

MINUTES

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

Call to Order: By Senator Eleanor Vaughn, on February 5, 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:
Executive Action: SB 100, SB 213, SB 169, SB 192, SB 203,
SB 204, SB 205

Sen. Pipinich asked if there was going to be any testimony given on the bills. Sen. Vaughn explained unless there are questions from the committee to someone who is here they have a right to have the questions answered if they need some help.

EXECUTIVE ACTION ON SB 176

Discussion: There were amendments to this bill. Greg Petesch explained the amendment sb017601.agp. Sen. Weldon asked if it imposed the cost of the audit on the political committee. Mr. Petesch said the amendment would require that the audit of a political committee that was selected would be borne by all

political committees that participated in that issue. The one that is selected at random would not bear the entire cost. Sen. Weldon asked if the second amendment by Sen. Bianchi had something to do with the same section. Mr. Petesch said Sen. Bianchi's second set of amendments would limit the applicability of the bill to only statewide ballot issues. It would exclude school bond elections, any local referendum election, any of the things that are required to be put on the ballot also. The .02% would pay for the cost of the audit. That amount was calculated to pay for the cost of the audit. All committees that participated in the election would be required to contribute.

Motion/Vote: Sen. Pipinich moved the amendment sb017601.agp. The motion carried.

Discussion: Sen. Weldon asked Sen. Bianchi to explain his amendment, sb017602.agp. Sen. Bianchi said his intent was to cover what he thought were initiative which were basically statewide but when he got the fiscal note they were talking about 400 school bond elections. That was not the intent of the bill. Mr. Petesch explained the fiscal note. There was additional discussion on the amendment. Sen. Pipinich asked to hold this amendment until Sen. Weldon's amendments were reviewed.

Sen. Weldon explained his amendment sb017602.adn. His amendment attempted to address the newspapers concerns. The newspapers were concerned about their potential liability.

Motion/Vote: Sen. Weldon moved the amendment sb017602.adn. The motion carried.

Motion/Vote: Sen. Pipinich moved SB 176 be tabled as amended. Motion carried 7 to 3 with Sen. Fritz, Sen. Burnett, and Sen. McClernan voting no.

EXECUTIVE ACTION ON SB 100

Motion/Vote: Sen. Pipinich moved the amendment sb010001.adn. The motion failed 6 to 2 with Sen. McClernan and Sen. Pipinich voting yes.

Motion/Vote: Sen. McClernan moved the amendment sb010002.adn. The motion carried 7 to 1 with Sen. Fritz voting no.

Motion/Vote: Sen. Pipinich moved SB 100 DO NOT PASS as amended. The motion failed with Sen. Pipinich voting yes.

Motion/Vote: Sen. Weldon moved SB 100 DO PASS as amended. Sen. Tveit made a substitute motion SB 100 be tabled as amended. Sen. Tveit's motion failed with Sen. Pipinich, Sen. Swift and Sen. Tveit voting yes. Sen. Weldon's motion carried with Sen. Pipinich, Sen. Swift, and Sen. Tveit voting no.

EXECUTIVE ACTION ON SB 213

Motion/VOTE: Sen. Pipinich said he would like to reinstate the language on page 4, lines 8-13. (Amendment sb021301.agp) Motion CARRIED.

Motion: Sen. Fritz moved SB 213 DO PASS AS AMENDED.

Discussion: Sen. Hockett asked Debra Fulton about the fiscal note. If, as a result of this bill, there would be cost involved. Ms. Fulton said there would be cost to agencies as they would be required to spend the money to provide smoking areas. It might be as little as \$50 or it would be higher depending on what they had to do to comply with the bill.

Sen. Pipinich stated the same cost would be involved with SB 100.

Vote: Motion SB 213 DO AS AMENDED CARRIED with Sen. Weldon and Sen. Hertel voting no.

EXECUTIVE ACTION ON SB 169

Discussion: Mr. Petesch explained the amendment sb016901.agp. There was a concern about the Constitutionality of the bill. The Constitution says the State must receive fair market value as established by law because this is not a land grant piece of property. This bill would establish the fair market value.

Motion/Vote: Sen. McClernan moved to amend SB 169 (sb016901.agp). The motion to amend SB 213 CARRIED UNANIMOUSLY.

Discussion: Sen. Burnett asked if it was possible to including an amendment at the discretion of the Legislature to require a reversion of the property to the state. Mr. Petesch said the bill as written requires the sale or 99 year lease. A 99 year lease would automatically not return the property. If the property is sold, the title would pass to Powell County and it would be their property. You could achieve what you want by striking sale and require it to be a 99 year lease. That would then contain the reversion automatically.

Sen. Pipinich asked what happened to the bill last session. Mr. Petesch said the Constitutional issue was raised whether this was a land grant institution and it took so long to check the records that by the time the determination was made it failed to meet transmittal.

Sen. Hockett asked Mr. Petesch if it was put in as a lease how would you determine the cost of the lease. Do you need to put a dollar amount in the lease agreement. Sen. Pipinich asked if a clause could be added that if the land was to be sold it would revert back to the State. Mr. Petesch said yes although in a

sale the reversionary clause is not necessary. The 99 year lease would cover that. Mr. Petesch stated that using the property for public purposes can constitute the fair market value if that determination is made by the Department of Corrections.

Motion/Vote: Sen. Hockett moved to amend SB 169 by striking "by sale or". Motion to amend SB 169 CARRIED UNANIMOUSLY.

Motion/Vote: Sen. Pipinich moved SB 169 DO PASS AS AMENDED. Motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 186

Discussion: Sen. McClernan asked to hold SB 186 for further research.

EXECUTIVE ACTION ON SB 192

Discussion: Sen. Weldon explained the amendments. Mr. Petesch also reviewed the amendments.

Motion/Vote: Sen. McClernan moved to AMEND SB 192 (sb019201.adn). Motion to AMEND SB 192 CARRIED with Sen. Fritz voting no.

Motion/Vote: Sen. Hockett moved SB 192 DO PASS AS AMENDED. Motion SB 192 DO PASS AS AMENDED CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 203

Motion: Sen. Fritz moved SB 203 DO PASS.

Discussion: Sen. Weldon asked Sen. Fritz about Mr. Cress's arguments against this bill. Sen. Fritz stated this bill was supported by the board and the retirement groups in the Public Employees Retirement System and opposed by the administrator who is an employee of the Department of Administration. Their main objection was that the bill did not encompass any increase in the employee contribution to the retirement system. It increased the length of the unfunded liability period by 2.2 years but the unfunded liability is still under 20 years. The suggestion that was made for amending the bill was to move the date back a year or two so it would only apply to employees who had retired before July 1, 1991.

Sen. Hockett asked if it would affect not just the State of Montana but also affect the cities and towns that have public employees. Sen. Fritz said PERS includes 8 different retirement groups. Most of which are municipal employees.

Sen. Pipinich said the PERS fund has \$1 billion and this would have a very small impact on the fund.

Sen. Hockett asked Sen. Vaughn if this 5% increase is a one-time 5% increase. Sen. Vaughn stated it was a one-time 5% increase. The average public employee retirement is around \$460.

Vote: Motion SB 203 DO PASS CARRIED 6 to 4 with Sen. Burnett, Sen. Hockett, Sen. Swift, and Sen. Tveit voting no.

EXECUTIVE ACTION ON SB 204

Discussion: Sen Fritz said SB 204 would allow the PERB to select its own administrators like the Teachers Retirement and Board of Investments do. This bill was opposed by the Department of Administration. The Board was happy with its administrator until he was deposed by the Department of Administration. Sen. Weldon asked Sen. Fritz if there were other boards that hired their own administrators. Sen. Fritz said he did not know. Sen. Hockett asked Sen. Fritz if an FTE would be eliminated. Sen. Fritz said no. Sen. Fritz submitted amendment sb020401.ash. Greg Petesch said the amendment would remove what can be read as a potential conflict between the bill as written and an existing statute that creates the board which says the board is attached to the Department for administrative purposes. Under that situation the department to which the board is attached normally provides the staffing. This will clarify that the board hires it's own personnel and removes any potential conflict. Sen. Fritz said technically the board would still be attached to the Department of Administration for administrative purposes which means the budget would come before the Legislature. Mr. Petesch said they are still subject to state laws. They are still subject to Legislative control except they are not classified as state employees subject to the department. They would be exempt employees hired by the board. Sen. Hockett asked if these people would be exempt from the 5% staff reduction. Mr. Petesch said he would review the bill. The people would be state employees but the hiring entity would be the board. Sen. Hockett asked who determines their salaries. Mr. Petesch said, in this instance, the board. They will be classified under the pay plan but there is more discretion with the board in determining the personnel it wants. Sen. Vaughn asked about the supervision of the board since they meet only once a month and could the department combine the duties of an employee. Mr. Petesch answered that would be eliminated unless they entered into a job sharing agreement. This bill would transfer the authority for these employees out from under the Department of Administration and make the board the hiring and supervising entity.

Motion/Vote: Sen. Fritz moved to AMEND SB 204 (sb020401.ash). Motion to amend SB 204 CARRIED UNANIMOUSLY.

Motion/Vote: Sen. Fritz moved SB 204 DO PASS AS AMENDED. Motion SB 204 DO PASS AS AMENDED FAILED 3 to 7 with Sen. Burnett, Sen. Fritz and Sen. Weldon voting yes.

EXECUTIVE ACTION ON SB 205

Discussion: Sen. Fritz explained the amendment would remove the Bulletin Board section of the bill (20502.adn). It is not necessary to the function of the measure. The other amendment writes the Department of Administration into the bill (20501.adn).

Motion/Vote: Sen. Fritz moved to AMEND SB 205. Motion to amend SB 205 CARRIED UNANIMOUSLY.

Motion/Vote: Sen. Pipinich moved SB 205 DO PASS AS AMENDED. Motion SB 205 DO PASS AS AMENDED CARRIED with Sen. Swift voting no.

ADJOURNMENT

Adjournment: 11:30 a.m.



SENATOR ELEANOR VAUGHN, Chair



DEBORAH STANTON, Secretary

EV/ds

ROLL CALL

SENATE COMMITTEE STATE ADMINISTRATION DATE 2-5-93

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 Corey Petesch	✓		

FC8

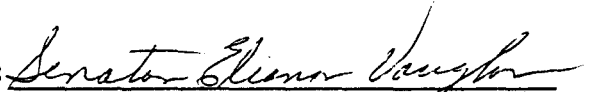
Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 5, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 169 (first reading copy -- white), respectfully report that Senate Bill No. 169 be amended as follows and as so amended do pass.

Signed: 
Senator Eleanor Vaughn, Chair

That such amendments read:

1. Page 2, line 24.
Strike: "by sale or"
2. Page 3, line 1.
Strike: "sale or"
3. Page 3, line 6.
Strike: "1"
Insert: "4"
4. Page 3, line 12.
Strike: "may"
Insert: "shall"

-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 5, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 203 (first reading copy -- white), respectfully report that Senate Bill No. 203 do pass.

Signed: Senator Eleanor Vaughn
Senator Eleanor Vaughn, Chair

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 5, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 213 (first reading copy -- white), respectfully report that Senate Bill No. 213 be amended as follows and as so amended do pass.

Signed: Senator Eleanor Vaughn
Senator Eleanor Vaughn, Chair

That such amendments read:

1. Page 4, line 14.

Following: "free"

Insert: "; (4) school district buildings and facilities
designated as tobacco-free by the board of trustees of the
school district;

(5) community college buildings or facilities designated as
tobacco-free by the board of trustees of the community college
district"

-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 4
February 8, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 192 (first reading copy -- white), respectfully report that Senate Bill No. 192 be amended as follows and as so amended do pass.

Signed: Senator Eleanor Vaughn
Senator Eleanor Vaughn, Chair

That such amendments read:

1. Title, lines 5 through 7.

Strike: "MAXIMIZE" on line 5 through "ADMINISTERS" on line 7

Insert: "REVIEW BENEFITS PAID BY THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND TO RECOMMEND COST-OF-LIVING ADJUSTMENTS TO THE LEGISLATURE"

2. Title, line 7.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "19-3-304,"

Insert: "19-5-201, 19-6-201, 19-7-201, 19-8-201, 19-9-201, 19-12-201, AND 19-13-202,"

3. Page 2, line 9 through line 11.

Following: "shall" on line 9

Strike: the remainder of line 9 through "beneficiaries" on line 11

Insert: "review the sufficiency of benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living"

4. Page 2.

Following: line 11

Insert: "Section 2. Section 19-5-201, MCA, is amended to read:

"19-5-201. Powers and duties of board. (1) The board is the trustee of all moneys collected for the retirement system and may establish such rules as it considers necessary. Within the limitations of this chapter, the board is charged with and is the authority as to its proper administration, operation, and enforcement. The board shall review the sufficiency of benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living."

M Amd. Coord.
____ Sec. of Senate

311020SC.Sma

(2) The board is the authority as to the conditions under which persons may become members of and receive benefits under the retirement system. All persons in similar circumstances shall be treated alike.

~~(2)~~(3) The board shall keep such data as is necessary for actuarial valuation purposes. It shall cause to be made periodic actuarial investigations into the mortality and service experience of the contributors to and the beneficiaries of the fund and shall adopt for the retirement system one or more mortality tables."

Section 3. Section 19-6-201, MCA, is amended to read:

"19-6-201. Board to make rules. The board is the trustee of all moneys collected for the retirement system. It may establish such rules as it considers necessary to carry out its functions under this chapter. The board shall review the sufficiency of benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living. The board shall determine the conditions under which persons may become members of and receive benefits under the retirement system. All persons in similar circumstances shall be treated alike."

Section 4. Section 19-7-201, MCA, is amended to read:

"19-7-201. Functions of the board. (1) The board is the trustee of all moneys collected for the retirement system and is charged with the proper administration, operation, and enforcement of this chapter. The board shall review the sufficiency of benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living. It may establish such rules as it considers necessary.

(2) The board shall prescribe the conditions under which persons may become members of and receive benefits under the retirement system. All persons in similar circumstances shall be treated alike.

(3) It shall keep the data necessary for actuarial valuation purposes. It shall have biennial actuarial investigations made into the mortality and service experience of the members and the beneficiaries of the account and shall adopt one or more mortality tables."

Section 5. Section 19-8-201, MCA, is amended to read:

"19-8-201. Board to make rules. The board is charged with the proper administration, operation, and enforcement of this chapter. The board shall review the sufficiency of benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living. The board may make such rules as it considers necessary and shall determine the conditions under which persons may become members of and receive benefits under the retirement system. All persons in similar circumstances shall be treated alike."

Section 6. Section 19-9-201, MCA, is amended to read:

"19-9-201. Powers and duties of board. (1) The board is authorized to administer, interpret, and enforce the provisions of this chapter.

(2) The board shall establish such uniform rules as are necessary to administer the provisions of this chapter. The board is the sole authority under this chapter as to the conditions under which persons may become members of and receive benefits under the retirement system. The board shall determine and may modify allowances for retirement and disability under this chapter.

(3) The board shall review the sufficiency of benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living."

Section 7. Section 19-12-201, MCA, is amended to read:

"19-12-201. Administration of chapter. The board shall administer the Volunteer Firefighters' Compensation Act and the volunteer firefighters' pension plan, and all payments made under 19-12-103, 19-12-405, 19-12-407, and 19-12-506 shall be made by warrants drawn by the board. The board shall review the sufficiency of benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living."

Section 8. Section 19-13-202, MCA, is amended to read:

"19-13-202. Power and duties of board. The powers and duties of the board include:

(1) administering, interpreting, and enforcing the provisions of this chapter;

(2) establishing uniform rules to administer the provisions of this chapter;

(3) determining the conditions under which persons may become members of and receive benefits under the retirement system; and

(4) determining allowances for retirement and disability under this chapter; and

(5) reviewing the sufficiency of benefits paid by the retirement system and recommending to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living."

-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 5, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 205 (first reading copy -- white), respectfully report that Senate Bill No. 205 be amended as follows and as so amended do pass.

Signed: Senator Eleanor Vaughn
Senator Eleanor Vaughn, Chair

That such amendments read:

1. Page 8, line 15.

Following: "shall"

Insert: "consult with the department of administration concerning the type of software to be required by the commissioner and"

2. Page 9, lines 13 and 14.

Strike: "dedicated exclusively"

3. Page 9, line 19.

Strike: "maximum"

4. Page 9, lines 20 through 23.

Strike: ", both in" on line 20 through "data in" on line 23

Insert: ". The software must be easy to use and must allow searching of data by particular"

5. Page 10, lines 4 through 8.

Strike: subsection (7) in its entirety

Renumber: subsequent subsections

-END-

ADVERSE

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 5, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 204 (first reading copy -- white), respectfully report that Senate Bill No. 204 be amended as follows and as so amended do not pass.

Signed: Senator Eleanor Vaughn
Senator Eleanor Vaughn, Chair

That such amendments read:

1. Title, line 9.

Strike: "SECTION"

Insert: "SECTIONS 2-15-1009 AND"

2. Page 1.

Following: line 12

Insert: "Section 1. Section 2-15-1009, MCA, is amended to read:

"2-15-1009. Public employees' retirement board -- terms -- allocation. (1) There is a public employees' retirement board.

(2) The board consists of six members appointed by the governor. The members are:

(a) three public employees who are active members of a public retirement system (not more than one of these members may be an employee of the same department);

(b) one retired public employee who is an inactive member of the public employees' retirement system; and

(c) two members at large.

(3) The term of office for each member is 5 years.

(4) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121. However, the board may hire its own personnel, and the provisions of 2-15-121(2)(d) do not apply.

(5) Members of the board shall be compensated and receive travel expenses as provided for in 2-15-124."

Renumber: subsequent section

-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 8, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 100 (first reading copy -- white), respectfully report that Senate Bill No. 100 be amended as follows and as so amended do pass.

Signed: Senator Eleanor Vaughn
Senator Eleanor Vaughn, Chair

That such amendments read:

1. Page 1, line 25.

Following: "enclosed"

Insert: ", comfortable"

2. Page 2, line 17..

Following: "may"

Insert: ", after consulting with affected employees,"

-END-

ROLL CALL VOTE

SENATE COMMITTEE State Administration BILL NO. SB 203

DATE 2-5-93 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"/>	


SECRETARY


CHAIR

MOTION: SB 203 DO PASS

ROLL CALL VOTE

SENATE COMMITTEE State Administration

BILL NO. SB 100

DATE 2-5-93 TIME _____ A.M. P.M.

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

Senator Vaughn
CHAIR

MOTION: SB 100 DO PASS

ROLL CALL VOTE

SENATE COMMITTEE State Administration

BILL NO. SB 100 amend.

DATE 2-5-93

TIME _____

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		✓


 SECRETARY


 CHAIR

MOTION: SB 100 BE AMENDED

amendment
 SB100 ROLL CALL VOTE

SENATE COMMITTEE State Administration BILL NO. SB100

DATE 2-5-93 TIME _____ 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		✓

Debbie Stanton
 SECRETARY

Senator Vaughn
 CHAIR

MOTION: SB 100 Amendment
sb 010001.adm

ROLL CALL VOTE

SENATE COMMITTEE State Administration

BILL NO. ^{SB} 204

DATE 2-5-13 TIME _____ 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		✓

Dorinda Stanton
SECRETARY

Senator Vaughn
CHAIR

MOTION: SB 204 DO PASS AS AMENDED

Amendments to Senate Bill No. 100
First Reading Copy

Requested by Sen. McClernan
For the Committee on State Administration

Prepared by David S. Niss
February 4, 1993

1. Page 1, line 25.
Following: "enclosed"
Insert: ", comfortable"

2. Page 2, line 17..
Following: "may"
Insert: ", after consulting with affected employees,"

Amendments to Senate Bill No. 213
First Reading Copy

Requested by Senator Pipinich
For the Committee on State Administration

Prepared by Greg Petesch
February 5, 1993

1. Page 4, line 14.

Following: "~~free~~"

Insert: "; (4) school district buildings and facilities
designated as tobacco-free by the board of trustees of the
school district;

(5) community college buildings or facilities designated as
tobacco-free by the board of trustees of the community college
district"

Amendments to Senate Bill No. 169
First Reading Copy

For the Committee on State Administration

Prepared by Greg Petesch
February 5, 1993

1. Page 2, line 24.
Strike: "by sale or"

2. Page 3, line 1.
Strike: "sale or"

3. Page 3, line 6.
Strike: "1"
Insert: "4"

4. Page 3, line 12.
Strike: "may"
Insert: "shall"

Amendments to Senate Bill No. 192
First Reading Copy

Requested by Sen. Weldon
For the Committee on State Administration

Prepared by David S. Niss
February 4, 1993

1. Title, lines 5 through 7.

Strike: "MAXIMIZE" on line 5 through "ADMINISTERS" on line 7
Insert: "REVIEW BENEFITS PAID BY THE PUBLIC EMPLOYEES' RETIREMENT
SYSTEM AND TO RECOMMEND COST-OF-LIVING ADJUSTMENTS TO THE
LEGISLATURE"

2. Title, line 7.

Strike: "SECTION"
Insert: "SECTIONS"
Following: "19-3-304,"
Insert: "19-5-201, 19-6-201, 19-7-201, 19-8-201, 19-9-201, 19-12-
201, AND 19-13-202,"

3. Page 2, line 9 through line 11.

Following: "shall" on line 9
Strike: the remainder of line 9 through "beneficiaries" on line
11
Insert: "review the sufficiency of benefits paid by the
retirement system and recommend to the legislature those
changes in benefits that may be necessary for retired
members and their beneficiaries to maintain a stable
standard of living"

4. Page 2.

Following: line 11
Insert: "Section 2. Section 19-5-201, MCA, is amended to read:
"19-5-201. Powers and duties of board. (1) The board is the
trustee of all moneys collected for the retirement system and may
establish such rules as it considers necessary. Within the
limitations of this chapter, the board is charged with and is the
authority as to its proper administration, operation, and
enforcement. The board shall review the sufficiency of benefits
paid by the retirement system and recommend to the legislature
those changes in benefits that may be necessary for retired
members and their beneficiaries to maintain a stable standard of
living.

(2) The board is the authority as to the conditions under
which persons may become members of and receive benefits under
the retirement system. All persons in similar circumstances shall

be treated alike.

~~(2)~~(3) The board shall keep such data as is necessary for actuarial valuation purposes. It shall cause to be made periodic actuarial investigations into the mortality and service experience of the contributors to and the beneficiaries of the fund and shall adopt for the retirement system one or more mortality tables."

Section 3. Section 19-6-201, MCA, is amended to read:

"19-6-201. **Board to make rules.** The board is the trustee of all moneys collected for the retirement system. It may establish such rules as it considers necessary to carry out its functions under this chapter. The board shall review the sufficiency of benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living. The board shall determine the conditions under which persons may become members of and receive benefits under the retirement system. All persons in similar circumstances shall be treated alike."

Section 4. Section 19-7-201, MCA, is amended to read:

"19-7-201. **Functions of the board.** (1) The board is the trustee of all moneys collected for the retirement system and is charged with the proper administration, operation, and enforcement of this chapter. The board shall review the sufficiency of benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living. It may establish such rules as it considers necessary.

(2) The board shall prescribe the conditions under which persons may become members of and receive benefits under the retirement system. All persons in similar circumstances shall be treated alike.

(3) It shall keep the data necessary for actuarial valuation purposes. It shall have biennial actuarial investigations made into the mortality and service experience of the members and the beneficiaries of the account and shall adopt one or more mortality tables."

Section 5. Section 19-8-201, MCA, is amended to read:

"19-8-201. **Board to make rules.** The board is charged with the proper administration, operation, and enforcement of this chapter. The board shall review the sufficiency of benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living. The board may make such rules as it considers necessary and shall determine the conditions under which persons may become members of and receive benefits under the retirement system. All persons in similar circumstances shall be treated alike."

Section 6. Section 19-9-201, MCA, is amended to read:

"19-9-201. Powers and duties of board. (1) The board is authorized to administer, interpret, and enforce the provisions of this chapter.

(2) The board shall establish such uniform rules as are necessary to administer the provisions of this chapter. The board is the sole authority under this chapter as to the conditions under which persons may become members of and receive benefits under the retirement system. The board shall determine and may modify allowances for retirement and disability under this chapter.

(3) The board shall review the sufficiency of benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living."

Section 7. Section 19-12-201, MCA, is amended to read:

"19-12-201. Administration of chapter. The board shall administer the Volunteer Firefighters' Compensation Act and the volunteer firefighters' pension plan, and all payments made under 19-12-103, 19-12-405, 19-12-407, and 19-12-506 shall be made by warrants drawn by the board. The board shall review the sufficiency of benefits paid by the retirement system and recommend to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living."

{Internal References to 19-12-201: None.}

Section 8. Section 19-13-202, MCA, is amended to read:

"19-13-202. Power and duties of board. The powers and duties of the board include:

(1) administering, interpreting, and enforcing the provisions of this chapter;

(2) establishing uniform rules to administer the provisions of this chapter;

(3) determining the conditions under which persons may become members of and receive benefits under the retirement system; and

(4) determining allowances for retirement and disability under this chapter; and

(5) reviewing the sufficiency of benefits paid by the retirement system and recommending to the legislature those changes in benefits that may be necessary for retired members and their beneficiaries to maintain a stable standard of living."

Amendments to Senate Bill No. 204
First Reading Copy

Requested by Senator Fritz
For the Committee on Senate State Administration

Prepared by Sheri S. Heffelfinger
February 1, 1993

1. Title, line 9.
Strike: "SECTION"
Insert: "SECTIONS 2-15-1009 AND"

2. Page 1.
Following: line 12
Insert:

"Section 1. Section 2-15-1009, MCA, is amended to read:
"2-15-1009. Public employees' retirement board -- terms --
allocation. (1) There is a public employees' retirement board.
(2) The board consists of six members appointed by the
governor. The members are:
(a) three public employees who are active members of a
public retirement system (not more than one of these members may
be an employee of the same department);
(b) one retired public employee who is an inactive member
of the public employees' retirement system; and
(c) two members at large.
(3) The term of office for each member is 5 years.
(4) The board is allocated to the department for
administrative purposes only as prescribed in 2-15-121. However,
the board may hire its own personnel, and the provisions of 2-15-
121(2)(d) do not apply.
(5) Members of the board shall be compensated and receive
travel expenses as provided for in 2-15-124."

Renumber: subsequent section

Amendments to Senate Bill No. 205
First Reading Copy

Requested by Sen. Fritz
For the Committee on State Administration

Prepared by David S. Niss
February 4, 1993

1. Page 8, line 15.

Following: "shall"

Insert: "consult with the department of administration concerning
the type of software to be required by the commissioner and"

2. Page 9, lines 13 and 14.

Strike: "dedicated exclusively"

3. Page 9, line 19.

Strike: "maximum"

4. Page 9, lines 20 through 23.

Strike: ", both in" on line 20 through "data in" on line 23

Insert: ". The software must be easy to use and must allow
searching of data by particular"

5. Page 10, lines 4 through 8.

Strike: subsection (7) in its entirety

Renumber: subsequent subsections

STANDING COMMITTEE REPORT REQUEST

Committee State Administration Date 2-5-93

The following committee action occurred on the above date:

Bill/ Resolution Number	Do Pass	Do Not Pass	Concur	Do Not Concur	Consent Calendar	Amend	Amendment File Name
1. <u>SB 100</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>sb010002.ad</u>
2. <u>SB 213</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>sb021301.agp</u>
3. <u>SB 169</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>sb016901.agp</u>
4. <u>SB 192</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>sb019201.adn</u>
5. <u>SB 204</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>sb020401.ash</u>
6. <u>SB 205</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>sb020501.adn</u>
<u>SB 203</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Committee Secretary Dorlene Stanton Phone 4448 Room # 440

Legislative Staff Researcher _____ Phone _____

Amendment Coordinator _____ Date _____ Time _____

Note: Attach Consent Calendar requests, lists of Gubernatorial appointees, copies of all bill amendments or other special directions to this form.

TABLED BILL REPORT

SENATE COMMITTEE School & Administration Admin

TABLED BILL(S) SB 176

DATE 2-5-93

Debbie Stanton
COMMITTEE SECRETARY PHONE 4448 ROOM 440

F12

TABLE F12

Amendments to Senate Bill No. 176
First Reading Copy

Requested by Senator Bianchi
For the Committee on State Administration

Prepared by Greg Petesch
January 22, 1993

1. Title, line 13.

Following: ";"

Insert: "IMPOSING A FEE TO PAY FOR AUDIT COSTS;"

2. Page 7, line 17.

Strike: "the audited"

Insert: "all"

3. Page 7, line 18.

Strike: "committee"

Insert: "committees"

4. Page 7, line 19.

Strike: the first "the"

Insert: "all"

Strike: "committee"

Insert: "committees"

5. Page 7, line 20.

Strike: "completion of the audit"

Insert: "filing of the final report"

6. Page 7, line 21.

Strike: "may"

Insert: "shall"

Amendments to Senate Bill No. 176
First Reading Copy

Requested by Sen. Weldon
For the Committee on State Administration

Prepared by David S. Niss
February 2, 1993

1. Title, lines 5 and 6.

Strike: "SPECIFICALLY PROHIBITING FALSE PUBLICATIONS RELATED TO
A BALLOT ISSUE;"

2. Page 1, lines 17 through 23.

Strike: section 1 in its entirety

3. Page 9, lines 21 through 24.

Strike: section 7 in its entirety

Renumber: subsequent section

STANDING COMMITTEE REPORT REQUEST

Committee State Administration Date 2-5-93

The following committee action occurred on the above date:

Bill/ Resolution Number	Do Pass	Do Not Pass	Concur	Do Not Concur	Consent Calendar	Amend	Amendment File Name
<u>1. SB 100</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>sb010002.ad</u>
2. SB 213	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>sb021301.agp</u>
3. SB 169	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>sb016901.agp</u>
<u>4. SB 192</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>sb019201.adm</u>
5. SB 204	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>sb020401.ash</u>
6. SB 205	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>sb020501.adm</u>
7. SB 203	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Committee Secretary Dorinda Stanton Phone 4448 Room # 440

Legislative Staff Researcher _____ Phone _____

Amendment Coordinator _____ Date _____ Time _____

Note: Attach Consent Calendar requests, lists of Gubernatorial appointees, copies of all bill amendments or other special directions to this form.

53rd LEGISLATIVE SESSION

STATE ADMINISTRATION COMMITTEE

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

BILL NUMBER SB - 169

MOTION

Do Pass
Yes X No _____

Do Not Pass
Yes _____ No _____

Indefinitely Postponed
Yes _____ No _____

Tabled
Yes _____ No _____

2-5
DATE

John R. Hertel
SIGNATURE

53rd LEGISLATIVE SESSION
STATE ADMINISTRATION COMMITTEE

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

BILL NUMBER SB - 186

MOTION

Do Pass	<u>X</u>	No	<u> </u>
Yes	<u> </u>		
Do Not Pass	<u> </u>	No	<u> </u>
Yes	<u> </u>		
Indefinitely Postponed	<u> </u>	No	<u> </u>
Yes	<u> </u>		
Tabled	<u> </u>	No	<u> </u>
Yes	<u> </u>		

2-5
DATE

John R. Hertel
SIGNATURE

53rd LEGISLATIVE SESSION

STATE ADMINISTRATION COMMITTEE

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

BILL NUMBER SB - 100 as McClernan. adn-
MOTION

Do Pass	<u>X</u>	No	<u> </u>
Yes	<u> </u>		
Do Not Pass	<u> </u>	No	<u> </u>
Yes	<u> </u>		
Indefinitely Postponed	<u> </u>	No	<u> </u>
Yes	<u> </u>		
Tabled	<u> </u>	No	<u> </u>
Yes	<u> </u>		

2-5
DATE

John R. Hertel
SIGNATURE

53rd LEGISLATIVE SESSION
STATE ADMINISTRATION COMMITTEE

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

BILL NUMBER SB - 100

MOTION

adm - McClernan

Do Pass		
Yes	<u>X</u>	No <u> </u>
Do Not Pass		
Yes	<u> </u>	No <u> </u>
Indefinitely Postponed		
Yes	<u> </u>	No <u> </u>
Tabled		
Yes	<u> </u>	No <u> </u>

2-5
DATE

John R. Hertel
SIGNATURE

53rd LEGISLATIVE SESSION

STATE ADMINISTRATION COMMITTEE

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

BILL NUMBER SB 100

MOTION adm - Pipinich-

Do Pass
Yes _____

No X _____

Do Not Pass
Yes _____

No _____

Indefinitely Postponed
Yes _____

No _____

Tabled
Yes _____

No _____

2-5
DATE

John R. Hertel
SIGNATURE

53rd LEGISLATIVE SESSION
STATE ADMINISTRATION COMMITTEE

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

BILL NUMBER SB - 213

MOTION

Do Pass		
Yes	_____	No <u>X</u> _____
Do Not Pass		
Yes	_____	No _____
Indefinitely Postponed		
Yes	_____	No _____
Tabled		
Yes	_____	No _____

2-5
DATE

John R. Hertel
SIGNATURE

I vote to move nominations
out of Committee - SR3
Sen Trust

Sen Forrester SE/100

I vote no on Pipinich amendment
I vote yes on SR 100 unamended
I vote no on SR 100 if amended

Sen Trust

SR 213 (Pipinich)

I vote yes on SR 213

Sen Trust