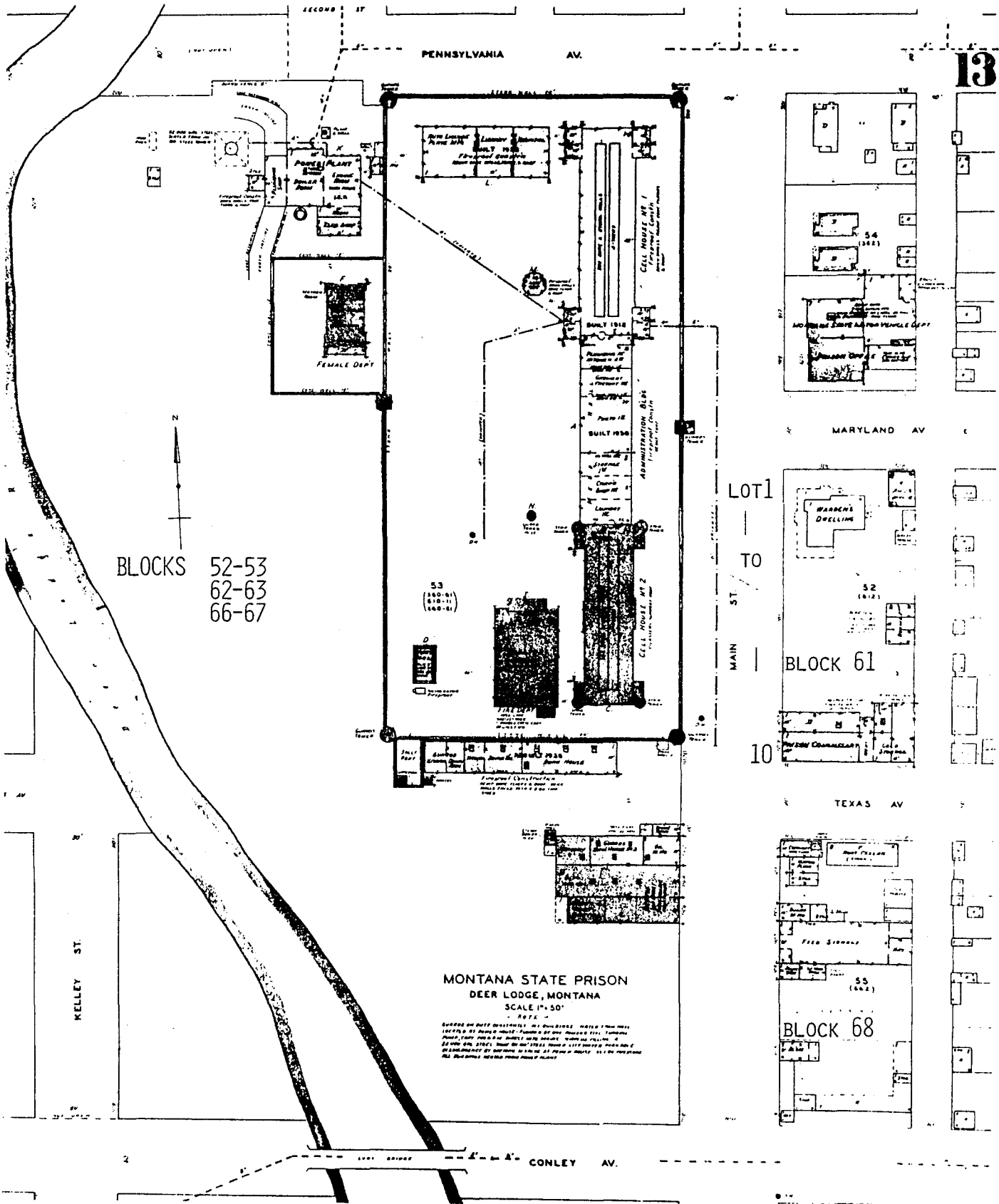
Further, I must say that several attorneys who are members of our Board of Directors question the constitutionality of this bill, whether it violates the First Amendment Right to Freedom of Speech.

For example, many citizen organizations have a staff of one. Under this bill, either that staff person would have to resign or the organization would lose its ability to represent its membership before the Legislature after 8 years.

I have not yet had the opportunity to check with the national Common Cause office to seek their opinion on this matter, but would certainly do so at this Committee's request.

For these reasons, we support the spirit of SB 181 but have several strong reservations.

Figure 114: Sanborn Map of the Montana State Prison 1940.



LOTS ARE 30' x 131'

DATE 1-27-93

SENATE COMMITTEE ON State Administration

BILLS BEING HEARD TODAY: SB 181, SB 169

Name	Representing	Bill No.	Check One	
			Support	Oppose
<i>Tom Schneider</i>	MPEA	181		X
HARLEY WARNER	SELF	181		X
DOUG ABELIN	NMOGA SELF	181		X
Bill Stevens	MSAE / MFDA	181		X
GEORGE OCHENSKI	SELF	181		X
DICK BAUMAN	Powell Museum & ARTS	169	X	
Jim Thompson	Powell County Museum	169	X	
Ben Eickner	MT ST. Fireman's	181		X
Mona Jamison	SELF	181		X
John Youngberg	MT Fern Bureau	181		X
JOHN LAHR	MPC-	181		X
Gail Brockbank	D of C	169		
Stan Bradshaw	MTU	181		✓
Gloria Gernanson	MPC Self	181		✓
Gloria Gernanson	MCult. Cen	169	✓	
Bill Leary	MSAE/self	181		✓

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE _____

SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY: _____

Name	Representing	Bill No.	Check One	
			Support	Oppose
Steve Turkiewicz	Mt. Auto Dealers Assn	181		<input checked="" type="checkbox"/>
Staci Riley	MT Fed. Teachers	181		<input checked="" type="checkbox"/>
Tooke Welker	MAPP	181		<input checked="" type="checkbox"/>
AMY KELLEY	COMMON CAUSE	181		
Raj Amuth	#48	169	X	
Don Judge	MT STATE AFL-CIO	181		<input checked="" type="checkbox"/>
Sheila Stearns	Univ Mont	181		<input checked="" type="checkbox"/>
Phil Campbell	MEA	181		<input checked="" type="checkbox"/>
D. B. DITZEL	Bro of Locomotive Engrs	181		<input checked="" type="checkbox"/>
F. J. Marceau	U.F.U			<input checked="" type="checkbox"/>
Tom Hopgood	MAR/HIA/A7A/67A	181		<input checked="" type="checkbox"/>
Barbara Ranf	USWEST	181		<input checked="" type="checkbox"/>
Greg VanHousen	State Farm/Income Property Mgmt	181		<input checked="" type="checkbox"/>
Bob Gilbert	Montana Woolgrowers Assn	181		<input checked="" type="checkbox"/>
Jim Jensen	METC	181		<input checked="" type="checkbox"/>

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE _____

SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY: _____

Name	Representing	Bill No.	Check One	
			Support	Oppose
Ben Hurdahl	MT Motor Carriers	181		X
LARRY ARNEY	SELF	181		X
Roland D PRATT	Denturists Assoc of MT	181		X
Paulette Kohman	MT Council Maternal & Child Health	181		✓
Janette Fallon, CAFE	MT Petroleum Assn, MT Society of Ass'n Execs	181		C
Ken Williams	Entech	181		✓
GENE PHILLIPS	PP&L	181		X
DAN WALKER	US WEST	181		X
Bob Stephens	MCGA	181		X
Holly Franz	self			✓
Randy Johnson	MGBA	181		X
Alec Hansen	MLCT	181		X
Don Ollie	MUPA / CWCSE	181		X

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION
COMMITTEE ON STATE ADMINISTRATION**

Call to Order: By Senator Eleanor Vaughn, on January 28, 1993,
at 10:00 a.m.

ROLL CALL

Members Present:

Sen. Eleanor Vaughn, Chair (D)
Sen. Jeff Weldon, Vice Chair (D)
Sen. Jim Burnett (R)
Sen. Harry Fritz (D)
Sen. John Hertel (R)
Sen. Bob Hockett (D)
Sen. Bob Pipinich (D)
Sen. Bernie Swift (R)
Sen. Henry McClernan (D)

Members Excused: None.

Members Absent: Sen. Larry Tveit

Staff Present: David Niss, Legislative Council
Deborah Stanton, Committee Secretary

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

Committee Business Summary:

Hearing: SB 192, SB 226
Executive Action: SR 2, SB 131, SB 181, SB 147, SB 174

HEARING ON SB 192

Opening Statement by Sponsor:

Sen. Mignon Waterman, Senate District #22, presented SB 192 which is a bill which would require the Public Employees' Retirement board to maximize the retirement benefits of the members and beneficiaries of each system that the Board administers. Over the many decades it's been difficult to attract and retain qualified public employees. It's better for an employer to be able to retain good employees than to experience the expenses of advertising for, hiring and training new employees. In addition, the public is better served in retaining good people. As we are aware salary alone no longer attracts people to employment. Benefits associated with employment are playing an increasing role in attracting and retaining good public employees.

Retirement benefits are one of those components. Unfortunately, retirees have seen the buying power of their benefits eroded through inflation. It is important to try and minimize the negative impacts of inflation on the public retirees. Currently there is nothing in the law that encourages the PERS Board to maximize benefits of retirement members. SB 192 would do that. It requires no money and requires no particular action other than they act as advocates for those they represent. It requires the board to factor into its decisions the necessities of their retirees and to participate in efforts to assist in public retirees maintaining adequate benefits. I will offer an amendment to the bill.

Proponents' Testimony:

Gene Allen, represented the Association for Retired Public Employees, spoke in favor of SB 192. He would like to emphasize that the way the current law stands it actually prevents the board from considering benefits to retirees. That seems unreasonable and this bill would give the board the opportunity to consider retiree benefits as they deliver the decisions about the fund.

John Denherder, representing the Montana Public Employees Pension Security Coalition, spoke in favor of SB 192. Orville Lewis, who is the Legislative director for the game wardens association and an affiliate member of our organization asked to present the committee with a letter (EXHIBIT #1). On behalf of PEPSCO he added that they would like to endorse what has been said on SB 192 and urged passage.

Tom Schneider, Montana Public Employees Association, spoke in favor of SB 192. The amendment has been agreed to by the Board of PERD and by the retiree association and they have no problem with that. As the bill is drafted it only amends the Public Employees Retirement System not all eight systems under the Public Employees Retirement Division. It should cover all of the systems because the same board deals with all of the systems and they should be all dealt with in the same fashion. The committee should also look at including the Teachers' Retirement System. It should be uniform for everyone.

John Malee, Montana Federation of Teachers, and Montana Federation of State Employees, spoke in favor of SB 192. The only concern would be the teachers be placed under this also.

Linda King, Public Employees Retirement Division, spoke on behalf of the Public Employees Retirement Board. She asked for support of the bill with the proposed amendment. The Board has discussed this amendment with the retirement organizations and has agreed that this is an appropriate way of instructing the board's advocacy on behalf of retirees of the systems. The board would also agree that the amendment should be made for all of those systems.

Don Waldron, representing the montana Rural Education Association, spoke in support of the classified employees. He urged support of the bill as drafted.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

None.

Closing by Sponsor:

Sen. Waterman stated the amendment incorporates into the responsibilities what a lot have assumed was already there and that is that the board will make recommendations about necessary changes to the system. I have no problem with the proposal to incorporate the same language in the duties of the other boards.

HEARING ON SB 226

Opening Statement by Sponsor:

Sen. Weldon, Senate District #27, stated SB 226 deals with an issue not unfamiliar to the committee. It is similar to Sen. McClernan's bill concerning the selection of the Commissioner of Political Practices. The major changes that this bill offers over present law are as follows: 1) Under present law the selection committee for the Commissioner of Political Practices is the leadership of the Legislature, two members from each house. This would set up a procedure for a citizen to be on the committee. The model followed is the Reapportionment Commission. Each of the leadership positions would appoint one person to the committee and those four would select a fifth person for the committee. 2) The selection process as outlined in Section 2 prescribes a way in which the committee would advertise for the position. 3) The Governor would select from the list that the Selection Committee provides to the Governor. The Senate holds power of confirmation over that position. 4) The existing commissioner would stay in office until the new commissioner is confirmed. It is his suggestion that Sen. McClernan's bill and SB 226 be referred to subcommittee for the purpose of looking at the differences and the similarities between the two bills and this committee could pass to the Senate a way of empowering this office.

Proponents' Testimony:

Amy Kelley, Common Cause/Montana, spoke in support of SB 226. Common Cause supports SB 226. She has also testified to the proposed amendments to Sen. McClernan's bill, SB 130.

Verner Bertelson, representing himself, gave written testimony (EXHIBIT #3).

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

None.

Closing by Sponsor:

Sen. Weldon stated there is frustration with the political process. This bill will strengthen the election and political practice laws. These improvements will be seen as a brave step. There is a fiscal note attached to this. There is a cost of \$3000 to \$4000 that the state would incur once every six years for the selection committee to live. That's a small cost to pay for something that would improve citizen involvement in the elections. There may be some constitutional problems with forcing the Governor to select one person from the list submitted. Perhaps we could look at the issue in subcommittee. The message sent to the people of the state is that we take the election laws seriously and want to protect the citizen's interest in this.

Sen. Vaughn appointed a subcommittee to look at the two bills involved (SB 226, and SB 130). The committee is comprised of Sen. Weldon, Sen. McClernan and Sen. Swift.

EXECUTIVE ACTION ON SB 181

Motion: Sen. Fritz moved SB 181 DO NOT PASS.

Vote: Motion SB 181 DO NOT PASS Carried. Sen. Fritz will carry the adverse committee report.

Sen. Hockett asked Mr. Niss to research the legality of SB 169. Mr. Niss stated that the constitution allows the transfer but at the current time it requires transfer at fair market value. The difficulty is in the recognition in this legislation that the fair market value is going to be taken in-kind in something other than cash. Mr. Niss will research this issue.

EXECUTIVE ACTION ON SB 174

Discussion: Sen. Weldon explained the bill sets up a cause of action for an individual citizen. If a citizen complains a reporting or contribution law was violated then the Commissioner of Political Practices or the County Attorney can act or dismiss it. And if they take action or dismiss the complaint then a citizen has standing to bring the suit to court. There needs to be a violation of reporting or expenditure law and then the County Attorney or the Commissioner of Political Practices may dismiss the complaint and this actually allows a citizen to bring suit if the County Attorney or the Commissioner of Political Practices does not take action. It may be used in cases where the Commissioner does not have the resources to pursue the complaint and a County Attorney doesn't have the resources or time to pursue a complaint then that gives legal standing to any citizen to bring that lawsuit. The reimbursement would be at the discretion of the court. The court will award the prevailing party the cost from the losing party.

Motion/Vote: Sen. Pipinich moved SB 174 DO PASS. Motion SB 174 DO PASS CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 147

Discussion: David Niss explained the amendments.

Motion: Sen. McClernan moved to AMEND SB 147. Motion to amend SB 147 CARRIED.

Motion/Vote: Sen. Fritz moved SB 147 DO PASS AS AMENDED. Motion SB 147 DO PASS AS AMENDED CARRIED 7 to 3 with Sen. Burnett, Sen. Swift and Sen. Tveit voting no.

EXECUTIVE ACTION ON SB 131

Discussion: David Niss explained the amendments.

Motion: Sen. Tveit moved to AMEND SB 131. Motion to Amend SB 131 passed 7 to 3 with Sen. Burnett, Sen. Hockett, Sen. Pipinich voting no.

Motion/Vote: Sen. Tveit moved SB 131 DO PASS AS AMENDED. Motion SB 131 DO PASS AS AMENDED FAILED 6 to 4 with Sen. Hertel, Sen. McClernan, Sen. Tveit and Sen. Weldon voting yes. Sen. Fritz will carry the bill.

EXECUTIVE ACTION ON SB 154

Discussion: David Niss explained the amendments.

Motion/Vote: Sen. Pipinich moved SB 154 be tabled. Motion SB 154 be tabled carried with Sen. Vaughn, Sen. Weldon and Sen. Fritz voting no.

ADJOURNMENT

Adjournment: 11:40 a.m.



SENATOR ELEANOR VAUGHN, Chair



DEBORAH STANTON, Secretary

EV/ds

ROLL CALL

SENATE COMMITTEE STATE ADMINISTRATION DATE 1-28-93

NAME	PRESENT	ABSENT	EXCUSED
Sen. Eleanor Vaughn	✓		
Sen. Jeff Weldon	✓		
Sen. Jim Burnett	✓		
Sen. Harry Fritz	✓		
Sen. John Hertel	✓		
Sen. Bob Hockett	✓		
Sen. Henry McClernan	✓		
Sen. Bob Pipinich	✓		
Sen. Bernie Swift	✓		
Sen. Larry Tveit			
David Niss	✓		

FC8

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 28, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Resolution 2 (first reading copy -- white), respectfully report that Senate Resolution 2 be adopted.

Signed: Eleanor Vaughn
Senator Eleanor Vaughn, Chair

ADVERSE

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 28, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 131 (first reading copy -- white), respectfully report that Senate Bill No. 131 be amended as follows and as so amended do not pass.

Signed: 
Senator Eleanor Vaughn, Chair

That such amendments read:

1. Title, lines 8 and 9.

Strike: "THE TERM" on line 8 through "ELECTED" on line 9

Insert: "A BIENNIUM"

2. Page 1, lines 19 and 20.


Strike: "during" on line 19 through "elected" on line 20

Insert: "in a biennium"

3. Page 1, lines 22 through 24.

Strike: "Any legislature" on line 22 through "biennium." on line
24

- END -


Amd. Coord.
Sec. of Senate

221240SC.San

ADVERSE

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 28, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 181 (first reading copy -- white), respectfully report that Senate Bill No. 181 do not pass.

Signed: Eleanor Vaughn
Senator Eleanor Vaughn, Chair

AW
Amd. Coord.
Sec. of Senate

221249SC.San

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 28, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 147 (first reading copy -- white), respectfully report that Senate Bill No. 147 be amended as follows and as so amended do pass.

Signed: Eleanor Vaughn
Senator Eleanor Vaughn, Chair

That such amendments read:

1. Title, line 10.

Following: ";"

Insert: "REQUIRING THAT THE SECRETARY OF STATE FURNISH A COPY OF THE LIST OF REGISTERED ELECTORS TO CERTAIN POLITICAL PARTIES;"

2. Page 6, line 5.

Following: "[section 1]."

Insert: "(6)"

3. Page 6, line 8.

Following: "state."

Insert: "The consolidated list must be compiled within 30 days after the secretary of state receives the county lists.

(7) (a) As soon as the list is compiled, the secretary of state shall furnish a copy of the list to the presiding officer of each political party in the state whose candidate for governor appeared on the ballot in either of the last two general elections. (b)"

4. Page 6, line 11.

Following: "electors."

Insert: "(c)"

-END-

APV
Amd. Coord.
Sec. of Senate

221228SC.San

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 28, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 174 (first reading copy -- white), respectfully report that Senate Bill No. 174 do pass.

Signed: *Eleanor Vaughn*
Senator Eleanor Vaughn, Chair

AW Amd. Coord.
— Sec. of Senate

221247SC.San

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 28, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Resolution 2 (first reading copy -- white), respectfully report that Senate Resolution 2 do pass.

Signed: Eleanor Vaughn
Senator Eleanor Vaughn, Chair

AW
Amd. Coord.
Sec. of Senate

221245SC.San

ROLL CALL VOTE

SENATE COMMITTEE State Administration BILL NO. 131

DATE 1-28-93 TIME 11:15 A.M. P.M.

NAME	YES	NO
Sen. Jim Burnett		✓
Sen. Harry Fritz	✓	
Sen. John Hertel	✓	
Sen. Bob Hockett		✓
Sen. Henry McClernan	✓	
Sen. Bob Pipinich		✓
Sen. Bernie Swift	✓	
Sen. Larry Tveit	✓	
Sen. Jeff Weldon	✓	
Sen. Eleanor Vaughn	✓	
Sen. Burnett		✓
Sen. Fritz		✓
Sen. Hertel	✓	
Sen. Hockett		✓
Sen. McClernan	✓	
Sen. Pip		✓
Sen. Swift		✓
Sen. Tveit	✓	
Sen. Weldon	✓	
Sen. Vaughn		✓

*amended -
ments*

*AS DU PAST
AMENDED*

Wendie Stanton
SECRETARY

Senator Vaughn
CHAIR

MOTION: _____

ROLL CALL VOTE

SENATE COMMITTEE State Administration BILL NO. SB 147

DATE 1-28-93 TIME _____ A.M. P.M.

NAME	YES	NO
Sen. Jim Burnett		<input checked="" type="checkbox"/>
Sen. Harry Fritz	<input checked="" type="checkbox"/>	
Sen. John Hertel	<input checked="" type="checkbox"/>	
Sen. Bob Hockett	<input checked="" type="checkbox"/>	
Sen. Henry McClernan	<input checked="" type="checkbox"/>	
Sen. Bob Pipinich	<input checked="" type="checkbox"/>	
Sen. Bernie Swift		<input checked="" type="checkbox"/>
Sen. Larry Tveit		<input checked="" type="checkbox"/>
Sen. Jeff Weldon	<input checked="" type="checkbox"/>	
Sen. Eleanor Vaughn	<input checked="" type="checkbox"/>	

Dellie Stanton
 SECRETARY

Senator Vaughn
 CHAIR

MOTION: DO PASS AS AMENDED

January 27, 1993

Senator Eleanor Vaughn, Chair
State Administration Committee
Capitol Station
Helena, Montana 59620

SENATE STATE ADMIN.

EXHIBIT NO. 1

DATE 1-28-93

BILL NO. SB 192

Dear Senator Vaughn:

Retired State Fish and Game Wardens would very much appreciate your support of Senate Bill 192. This bill provides a much needed change to the duties and responsibilities of the Public Employees Retirement Board.

Under the present law this board has no authority to consider the welfare of retired state employees. This bill will correct this situation and provide the board authority to give consideration to the benefits of retired state employees.

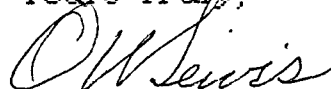
We feel that it is extremely important that a unit of state government, such as the retirement board, have authority and responsibility of considering the needs of retired state employees.

There are no additional costs incurred by this legislation and its long term effect would certainly be beneficial.

I am hopeful that you will give Senate Bill 192 your full support.

Thank you very much.

Yours Truly,



Orville Lewis
Retired Game Warden
5285 Kerr Drive
Helena, Mt. 59601

SENATE STATE ADMIN.

EXHIBIT NO. 2

DATE 1-28-92

BILL NO. SB 192

Proposed Amendment to SB 192, as introduced

Page 2, Line 9,

After "(5) The board shall" strike remainder of subsection and insert:

"review the sufficiency of benefits paid by the system and recommend to the legislature such changes as may be necessary to maintain a stable standard of living for retired members and their beneficiaries."

(Note: If bill is amended to include the section for other retirement systems, this amendment is offered for all systems impacted by this bill.)

Testimony on S. B. 356 - 1-28-93
SENATE STATE ADMIN
ENROLLMENT NO. 3

DATE 1-28-93

Mrs. Chairman, Member of
The Senate State Administration
Committee.

I am Turner Birtchen and
today I am representing myself.

I am here because I
strongly support S. B. 356, 1913
~~I will not support any other bill on this subject~~

S. B. 356 deals forcibly
and directly, it doesn't jack
skip at the steps, ~~of~~ with the perceived
problem with the present
system of selecting a
Political Practices Commissioner

As I expressed in my
previous testimony on S. B.
130, there is an uneasy
feeling that the appointment
has become a political plume

only available to us under
in the political arena.
with ~~the~~ very least
this has tended to put the
actions of the Political Practices
Commission under a cloud.
~~at the~~ ~~best~~.

A. D. 226 divines
the selection completely
from political influence.

It even acknowledges that
there are undoubtedly many
people outside the political
arena ^{who are} of high intelligence
and integrity who could be
found to fill this very
important position. Certainly
in our recent search we
found this to be true.

Sheet #3
1-28-93
SB-226

I feel that you could
do ~~also~~ greater service
toward preserving the
integrity of the office and
protecting the political
process than to pass A. D. 226.
I urge passage and
enjoyment.

Thank you!

James Butcher
1800 Westminster
Bellevue, Wash.

Amendments to Senate Bill No. 147
First Reading Copy

For the Committee on State Administration

Prepared by David S. Niss
January 27, 1993

SENATE STATE ADMIN.

EXHIBIT NO. 4

DATE 1-28-93

BILL NO. SB 147

1. Title, line 10.

Following: ";"

Insert: "REQUIRING THAT THE SECRETARY OF STATE FURNISH A COPY OF
THE LIST OF REGISTERED ELECTORS TO CERTAIN POLITICAL
PARTIES;"

2. Page 6, line 5.

Following: "[section 1]."

Insert: "(6)"

3. Page 6, line 8.

Following: "state."

Insert: "The consolidated list must be compiled within 30 days
after the secretary of state receives the county lists.

(7) (a) As soon as the list is compiled, the secretary
of state shall furnish a copy of the list to the presiding
officer of each political party in the state whose candidate
for governor appeared on the ballot in either of the last
two general elections. (b)"

4. Page 6, line 11.

Following: "electors."

Insert: "(c)"

53rd LEGISLATIVE SESSION

STATE ADMINISTRATION COMMITTEE

I, Senator Pipinich do hereby submit my
vote to Chairman Vaughn as follows:

BILL NUMBER SB 174

MOTION

Do Pass
Yes _____ No _____

Do Not Pass
Yes _____ No _____

Indefinitely Postponed
Yes _____ No _____

Tabled
Yes _____ No _____

1-28-93
DATE

SIGNATURE

DATE 1-28-93

SENATE COMMITTEE ON State Administration

BILLS BEING HEARD TODAY: SB 192, SB 226

Name	Representing	Bill No.	Check One	
			Support	Oppose
Tom Schneider	MPBA	192	X	
Thomas Bertolone	Self	226	X	
Russell Weiss	"	192	X	
Gene Allen	AMRPE	192	X	
John Prangme	Citizen	192	X	
John DeWarden	PEPSCO Game Warden	192	X	
Gruell Lewis	Game Warden	192	X	
John Malara	M.F.T./M.F.S.E.	192	X	
Don Waldron	Am Rural Ed Ass	192	X	
Linda King	PERD	192		✓

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY