

MINUTES

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

Call to Order: By Senator Eleanor Vaughn, on February 18, 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. 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. Fritz, Sen. 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 380, SB 384, SB 385, SJR 19
Executive Action: SB 384, SB 385, SJR 19, SB 380

HEARING ON SJR 19

Opening Statement by Sponsor:

Sen. Rea, Senate District #38, presented SJR 19. SJR 19 is a request by individuals in Three Forks to call on the government to look upon and start a meaningful dialogue with the government of Viet Nam to resolve the fate of Colonel Dean Pogreba. Colonel Pogreba was a native of Three Forks and was shot down in 1965 while on a strike mission in North Viet Nam. His family was never notified but they assumed he was dead. He was listed as missing in action and as of the latter part of last year, in looking through the archives of Hanoi, his military records and his fingerprints were found. They all agree that he was alive. There has been considerable research on the fate of Colonel Pogreba.

Proponents' Testimony:

William A. Furburst resides in Three Forks, Montana, and was a lifelong friend of Bill Pogreba. He stated Colonel Pogreba taught him how to fly in 1949 and they were both military pilots in the service. Mr. Furburst was in the Marines and Col. Pogreba was in the Air Force. "Col. Pogreba served in World War II, the Korean War and the Viet Nam War as a military pilot. He was shot down in 1965 and listed as missing in action. Subsequently, his family knew nothing. Until recent years, a Brigadier General traveling in North Viet Nam, stated that he had seen Col. Pogreba in Viet Nam. The Defense Intelligence Agency working under Department of Defense ascertained probably the statement of the Brigadier General was not true so nothing more was heard until recent months when a civilian going through a museum in Hanoi came upon extensive archives and was given access to them. In the archives were found Dean Pogreba's military identification card and his Geneva Convention Card. (EXHIBIT #1) The cards did survive in meticulous condition which led people to believe that without a doubt Col. Pogreba ejected from his aircraft and was captured by the Vietnamese. The Defense Intelligence Agency in recent months has stated without equivocation that he was captured. The crux of the resolution is on page 2, lines 10-13, the government of this nation be called upon to start a meaningful dialogue with the government of Viet Nam to resolve the fate of Colonel Dean Pogreba. The Vietnamese want to enter the world trade market of the free world and using that as a bargaining chip, we are quite confident that the United States Government can get into the archives of the Vietnamese military intelligence. We know that they had a very sophisticated military intelligence network, that they do have the archives and they do know the fate of Colonel Pogreba without any doubt. That is why we are hoping the committee will pass SJR 19 and let it go through the Legislature. We feel it will carry a great deal of weight, be placed in the hands of Sen. Baucus, Sen. Burns and Rep. Williams and sent to the Executive branch of the government."

Lawrence Albro, a brother in law of Colonel Pogreba, stated he would like to know the fate of the colonel and urged support of SJR 19.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Sen. Pipinich asked Mr. Furburst where he got the papers (EXHIBIT #1). Mr. Furburst said the papers came from the museum archives from Hanoi. He was found by a civilian wanting to write a book about the POW and MIA situation. He wrote the book. The publisher declined to publish it so he went to the Department of Defense. They sent a team immediately to the museum in Hanoi.

Sen. Pipinich said this was one more step in the right direction. Mr. Furburst commented that it was the opinion of many people in the United States, that we abandoned MIA's and POW's and it was done for political reasons and political extortion.

Closing by Sponsor:

Sen. Rea was not present to close since he had another committee to attend.

HEARING ON SB 384

Opening Statement by Sponsor:

Sen. J.D. Lynch, Senate District #35, presented SB 384. SB 384 is a result of some discussion in Legislative Council about the paper waste of reports that, through the years, have been added to the list of reports to the Legislature. Many of the reports are of no use whatsoever. The reason those are received is because the statutes say "shall be reported to the Legislature." There are some that are necessary and the intent is not to deprive the Legislature of information they might want. The reports that will be eliminated from the requirement to send to the Legislature will still be available to anyone who is interested in them. There will be a large savings by cutting down on the paper coming in the mail.

Proponents' Testimony:

Mr. Person, Executive Director of the Legislative Council, spoke in favor of SB 384. He gave the committee members copies of the amendments (EXHIBIT #2), and copies of text with Table of Contents of the Sections repealed by the bill (EXHIBIT #3). Rep. Cobb introduced HB 231 in 1991 which established a clearinghouse function and assigned a lot of duties related to the reports to the Legislative Council. Rep. Cobb's motivation was to end up with a bill something like SB 384. As the Legislative Council began to try get control of the way the requirements were implemented, there were a number of agencies that have forgotten that these requirements existed. So there were agencies who did not know they had a reporting requirement. Neither the Legislature nor the agencies found the requirement favorable. Those kinds of reports have been made discretionary and much of the information that was required is now run through the budget process. The section that provides the requirement that each agency of state government has to fulfill is information that is presented to the Budget office when they prepare the budget. All of the information submitted to the Budget Office is available for analysis through the office of the Legislative Fiscal Analyst, and it is also public information. It eliminates a tremendous amount of printing of a separate report by that process. There are some reports that are related to separation of power issues which, if there were no report, it may not relate to the budget, but it may relate to a responsibility that one

branch or the other has and the Legislature might not ever have any source of information related to it. Some are one-time only requirements, and some are discretionary, or eliminated. SB 384 eliminates the obsolete requirement of reporting to the Legislature. SB 384 will go into the Clearinghouse function and simplify the process.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Sen. McClernan asked Mr. Person if there was a list of titles of reports that are proposed to be eliminated. Mr. Person said there was not a list but there is an intention to develop one. Sen. McClernan asked if the agencies whose reports are proposed to be eliminated know about these eliminations. Mr. Person said he had not personally talked to the agencies. A number of the agencies have proposed the eliminations. Some of the agencies still report to the Governor and it is discretionary on the part of the agency to submit a report to the Legislature. It is required if the Legislature asked for it.

Sen. Hockett asked Mr. Person what SB 384 does to the state government reporting system. Mr. Person explained the reports are in a context that goes from ridiculous to important so while a tremendous amount of reporting requirements are being eliminated or changed in some manner by the bill there are additional reporting requirements that are not touched by the bill at all. Mr. Person felt it was useful for members of the Legislature to have easy access to those statutes that are not being affected and that the context of those that are being affected is easily understood.

Sen. Hockett asked if the reports would still be available on a computer with a modem or disks. Mr. Person stated the reports will be available on the Electronic Bulletin Board. The Clearinghouse function has been granted the authority to provide the reports electronically.

Sen. Swift asked if the reports will still be available if desired. Mr. Person said the information will be available. It may not be packaged in a bound report but it will all be available.

Sen. McClernan asked how much work it would take to compile a list. Mr. Person said not much work at all. Sen. McClernan asked if he could have a list. Mr. Person said he will have the list before the bill goes to the floor.

Closing by Sponsor:

Sen. Lynch had to be at another hearing so was not available to close.

HEARING ON SB 380**Opening Statement by Sponsor:**

Sen. Devlin, Senate District #13, presented SB 380 which prohibits an elected official from running in mid-term for another public office. The official could resign and run and if that public official's term was over within the year he was running he would also be eligible. As is the case with Governor Racicot. He ran for Governor while he was still the Attorney General but his term was ending before the term as Governor started. A person can run for another judiciary office and continue to serve but SB 380 would provide that someone could not run for another public office without resigning his current position.

Proponents' Testimony:

None.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Sen. McClernan asked Sen. Devlin if this would apply to local elections. Sen. Devlin said the intent was that it would apply to local elections but the title says "state public office." There is a situation where a U.S. Senator broke in mid-term as a Commissioner and that should be covered also. He said he could not apply to federal offices.

Sen. Hockett asked Sen. Devlin if this would apply to all state elected offices. Sen. Devlin said it would. As in the case of Lt. Governor Kolstad running for U.S. Senate, he would have had to resign to run for the Senate.

Sen. Hockett asked if it applied to the City Councilman who wanted to run for Mayor of a city. Sen. Devlin said it was not a state office but it was a local government office. Sen. Hockett asked if it was a state public officer. Sen. Devlin referred to Mr. Niss. Mr. Niss stated the definition that is referred to on line 25, page 1, defines a public office as a state, county, municipal, school, or other district office that is filled by the people at an election. As it went through the process and that definition was added, the word "state" at the top of the page at the title of line 5 was left in. If Sen. Devlin now means this to apply only to State Public Officers, we need to change the

definition referred to in line 25 and make it compatible with the title, or if he means it to apply to all of those defined in line 25, strike "state" from line 5 in the title. Either way but not both. Sen. Devlin referred that to the Committee's decision but his preference is that it apply to all, whether it is a commissioner or whatever. All you have to do is resign your position to run for another office. The word "state" in line 5 would have to be eliminated.

Closing by Sponsor:

Sen. Devlin thanked the Committee for a good hearing and urged the Committee to pass SB 380.

HEARING ON SB 385

Opening Statement by Sponsor:

Sen. Vaughn, Senate District #1, presented SB 385. SB 385 recodifies the statutes affecting the retirement system administered by the Public Employees Retirement Board and provides for effective date. The bill makes no change to the benefits paid to the members of any retirement system. It has no cost in terms of contributions required, makes no difference in the way the systems are currently being administered. It represents a gigantic effort by several people over two years. The bill is a recodification of the retirement statutes. An effort to bring the public retirement systems administered by the Public Employees Retirement Board together in an understandable logical legal and equitable format. This bill recommends changes in organization grammar, style, and syntax. Every effort has been made to describe these retirement systems in plain English. The few substantive changes which have been made are required by Montana Attorney General's opinions and new federal laws that have been enacted over the past two years. These housekeeping amendments will ensure the retirement systems continue the qualify plan status with the IRS and continued tax exempt status of members contributions and accruing benefits.

Proponents' Testimony:

Linda King, Public Employees Retirement System, explained the recodification process and handed out the Recodification Cross Reference (EXHIBIT #4). There are seven retirement systems that are being recodified. One of the main things done was to create a new general provisions section which takes all the central provisions that are the same or should be the same for all the retirement systems and puts them all in the same place. That cuts down unintentional changes between the systems. Having all the general provisions in one chapter makes it necessary for changes to be made intentionally. It won't be an oversight on anyone's part. The basic reason for recodification is to

reorganize the statutes. The language has been written in a more easily understood fashion. The substantive changes that have been made in the bill are age discrimination problems that have occurred in the systems. The Age Discrimination and Employment Act and the Older Workers Benefit Protection Act make it very clear that benefits cannot be stopped because of age. In section 45 of the bill, it used to say the contracts could group the employees to be covered under various groups such as classification, or age. That is no longer legal so we took that out. An employer cannot contract to cover all the employees under age 30. In section 51 of the bill the people who were eligible for PERS coverage, people over age 60 when they first become a member, the option was taken out. There has been a change with regard to the game wardens and sheriff's retirement systems. There were changes in statutory appropriations.

Vern Erickson, Montana State Firemens' Association, spoke in support of SB 385. He stated the association has looked this bill over and the questions they had were satisfactorily answered.

Tom Schneider, Montana Public Employees Association, also spoke in support SB 385. He commented that the association has read the bill and urged the committee to pass the bill.

Edward Flies, Montana State Firemens' Association, spoke in support of SB 385.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Sen. Hockett asked Ms. King if Teachers' Retirement was included in this bill. Ms. King said this bill only included the retirement systems administered by the Public Employees Retirement Board. The Teachers' Retirement statutes have not been recodified.

Sen. Hockett asked about the Volunteer Firemen. Ms. King said there was a separate charge by the Legislature to look at that system. They have a completely different plan. They are not an actuarial plan.

Sen. Swift asked Ms. King about the systems that were left out. Ms. King stated this covers the seven actuarial defined systems administered by PERS. The Teachers' Retirement System, the University Optional Retirement System, the local police and the local firefighters' statutes are not administered by PERS and are not covered by this recodification.

Sen. Swift commented on the hard work done by Ms. King and her staff and said he would take her word for it instead of reading the entire bill.

Closing by Sponsor:

Sen. Vaughn stated she had nothing more to add except that this recodification was badly needed and she also thanked Ms. King.

EXECUTIVE ACTION ON HJR 19

Motion/Vote: Sen. McClernan moved HJR 19 DO PASS. Motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 384

Motion/Vote: Sen. Pipinich moved to amend SB 384. Motion to amend SB 384 CARRIED UNANIMOUSLY.

Motion/Vote: Sen. Swift moved SB 384 DO PASS AS AMENDED. Motion SB 384 DO PASS CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 385

Motion/Vote: Sen. Pipinich moved SB 385 DO PASS. Motion SB 385 DO PASS CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 380

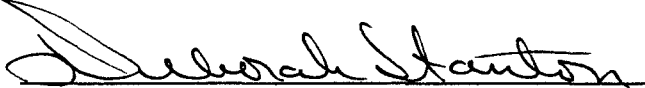
Motion/Vote: Sen. Pipinich moved to amend SB 380. The motion to amend SB 380 CARRIED UNANIMOUSLY.

Sen. Vaughn said we would wait until a later date for further action on SB 380.

ADJOURNMENT

Adjournment: 12:00 a.m.


SENATOR ELEANOR VAUGHN, Chair


DEBORAH STANTON, Secretary

EV/ds

ROLL CALL

SENATE COMMITTEE

STATE ADMINISTRATION

DATE 2-18-93

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	✓		

SENATE STANDING COMMITTEE REPORT

Page 1 of 10
February 18, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 384 (first reading copy -- white), respectfully report that Senate Bill No. 384 be amended as follows and as so amended do pass.

Signed: Senator Eleanor Vaughn
Senator Eleanor Vaughn, Chair

That such amendments read:

1. Title, line 9.

Following: "2-8-208,"

Insert: "2-15-108,"

2. Title, line 10.

Following: "2-18-209,"

Insert: "2-18-301,"

Following: "3-1-702,"

Insert: "5-7-207,"

3. Title, line 11.

Following: "10-4-102,"

Insert: "13-37-120,"

Following: "17-5-1650,"

Insert: "17-6-305,"

4. Title, line 13.

Following: "33-22-1513,"

Insert: "37-1-106,"

Following: "44-2-304,"

Insert: "44-12-206, 44-13-103,"

5. Title, line 15.

Following: "75-1-203,"

Insert: "75-1-324,"

Following: "75-1-1101,"

Insert: "75-10-533,"

6. Title, line 16.

Following: "82-11-161,"

Insert: "85-1-621, 87-2-722,"

Following: "90-3-203,"

Strike: "AND"

Following: "90-4-111,"

Insert: "90-4-606, AND 90-6-304,"

7. Page 9, line 18.

Insert: "Section 6. Section 2-15-108, MCA, is amended to read:

"2-15-108. Gender and racial balance -- report to legislature. (1) As vacancies occur and appointments are made, all appointing authorities of all appointive boards, commissions, committees, and councils of state government shall take positive action to attain gender balance and proportional representation of minorities resident in Montana to the greatest extent possible.

(2) Pursuant to subsection (1), the secretary of state shall publish in the Montana Administrative Register on a monthly basis the recent appointments made by the executive branch and the upcoming vacancies on executive boards and commissions.

(3) ~~Prior to the 10th legislative day of each regular session, the~~ The governor shall report to the legislature, as provided in 5-11-210, on the progress made toward achieving the goals set forth in this section."

Renumber: subsequent sections

8. Page 12, line 19.

Insert: "Section 9. Section 2-18-301, MCA, is amended to read:

"2-18-301. Purpose and intent of part -- rules. (1) The purpose of this part is to provide the market-based compensation necessary to attract and retain competent and qualified employees in order to perform the services the state is required to provide to its citizens.

(2) It is the intent of the legislature that compensation plans for state employees, excluding those employees excepted under 2-18-103 or 2-18-104 and excluding employees compensated under 2-18-313, 2-18-314, and 2-18-315, be based on an analysis of the labor market as provided by the department in a salary survey. report to the legislature at the start of each legislative session. The salary survey must be submitted to the office of budget and program planning as a part of the information required by 17-7-111.

(3) Except as provided in 2-18-110 and 2-18-305(4), pay schedules provided for in 2-18-312 through 2-18-315 supersede any other plan or systems established through collective bargaining after the adjournment of the 52nd legislature.

(4) Pay levels provided for in 2-18-312 through 2-18-315 may not be increased through collective bargaining after adjournment of the 52nd legislature.

(5) Total funds required to implement the pay schedules provided for in 2-18-312 through 2-18-315 for any employee group or bargaining unit may not be increased through collective bargaining over the amount appropriated by the 52nd legislature.

(6) The department shall administer the pay program established by the legislature on the basis of merit, internal equity, and competitiveness to external labor markets when fiscally able.

(7) The department may promulgate rules not inconsistent with the provisions of this part, collective bargaining statutes, or negotiated contracts to carry out the purposes of this part."
Renumber: subsequent sections

9. Page 15, line 7.

Insert: "Section 13. Section 5-7-207, MCA, is amended to read:

"5-7-207. Report to legislature. Beginning with the first Tuesday following the beginning of any regular or special session of the legislature and on the first Tuesday of every month thereafter during which the legislature is in session, the commissioner shall make available from his the commissioner's records a report to each member of each house of the legislature containing the names of lobbyists registered under this chapter, not previously reported, the names of the principals whom they represent as lobbyists, and the subjects of legislation in which each principal is interested."

Renumber: subsequent sections

10. Page 18, line 6.

Insert: "Section 17. Section 13-37-120, MCA, is amended to read:

"13-37-120. Reports. ~~The commissioner shall at the close of each fiscal year report to the legislature and the governor concerning the action he has taken, including the names, salaries, and duties of all individuals in his employ and the money he has disbursed. The commissioner shall also make further reports may report as necessary on the matters within his the commissioner's jurisdiction that the legislature may prescribe and shall also make recommendations for further legislation that may appear desirable.~~"

Renumber: subsequent sections

11. Page 21, line 24.

Insert: "Section 21. Section 17-6-305, MCA, is amended to read:

"17-6-305. Investment of up to twenty-five percent of coal tax trust fund in Montana economy -- report by board. (1) Subject to the provisions of 17-6-201(1), the board shall endeavor to invest up to 25% of the permanent coal tax trust fund established in 17-6-203(6) in the Montana economy, with special emphasis on investments in new or expanding locally owned enterprises.

(2) In determining the probable income to be derived from investment of this revenue, the long-term benefit to the Montana economy must be considered.

(3) The legislature may provide additional procedures to implement this section.

(4) The board shall include a report biennially to the legislature on the investments made under this section as a part of the information required by 17-7-111."

Renumber: subsequent sections

12. Page 35, line 10.

Insert: "Section 30. Section 37-1-106, MCA, is amended to read:

"37-1-106. ~~Biennial report to governor and legislature.~~ The department, in cooperation with each licensing board, shall prepare a biennial report. The biennial report of the department shall contain for each board a summary of the board's activities, the board's goals and objectives, a detailed breakdown of board revenues and expenditures, statistics illustrating board activities concerning licensing, summary of complaints received and their disposition, number of licenses revoked or suspended, legislative or court action affecting the board, and any other information the department or board considers relevant. The department shall ~~provide a copy of~~ submit the report to the ~~governor and, as provided in 5-11-210, to the legislature~~ the office of budget and program planning as a part of the information required by 17-7-111."

Renumber: subsequent sections

13. Page 35, line 18.

Insert: "Section 32. Section 44-12-206, MCA, is amended to read:

"44-12-206. Disposition of proceeds of sale -- report. (1) Whenever property is seized, forfeited, and sold under the provisions of this chapter, the net proceeds of the sale must be distributed as follows:

(a) to the holders of security interests who have presented proper proof of their claims, if any, up to the amount of their interests in the property;

(b) the remainder, if any, to the county treasurer of the county in which the property was seized, who shall establish and maintain a drug forfeiture account and deposit the remainder into the account, except as provided in subsections (1)(c) through (1)(e);

(c) if the property was seized within the corporate limits of a city or town by a law enforcement agency of that city or town, the remainder, if any, to the city or town treasurer, who shall establish and maintain a drug forfeiture account and deposit the remainder into the account, except as provided in subsections (1)(d) and (1)(e);

(d) if the property was seized by an employee of the state, the remainder, if any, to the account established in subsection (3), except as provided in subsection (1)(e); and

(e) if the property was seized as a result of the efforts of more than one law enforcement agency, the remainder, if any, to the accounts required by this subsection (1), pro rata in the proportions represented by the agencies' expenses of investigation, as determined by the attorney general.

(2) All proceeds from any source that are deposited into a county, city, or town drug forfeiture account must in each fiscal year be appropriated to and remain available until expended by the confiscating agency for drug laws enforcement and education concerning drugs.

(3) Net proceeds received by the state under subsections (1)(d) and (1)(e) must be deposited in an account in the state special revenue fund to the credit of the department of justice. The department may expend the money in the account only for purposes of enforcement of drug laws. An amount up to \$125,000 each year is statutorily appropriated, as provided in 17-7-502, to the attorney general for enforcement of drug laws. Any expenditure in excess of \$125,000 each fiscal year requires approval through budget amendment, as provided in Title 17, chapter 7, part 4.

(4) The attorney general shall provide the legislature legislative finance committee and the legislative auditor with a detailed, written report of the amounts and property credited to the account no later than 4 months after the end of each fiscal year. The attorney general may not disclose any information that would compromise any investigation or prosecution."

Section 33. Section 44-13-103, MCA, is amended to read:

"44-13-103. Limitations on use of special law enforcement assistance account -- report. (1) After property is credited to the account, the attorney general may:

(a) transfer the property to any local or state law enforcement agency to be used for criminal investigation purposes;

(b) sell the property by public sale;

(c) destroy any illegal or controlled substances and sell or destroy raw materials, products, and equipment used or intended for use in manufacturing, compounding, or processing a controlled substance;

(d) compromise and pay claims against the property; and

(e) make any other disposition of the property authorized by law.

(2) Money and proceeds from property credited to the account may be used by the attorney general for:

(a) the payment of any expenses necessary to seize, detain, appraise, inventory, safeguard, maintain, advertise, or sell seized, detained, or forfeited property, including but not

limited to payment for contract services and reimbursement to a federal, state, or local agency for its expenses;

(b) the payment of awards for information or assistance leading to a criminal proceeding or a civil forfeiture proceeding;

(c) the compromise and payment of claims against property;

(d) the payment of sums for criminal investigation purposes, including but not limited to:

(i) payment of informants;

(ii) use by undercover agents to purchase unlawful substances, including, without limitation, counterfeit or real controlled substances, pornographic materials, stolen property, or other contraband;

(iii) use by undercover agents as gambling front money; and

(iv) payment of overtime to state or local law enforcement officers when engaged in special criminal investigations;

(e) the payment of funds into the account created by 53-9-109; and

(f) matching federal grants for criminal investigation purposes.

(3) The attorney general shall, ~~as provided in 5-11-210,~~ submit to the ~~legislature~~ legislative finance committee and the legislative auditor a detailed written report of the amounts and property credited to the account and of the disposition of money and property credited to the account, but may not make any disclosure that would compromise any investigation or prosecution."

Renumber: subsequent sections

14. Page 47, line 20.

Insert: "Section 42. Section 75-1-324, MCA, is amended to read:

"75-1-324. Duties of executive director and staff. It shall be the duty and function of the executive director and ~~his~~ the staff to:

(1) gather timely and authoritative information concerning the conditions and trends in the quality of the environment, both current and prospective, analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering or are likely to interfere with the achievement of the policy set forth in 75-1-103, and compile and submit to the governor and the legislature studies relating to such conditions and trends;

(2) review and appraise the various programs and activities of the state agencies, in the light of the policy set forth in 75-1-103, for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy and make recommendations to the governor and the legislature with respect thereto;

(3) develop and recommend to the governor and the legislature state policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the state;

(4) conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(5) document and define changes in the natural environment, including the plant and animal systems, and accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(6) make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the legislature requests;

(7) analyze legislative proposals in clearly environmental areas and in other fields where legislation might have environmental consequences and assist in preparation of reports for use by legislative committees, administrative agencies, and the public;

(8) consult with and assist legislators who are preparing environmental legislation to clarify any deficiencies or potential conflicts with an overall ecologic plan; and

(9) review and evaluate operating programs in the environmental field in the several agencies to identify actual or potential conflicts, both among such activities and with a general ecologic perspective, and suggest legislation to remedy such situations.

~~(10) annually, beginning July 1, 1972, transmit to the governor and the legislature and make available to the general public an environmental quality report concerning the state of the environment, which shall contain:~~

~~(a) the status and condition of the major natural, manmade, or altered environmental classes of the state, including but not limited to the air, the aquatic (including surface water and ground water) and the terrestrial environments, including but not limited to the forest, dryland, wetland, range, urban, suburban, and rural environments;~~

~~(b) the adequacy of available natural resources for fulfilling human and economic requirements of the state in the light of expected population pressures;~~

~~(c) current and foreseeable trends in the quality, management, and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the state in the light of expected population pressures;~~

~~(d) a review of the programs and activities (including regulatory activities) of the state and local governments and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development, and utilization of natural resources, and~~

~~(e) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation."~~

Renumber: subsequent sections

15. Page 49, line 21.

Insert: "Section 44. Section 75-10-533, MCA, is amended to read:

"75-10-533. Department to report fees to legislature. The department shall, ~~as provided in 5-11-210,~~ report to each legislature the office of budget and program planning, as a part of the information required by 17-7-111, the amount collected under this part and 61-3-508 and the cost of administration of this part, except 75-10-520, to date so that any necessary adjustment of the amount of the fee may be made to assure that no more than the actual cost of operation of the program is collected."

Renumber: subsequent sections

16. Page 54, line 25.

Insert: "Section 49. Section 85-1-621, MCA, is amended to read:

"85-1-621. ~~Report to the legislature.~~ The department shall prepare a biennial report ~~to the legislature~~ describing the status of the water development program. The report must describe ongoing projects and activities and those which have been completed during the biennium. The report must identify and rank in order of priority the projects for which the department desires to seek congressional authorization and funding and the efforts the department will undertake in attempting to secure such authorization and funding. The report must also describe proposed projects and activities for the coming biennium and recommendations for necessary appropriations. A copy of the report shall be submitted ~~to the president of the senate and the speaker of the house,~~ to the members of the water policy committee established in 85-2-105, and, ~~as provided in 5-11-210,~~ to the legislature."

Section 50. Section 87-2-722, MCA, is amended to read:

"87-2-722. Auction of mountain sheep license. (1) The commission may issue one male mountain sheep license each year through a competitive auction. The commission shall promulgate rules for the use of the license and conduct of the auction. A wildlife conservation organization involved in the conservation

of mountain sheep may be authorized by the commission to conduct the license auction, in which case the authorized organization may retain proceeds of the sale, not to exceed 10%, to cover reasonable auction expenses.

(2) All proceeds remaining from the auction, whether conducted by the commission or as otherwise authorized by the commission, must be used by the department for the substantial benefit of mountain sheep. The proceeds from the auction must be used in addition to any other funds the department uses for the management of mountain sheep. The department shall report to ~~each legislature concerning the use or investment of auction proceeds~~ to the office of budget and program planning as a part of the information required by 17-7-111."

Renumber: subsequent sections

17. Page 56, line 13.

Insert: "Section 53. Section 90-4-606, MCA, is amended to read:

"90-4-606. Submission to the legislature Program report and recommendations. ~~During the first week of the regular legislative session, the~~ The governor shall submit to the legislature for its approval the proposed projects to be funded by the energy conservation program for the next biennium as a part of the budget required by 17-7-123. ~~In his recommendation, the~~ The governor shall ~~include~~ make available, as provided by [section 23]:

(1) the report prepared by the department;
(2) a description of the improvements to be financed;
(3) the estimated cost of each project and the total cost of the program; and

(4) the proposed method of financing the improvement. If energy conservation program bonds are proposed to be issued to finance the program improvements, the governor shall include within ~~his~~ the report a written statement by the department that the estimated annual energy savings to be derived from the installation of the energy saving equipment or improvements, upon completion, are expected to equal or exceed the annual debt service to be paid on the energy conservation program bonds proposed to be issued to fund the costs of such equipment or improvements."

Renumber: subsequent sections

18. Page 56, line 21.

Insert: "Section 55. Section 90-6-304, MCA, is amended to read:

"90-6-304. Accounts established. (1) There is within the state agency fund type a hard-rock mining impact account. Money is payable into this account from payments made by a mining developer in compliance with the written guarantee from the developer to meet the increased costs of public services and

facilities as specified in the impact plan provided for in 90-6-307. The state treasurer shall draw warrants from this account upon order of the board.

(2) There is within the state special revenue fund a hard-rock mining impact trust account. Within this trust account, there is established a reserve account not to exceed \$100,000.

(a) Money within the hard-rock mining impact trust account may be used:

(i) for the administrative and operating expenses of the board, as provided by 90-6-303(4);

(ii) to establish and maintain the reserve account; and

(iii) for distribution to the counties of origin, as provided by 90-6-331(1) and this section.

(b) Money within the hard-rock mining impact trust reserve account may be used for the administrative and operating expenses of the board if:

(i) the revenue provided under 15-37-117(1)(b) is less than the amount appropriated for the administrative and operating expenses of the board; or

(ii) the use of the reserve account revenue is necessary to allow the board to meet its quasi-judicial responsibilities under 90-6-307, 90-6-311, or 90-6-403(3).

~~(c) The board shall report to the legislature any expenditure from the hard-rock mining impact trust reserve account.~~

(3) Money is payable into the hard-rock mining impact trust account under the provisions of 15-37-117. After first deducting the administrative and operating expenses of the board, as provided in 90-6-303, and then establishing and maintaining the reserve account in the amount of \$100,000, as provided in subsection (2) of this section, the remaining money must be segregated within the account by county of origin. The state treasurer shall draw warrants from this account upon order of the board."

Renumber: subsequent sections

19. Page 57, lines 1 and 3.

Strike: "18"

Insert: "23"

-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 18, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 385 (first reading copy -- white), respectfully report that Senate Bill No. 385 do pass.

Signed: *Senator Vaughn*
Senator Eleanor Vaughn, Chair

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 18, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Joint Resolution No. 19 (first reading copy -- white), respectfully report that Senate Joint Resolution No. 19 do pass.

Signed: Senator Vaughn
Senator Eleanor Vaughn, Chair

PERSONAL DATA

ORGANIZATION ASSIGNED 36 TFS	CREW POSITION Pilot/Strike Cmdr	GRADE O5	SERVICE No FRS2644
DATE/PLACE OF BIRTH	HEIGHT	WEIGHT	EYES
IDENTIFYING MARKS/FEATURES			
AUTHENTICATOR No.	BLOOD CHIT No 024315	ESCAPE AIDS	
OTHER AUTHENTICATOR INFORMATION			

STATUS MISSING	PHE/PAGE No. 1-051
NAME (Last, First, Middle) POGREBA, Dean A.	



(1964)

not a good

LC 1193

SENATE STATE ADMIN.
EXHIBIT NO. 1
DATE 2-18-93
BILL NO. SJR 19

MISSION DATA

DATE/TIME/PLACE OF DEPARTURE 05/0927 Oct 65, Takhli RTAFB		DATE/TIME MISSING 05/1110 Oct 65
TYPE AIRCRAFT F-105D	AIRCRAFT CALL SIGN Mercury Lead	AIRCRAFT TAIL No./OTHER MARKINGS 62-4295/PACAF emblem and Sq mark of blue, yellow, red stripes on vertical stabilizer
No. AIRCRAFT IN FLIGHT 16; this acft Lead	MISSION IDENTIFICATION Rolling Thunder	TYPE MISSION Strike
INTENDED TARGET Lang Met Hwy Bridge	TARGET LOCATION NORTH VIETNAM 213021N/1062108E	LOSS LOCATION NORTH VIETNAM 213021N/1062108E
OTHER CREW MEMBERS		WITNESSES Maj Richard P. Fitzgerald Capt John O. Robbins, II

SUMMARY

The following is an extract from the statement of Major Richard P. Fitzgerald, Mercury 3: "...In addition to Mercury flight, 4 other flights (16 A/C) were to follow at 05 min intervals. Major Pogreba was designated as the Strike Commander.... At the IP and proposed pitch-up point, weather obscured the hill tops and precluded target identification. Flight proceeded on course but was forced to deviate to the South because of rain showers. At this time the target was acquired visually, 2 miles to the North and an 180 degree turn was initiated to position the flight for attack. Because of the weather, target was again obscured. However, Mercury #2 picked it up again after the reverse and called Mercury Lead that he had the target. He was cleared in, (as briefed) and shortly thereafter Mercury Lead followed.... As I pulled off the target, I noted the impact of Mercury #1 and #2 bombs and as I called 'Off,' Major Pogreba transmitted 'Mercury Lead is off, heading 114°.' This was a pre-briefed heading to the water and I acknowledged the call, adding that I was also outbound and had #4 with me. Major Pogreba's transmission was normal and gave no indication that he was in trouble or had any difficulty.... Prior to reaching the coast, Mercury #2 had joined up with the element. After turning South and receiving no transmission from Mercury Lead, I initiated several calls on different frequencies but was unable to raise him. I questioned other flights now outbound but they had no information as to Mercury Lead. The last visual sighting of Major Pogreba was as he pitched up into the clouds for his attack. The last word I received was the radio transmission that he was departing the target area." Search was instituted over the entire route covered by Mercury flight, but with negative results. No visual or electronic contact was established.

EVIDENCE OF SURVIVAL	EVIDENCE OF CAPTURE	REFERENCES AF Form 484, 13 Oct 65 Compendium of Aircraft Losses
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[Redacted] **UNCLASSIFIED**
 by authority of PACAF/DOIMS 012100Z Dec 77
 by Steve J. Fullin, AFMIL/DOIS, 31 Dec 85

Airport Named for Former Employee



Lt. Col. Dean A. Pogreba, USAF

The town of Three Forks, Mont., turned out en masse on May 22 to dedicate its airport to Lt. Col. Dean A. Pogreba of the Air Force, a former employee of the Milwaukee Road who is listed as missing in action in Vietnam.

Pogreba and his wingman were shot down on Oct. 5, 1965 on a mission to knock out missile sites in the Hanoi area. Since that time the wingman has been identified as a POW, but Pogreba has not been heard of. For the mission, he was awarded the Air Force Cross.

Dean Pogreba, a 1940 graduate of the Three Forks High School, was employed as a conductor on the Rocky Mountain Division, as was his father. Both worked on runs out of Three Forks. He enlisted in the Air Force during World War II, and as a pilot, flew the hump over China, Burma and India.

After the war he returned to the railroad, but was recalled during the Korean Conflict. On that tour of duty he flew 100 combat missions and downed three enemy aircraft. Following it, he remained in the Air Force. His military awards include the Distinguished Flying Cross with oak leaf cluster, Air Medal with four oak leaf clusters, and the Air Force Commendation Medal.

Conductor William A. Fairhurst, former mayor of Three Forks, was acting chairman of the airport dedication, which was a gesture by the community to honor all men held

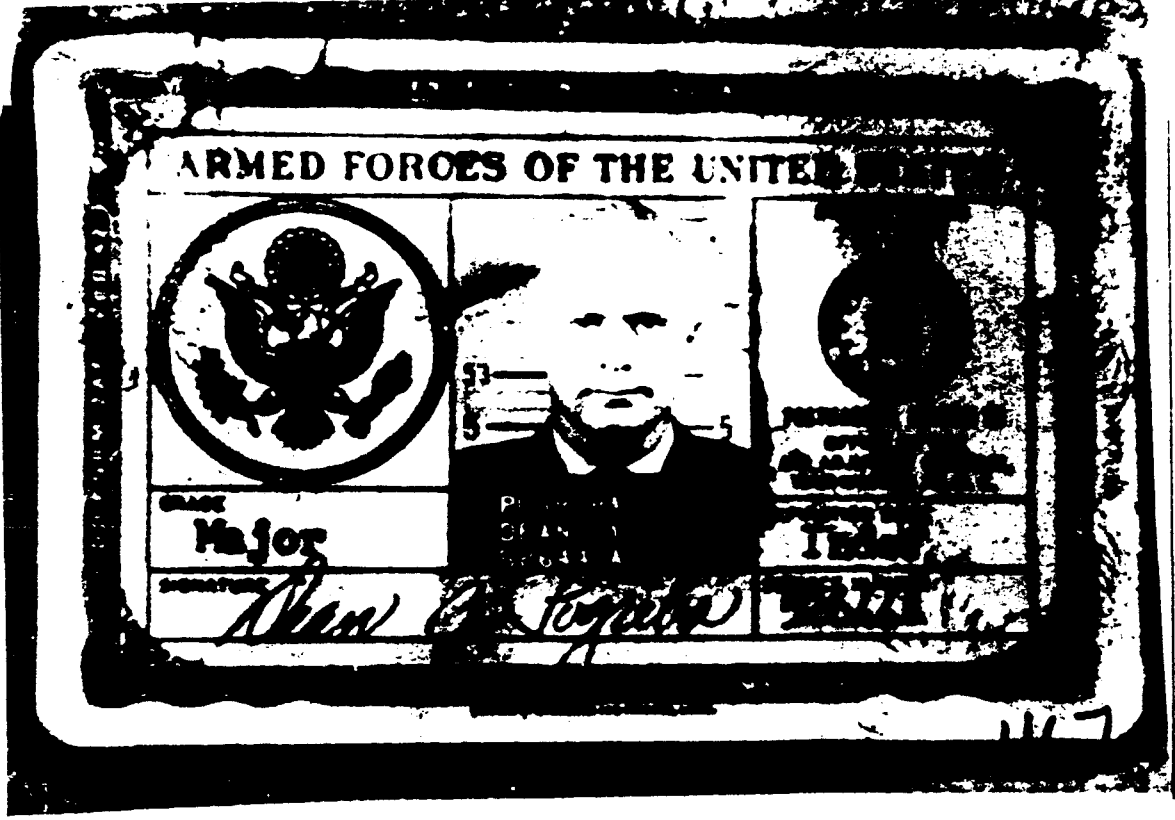
prisoner in North Vietnam. Pogreba's wife, Maxine, and their daughters, Karin, 20, and Beverly, 16, attended the ceremony. There is also a son, Larry, 23.

Visiting dignitaries included Montana's lieutenant governor, Thomas L. Judge, who delivered the welcoming address; General Buckner of the Air Defense Command; Colonel Wheland, group commander of the Montana Air National Guard; and Major Gadd of the U. S. Air Force Academy.

The high school band played martial music and Montana National Guardsmen who flew in from various locations provided demonstrations of military aircraft. During the ceremony, F-102 jet fighters from Great Falls and F-4s from Mountain Home Air Force Base performed fly-bys in Missing Man formation.

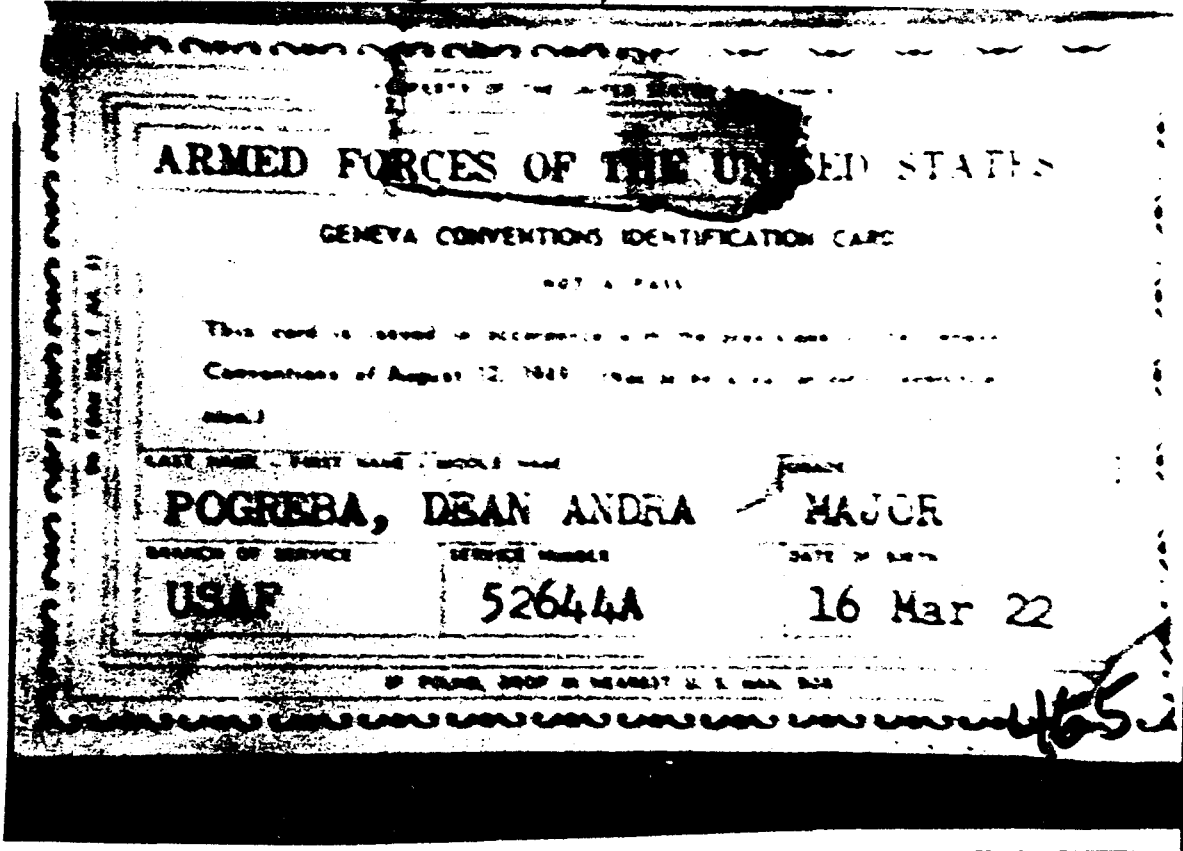
Highlighting the dedication, Judge William Lessley of Montana read a letter from President Nixon in which he expressed his concern for all Americans who are prisoners of war. "My thoughts will be with you on this occasion," he wrote, "just as my efforts and those of my Administration are directed to ending this brutal war and to achieving a just and lasting peace that will bring our men home. I assure you that we will not relent in this pursuit and that the sacrifices made by Lieutenant Colonel Pogreba and his colleagues will not have been in vain."

2-18-93
SSR-19



467

466 — Pictures of Pogreba's fingerprints found in museum.



465

Amendments to Senate Bill No. 384
First Reading CopyDATE 2-18-93BILL NO. SB 384

For the Committee on State Administration

Prepared by Robert Person
February 16, 1993

1. Title, line 9.

Following: "2-8-208,"

Insert: "2-15-108,"

2. Title, line 10.

Following: "2-18-209,"

Insert: "2-18-301,"

Following: "3-1-702,"

Insert: "5-7-207,"

3. Title, line 11.

Following: "10-4-102,"

Insert: "13-37-120,"

Following: "17-5-1650,"

Insert: "17-6-305,"

4. Title, line 13.

Following: "33-22-1513,"

Insert: "37-1-106,"

Following: "44-2-304,"

Insert: "44-12-206, 44-13-103,"

5. Title, line 15.

Following: "75-1-203,"

Insert: "75-1-324,"

Following: "75-1-1101,"

Insert: "75-10-533,"

6. Title, line 16.

Following: "82-11-161,"

Insert: "85-1-621, 87-2-722,"

Following: "90-3-203,"

Strike: "AND"

Following: "90-4-111,"

Insert: "90-4-606, AND 90-6-304,"

7. Page 9, line 18.

Insert: "Section 6. Section 2-15-108, MCA, is amended to read:

"2-15-108. Gender and racial balance -- report to legislature. (1) As vacancies occur and appointments are made, all appointing authorities of all appointive boards, commissions, committees, and councils of state government shall take positive action to attain gender balance and proportional representation of minorities resident in Montana to the greatest extent possible.

(2) Pursuant to subsection (1), the secretary of state shall publish in the Montana Administrative Register on a monthly basis the recent appointments made by the executive branch and the upcoming vacancies on executive boards and commissions.

~~(3) Prior to the 10th legislative day of each regular session, the~~ The governor shall report to the legislature, as provided in 5-11-210, on the progress made toward achieving the goals set forth in this section."

{Internal References to 2-15-108:x None.}

Renumber: subsequent sections

8. Page 12, line 19.

Insert: "Section 9. Section 2-18-301, MCA, is amended to read:

"2-18-301. Purpose and intent of part -- rules. (1) The purpose of this part is to provide the market-based compensation necessary to attract and retain competent and qualified employees in order to perform the services the state is required to provide to its citizens.

(2) It is the intent of the legislature that compensation plans for state employees, excluding those employees excepted under 2-18-103 or 2-18-104 and excluding employees compensated under 2-18-313, 2-18-314, and 2-18-315, be based on an analysis of the labor market as provided by the department in a salary survey. ~~report to the legislature at the start of each legislative session.~~ The salary survey must be submitted to the office of budget and program planning as a part of the information required by 17-7-111.

(3) Except as provided in 2-18-110 and 2-18-305(4), pay schedules provided for in 2-18-312 through 2-18-315 supersede any other plan or systems established through collective bargaining after the adjournment of the 52nd legislature.

(4) Pay levels provided for in 2-18-312 through 2-18-315 may not be increased through collective bargaining after adjournment of the 52nd legislature.

(5) Total funds required to implement the pay schedules provided for in 2-18-312 through 2-18-315 for any employee group or bargaining unit may not be increased through collective bargaining over the amount appropriated by the 52nd legislature.

(6) The department shall administer the pay program established by the legislature on the basis of merit, internal equity, and competitiveness to external labor markets when fiscally able.

(7) The department may promulgate rules not inconsistent with the provisions of this part, collective bargaining statutes, or negotiated contracts to carry out the purposes of this part."

{Internal References to 2-18-301: x None.}

Renumber: subsequent sections

9. Page 15, line 7.

Insert: "Section 13. Section 5-7-207, MCA, is amended to read:

"5-7-207. Report to legislature. Beginning with the first Tuesday following the beginning of any regular or special session of the legislature and on the first Tuesday of every month thereafter during which the legislature is in session, the

commissioner shall make available from ~~his~~ the commissioner's records a report to each member of each house of the legislature containing the names of lobbyists registered under this chapter, not previously reported, the names of the principals whom they represent as lobbyists, and the subjects of legislation in which each principal is interested."

{Internal References to 5-7-207: x None.}"

Renumber: subsequent sections

10. Page 18, line 6.

Insert: "Section 17. Section 13-37-120, MCA, is amended to read:

"~~13-37-120. Reports. The commissioner shall at the close of each fiscal year report to the legislature and the governor concerning the action he has taken, including the names, salaries, and duties of all individuals in his employ and the money he has disbursed. The commissioner shall also make further reports~~ may report as necessary on the matters within his the commissioner's jurisdiction that the legislature may prescribe and shall also make recommendations for further legislation that may appear desirable."

{Internal References to 13-37-120: x None.}"

Renumber: subsequent sections

11. Page 21, line 24.

Insert: "Section 21. Section 17-6-305, MCA, is amended to read:

"17-6-305. Investment of up to twenty-five percent of coal tax trust fund in Montana economy -- report by board. (1) Subject to the provisions of 17-6-201(1), the board shall endeavor to invest up to 25% of the permanent coal tax trust fund established in 17-6-203(6) in the Montana economy, with special emphasis on investments in new or expanding locally owned enterprises.

(2) In determining the probable income to be derived from investment of this revenue, the long-term benefit to the Montana economy must be considered.

(3) The legislature may provide additional procedures to implement this section.

(4) The board shall include a report biennially to the legislature on the investments made under this section as a part of the information required by 17-7-111."

{Internal References to 17-6-305:

x 17-6-322}"

Renumber: subsequent sections

12. Page 35, line 10.

Insert: "Section 30. Section 37-1-106, MCA, is amended to read:

"37-1-106. ~~Biennial report to governor and legislature.~~ The department, in cooperation with each licensing board, shall prepare a biennial report. The biennial report of the department shall contain for each board a summary of the board's activities, the board's goals and objectives, a detailed breakdown of board revenues and expenditures, statistics illustrating board activities concerning licensing, summary of complaints received and their disposition, number of licenses revoked or suspended, legislative or court action affecting the board, and any other information the department or board considers relevant. The

department shall ~~provide a copy of~~ submit the report to the ~~governor and, as provided in 5-11-210, to the legislature~~ the office of budget and program planning as a part of the information required by 17-7-111."

{Internal References to 37-1-106:

x 5-11-210}"

Renumber: subsequent sections

13. Page 35, line 18.

Insert: "Section 32. Section 44-12-206, MCA, is amended to read:

"44-12-206. Disposition of proceeds of sale -- report. (1)

Whenever property is seized, forfeited, and sold under the provisions of this chapter, the net proceeds of the sale must be distributed as follows:

(a) to the holders of security interests who have presented proper proof of their claims, if any, up to the amount of their interests in the property;

(b) the remainder, if any, to the county treasurer of the county in which the property was seized, who shall establish and maintain a drug forfeiture account and deposit the remainder into the account, except as provided in subsections (1)(c) through (1)(e);

(c) if the property was seized within the corporate limits of a city or town by a law enforcement agency of that city or town, the remainder, if any, to the city or town treasurer, who shall establish and maintain a drug forfeiture account and deposit the remainder into the account, except as provided in subsections (1)(d) and (1)(e);

(d) if the property was seized by an employee of the state, the remainder, if any, to the account established in subsection (3), except as provided in subsection (1)(e); and

(e) if the property was seized as a result of the efforts of more than one law enforcement agency, the remainder, if any, to the accounts required by this subsection (1), pro rata in the proportions represented by the agencies' expenses of investigation, as determined by the attorney general.

(2) All proceeds from any source that are deposited into a county, city, or town drug forfeiture account must in each fiscal year be appropriated to and remain available until expended by the confiscating agency for drug laws enforcement and education concerning drugs.

(3) Net proceeds received by the state under subsections (1)(d) and (1)(e) must be deposited in an account in the state special revenue fund to the credit of the department of justice. The department may expend the money in the account only for purposes of enforcement of drug laws. An amount up to \$125,000 each year is statutorily appropriated, as provided in 17-7-502, to the attorney general for enforcement of drug laws. Any expenditure in excess of \$125,000 each fiscal year requires approval through budget amendment, as provided in Title 17, chapter 7, part 4.

(4) The attorney general shall provide the ~~legislature~~ legislative finance committee and the legislative auditor with a detailed, written report of the amounts and property credited to the account no later than 4 months after the end of each fiscal

year. The attorney general may not disclose any information that would compromise any investigation or prosecution."

{Internal References to 44-12-206:

x 3-10-601

x 15-25-122

x 17-7-502

x 46-18-235}

Section 33. Section 44-13-103, MCA, is amended to read:

"**44-13-103. Limitations on use of special law enforcement assistance account -- report.** (1) After property is credited to the account, the attorney general may:

(a) transfer the property to any local or state law enforcement agency to be used for criminal investigation purposes;

(b) sell the property by public sale;

(c) destroy any illegal or controlled substances and sell or destroy raw materials, products, and equipment used or intended for use in manufacturing, compounding, or processing a controlled substance;

(d) compromise and pay claims against the property; and

(e) make any other disposition of the property authorized by law.

(2) Money and proceeds from property credited to the account may be used by the attorney general for:

(a) the payment of any expenses necessary to seize, detain, appraise, inventory, safeguard, maintain, advertise, or sell seized, detained, or forfeited property, including but not limited to payment for contract services and reimbursement to a federal, state, or local agency for its expenses;

(b) the payment of awards for information or assistance leading to a criminal proceeding or a civil forfeiture proceeding;

(c) the compromise and payment of claims against property;

(d) the payment of sums for criminal investigation purposes, including but not limited to:

(i) payment of informants;

(ii) use by undercover agents to purchase unlawful substances, including, without limitation, counterfeit or real controlled substances, pornographic materials, stolen property, or other contraband;

(iii) use by undercover agents as gambling front money; and

(iv) payment of overtime to state or local law enforcement officers when engaged in special criminal investigations;

(e) the payment of funds into the account created by 53-9-109; and

(f) matching federal grants for criminal investigation purposes.

(3) The attorney general shall, ~~as provided in 5-11-210,~~ submit to the legislature legislative finance committee and the legislative auditor a detailed written report of the amounts and property credited to the account and of the disposition of money and property credited to the account, but may not make any disclosure that would compromise any investigation or prosecution."

{Internal References to 44-13-103:

x 5-11-210}"

Renumber: subsequent sections

14. Page 47, line 20.

Insert: "Section 42. Section 75-1-324, MCA, is amended to read:

"75-1-324. Duties of executive director and staff. It shall be the duty and function of the executive director and ~~his~~ the staff to:

(1) gather timely and authoritative information concerning the conditions and trends in the quality of the environment, both current and prospective, analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering or are likely to interfere with the achievement of the policy set forth in 75-1-103, and compile and submit to the governor and the legislature studies relating to such conditions and trends;

(2) review and appraise the various programs and activities of the state agencies, in the light of the policy set forth in 75-1-103, for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy and make recommendations to the governor and the legislature with respect thereto;

(3) develop and recommend to the governor and the legislature state policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the state;

(4) conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(5) document and define changes in the natural environment, including the plant and animal systems, and accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(6) make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the legislature requests;

(7) analyze legislative proposals in clearly environmental areas and in other fields where legislation might have environmental consequences and assist in preparation of reports for use by legislative committees, administrative agencies, and the public;

(8) consult with and assist legislators who are preparing environmental legislation to clarify any deficiencies or potential conflicts with an overall ecologic plan; and

(9) review and evaluate operating programs in the environmental field in the several agencies to identify actual or potential conflicts, both among such activities and with a general ecologic perspective, and suggest legislation to remedy such situations;

~~(10) annually, beginning July 1, 1972, transmit to the governor and the legislature and make available to the general public an environmental quality report concerning the state of the environment, which shall contain:-~~

~~(a) the status and condition of the major natural, manmade, or altered environmental classes of the state, including but not limited to the air, the aquatic (including surface water and ground water) and the terrestrial environments, including but not~~

~~limited to the forest, dryland, wetland, range, urban, suburban, and rural environments;~~

~~(b) the adequacy of available natural resources for fulfilling human and economic requirements of the state in the light of expected population pressures;~~

~~(c) current and foreseeable trends in the quality, management, and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the state in the light of expected population pressures;~~

~~(d) a review of the programs and activities (including regulatory activities) of the state and local governments and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development, and utilization of natural resources; and~~

~~(e) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation."~~

{Internal References to 75-1-324: x None.}"

Renumber: subsequent sections

15. Page 49, line 21.

Insert: "Section 44. Section 75-10-533, MCA, is amended to read:

"75-10-533. Department to report fees ~~to legislature~~. The department shall, ~~as provided in 5-11-210~~, report to each legislature the office of budget and program planning, as a part of the information required by 17-7-111, the amount collected under this part and 61-3-508 and the cost of administration of this part, except 75-10-520, to date so that any necessary adjustment of the amount of the fee may be made to assure that no more than the actual cost of operation of the program is collected."

{Internal References to 75-10-533: x 5-11-210}"

Renumber: subsequent sections

16. Page 54, line 25.

Insert: "Section 49. Section 85-1-621, MCA, is amended to read:

"85-1-621. Report ~~to the legislature~~. The department shall prepare a biennial report ~~to the legislature~~ describing the status of the water development program. The report must describe ongoing projects and activities and those which have been completed during the biennium. The report must identify and rank in order of priority the projects for which the department desires to seek congressional authorization and funding and the efforts the department will undertake in attempting to secure such authorization and funding. The report must also describe proposed projects and activities for the coming biennium and recommendations for necessary appropriations. A copy of the report shall be submitted ~~to the president of the senate and the speaker of the house~~, to the members of the water policy committee established in 85-2-105, and, as provided in 5-11-210, ~~to the legislature~~."

{Internal References to 85-1-621: x 5-11-210 x 85-2-105}

Section 50. Section 87-2-722, MCA, is amended to read:

"87-2-722. Auction of mountain sheep license. (1) The commission may issue one male mountain sheep license each year through a competitive auction. The commission shall promulgate rules for the use of the license and conduct of the auction. A wildlife conservation organization involved in the conservation of mountain sheep may be authorized by the commission to conduct the license auction, in which case the authorized organization may retain proceeds of the sale, not to exceed 10%, to cover reasonable auction expenses.

(2) All proceeds remaining from the auction, whether conducted by the commission or as otherwise authorized by the commission, must be used by the department for the substantial benefit of mountain sheep. The proceeds from the auction must be used in addition to any other funds the department uses for the management of mountain sheep. The department shall report ~~to each legislature concerning~~ the use or investment of auction proceeds to the office of budget and program planning as a part of the information required by 17-7-111."

{Internal References to 87-2-722:

x 87-1-601}"

Renumber: subsequent sections

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Insert: "Section 53. Section 90-4-606, MCA, is amended to read:

"90-4-606. ~~Submission to the legislature~~ Program report and recommendations. ~~During the first week of the regular legislative session, the~~ The governor shall submit ~~to the legislature for its approval~~ the proposed projects to be funded by the energy conservation program for the next biennium as a part of the budget required by 17-7-123. ~~In his recommendation, the~~ The governor shall ~~include~~ make available, as provided by [section 23]:

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(2) a description of the improvements to be financed;
(3) the estimated cost of each project and the total cost of the program; and

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{Internal References to 90-4-606: x None.}"

Renumber: subsequent sections

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developer in compliance with the written guarantee from the developer to meet the increased costs of public services and facilities as specified in the impact plan provided for in 90-6-307. The state treasurer shall draw warrants from this account upon order of the board.

(2) There is within the state special revenue fund a hard-rock mining impact trust account. Within this trust account, there is established a reserve account not to exceed \$100,000.

(a) Money within the hard-rock mining impact trust account may be used:

(i) for the administrative and operating expenses of the board, as provided by 90-6-303(4);

(ii) to establish and maintain the reserve account; and

(iii) for distribution to the counties of origin, as provided by 90-6-331(1) and this section.

(b) Money within the hard-rock mining impact trust reserve account may be used for the administrative and operating expenses of the board if:

(i) the revenue provided under 15-37-117(1)(b) is less than the amount appropriated for the administrative and operating expenses of the board; or

(ii) the use of the reserve account revenue is necessary to allow the board to meet its quasi-judicial responsibilities under 90-6-307, 90-6-311, or 90-6-403(3).

~~(c) The board shall report to the legislature any expenditure from the hard rock mining impact trust reserve account.~~

(3) Money is payable into the hard-rock mining impact trust account under the provisions of 15-37-117. After first deducting the administrative and operating expenses of the board, as provided in 90-6-303, and then establishing and maintaining the reserve account in the amount of \$100,000, as provided in subsection (2) of this section, the remaining money must be segregated within the account by county of origin. The state treasurer shall draw warrants from this account upon order of the board."

{Internal References to 90-6-304:

x 90-6-307 x 90-6-331}"

Renumber: subsequent sections

19. Page 57, lines 1 and 3.

Strike: "18"

Insert: "23"

Senate Bill No. 384, as amended, Description of Sections

<u>Bill Section</u>	<u>Code Section</u>	<u>Action</u>	<u>Comments: Report Title; Disposition; etc.</u>
1	5-11-210	Amend	Revises Legislative Council report clearinghouse requirements. Reduces abstract to 100 words. Clarifies that reports are not from the Council. Simplifies other language.
2	1-11-204	Amend	Code Commissioner Report. Simplifies submission to Legislative Council only.
3	2-4-411	Amend	Administrative Code Committee Report. Makes reporting discretionary.
4	2-7-104	Amend	Clarifies that revenue estimates or tax policy reports prepared by the Department of Revenue are available to the legislature, committees, and members on request.
5	2-8-208	Amend	Sunrise report for functions instituted by initiative. Makes report available rather than requiring submission.
6	2-15-108	Amend	Gender equity report. Puts the report process under the clearinghouse.
7	2-15-2021	Amend	Removes requirement for Gaming Advisory Council biennial report to be submitted to the legislature.
8	2-18-209	Amend	Comparable Worth Report. Makes reporting discretionary.
9	2-18-301	Amend	Salary Survey. Puts report through the budget process*.
10	2-18-811	Amend	State Employee Group Benefits Plan Annual Report. Puts report through the budget process*.

23		New	Makes all data submitted or compiled in preparation of the budget available on request. Information put through the budget process* by this bill as well as information formerly required to be printed in the budget is included.
24	18-7-303	Amend	State Publications Committee Report. Report is obsolete. Makes it discretionary.
25	19-4-201	Amend	Montana Teachers Retirement System Biennial Report. Puts information through the budget process*.
26	20-9-346	Amend	Biennial Report on School Equalization. Puts report through budget process*.
27	20-25-236	Amend	MSU Research and Extension Efforts in Sustainable Agriculture. Makes report discretionary.
28	20-25-301	Amend	Regents report on Bureau of Mines and Geology. This obsolete requirement is eliminated.
29	33-22-1513	Amend	Report on Premium Tax Offsets. Puts report through the budget process*.
30	37-1-106	Amend	Department of Commerce Licensing Board Biennial Report. Puts report through budget process*.
31	44-2-304	Amend	Report of the Criminal Justice Information Network. Puts report through the budget process*.
32	44-12-206	Amend	Drug Forfeiture Account Report. Report to LFA and Legislative Auditor.
33	44-13-103	Amend	Law Enforcement Assistance Account Report. Report to LFA and Legislative Auditor.
34	53-2-1107	Amend	Job Training Plan Annual Report. Report to Governor only.

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48	82-11-161	Amend	Oil and Gas Production Damage Mitigation Account Report. Report requirement eliminated.
49	85-1-621	Amend	Water Development Program Report. Provides report to Water Policy Committee only.
50	85-2-722	Amend	Mountain Sheep Auction Report. Puts through budget process*.
51	85-2-724	Amend	Shiras Moose Auction Report. Eliminates requirement.
52	90-3-203	Amend	Montana Science and Technology Alliance Annual Report. Report to the Governor only.
53	90-4-606	Amend	Energy Conservation Program Report. Puts through budget process*.
54	90-4-111	Amend	Alternate Energy Grant and Loan Program Report. Makes report to EOC discretionary.
55	90-6-304	Amend	Hard Rock Mining Expenditures. Eliminates separate report requirement.
56	53-24-210	Repeal	Report on Implementation of the Uniform Alcoholism and Intoxication Act.
	69-1-404	Repeal	Dept. of Public Service Regulation: Statutorily Required Budget Review.
	80-12-402	Repeal	Montana Agricultural Loan Authority Act Report
	80-12-403	Repeal	Obsolete section related to program
	87-5-123	Repeal	Nongame Wildlife Report
57		Codify	Puts new section 23 into budget statutes.

SENATE STATE ADMIN.
 EXHIBIT NO. 3
 DATE 2-18-93
 BILL NO. SB 384

Statutes Relating to Senate Bill No. 384

Text of sections repealed	2
53-24-210. Departmental <u>reports</u> to <u>legislature</u>	2
69-1-404. Annual review by legislative finance committee.	2
80-12-402. <u>Report</u>	2
80-12-403. Legislative review required.	2
87-5-123. <u>Report</u>	2
Sections not recommended for amendment	3
2-8-203. Committee review and <u>report</u>	3
2-8-207. Consolidation of existing boards.	3
3-1-1126. Commission <u>report</u> to <u>legislature</u>	4
5-5-216. Recommendations of subcommittees.	4
5-18-107. Powers and duties of the committee -- duty to review revenue rules -- legislative oversight of the department of revenue -- committee <u>reports</u> -- revenue estimating and use of estimates.	5
5-18-203. Powers and duties of subcommittee.	6
5-19-108. Duties of the committee.	6
13-13-279. Advisory council assistance -- <u>report</u> to <u>legislature</u>	7
22-3-107. Authority of board.	7
13-22-108. <u>Reports</u>	9
23-7-202. Powers and duties of commission.	9
23-7-203. Legislative liaison committee -- bipartisan -- compensation from lottery fund.	9
23-7-410. Annual audit.	10
39-6-101. Duties of department.	10
39-51-407. Reimbursement of fund by state.	11
46-23-316. Governor's <u>report</u> to <u>legislature</u>	11
75-7-304. Duties of the commission.	11
85-2-105. Water policy committee.	12
87-1-250. <u>Report</u>	13
Text of section 17-7-111	13
17-7-111. Agency program budgets -- form distribution and contents.	13

Text of sections repealed

53-24-210. Departmental reports to legislature. The department shall, as provided in 5-11-210, report to the legislature on the status of the implemented chapter. This report or any part thereof may be included as the department's state plan for alcohol abuse and chemical dependency.

69-1-404. Annual review by legislative finance committee. (1) The legislative finance committee shall annually review the department's budget and the calculations made by the department of revenue in the determination of the fee pursuant to 69-1-403.

(2) The legislative finance committee shall, as provided in 5-11-210, report the results of its review to the legislature and shall include in its report any recommendations concerning the manner of funding the department.

80-12-402. Report. The department shall transmit to the governor at least 30 days before each regular legislative session and, as provided in 5-11-210, to the legislature a report:

(1) detailing the operations of the agricultural loan authority program since the adjournment of the last legislature; and

(2) containing a financial statement showing the program's assets and liabilities.

80-12-403. Legislative review required. The agricultural loan authority program must be reviewed by the legislature at the third regular legislative session following the first sale of bonds under the provisions of 80-12-301 to determine whether the program should continue. However, this section does not, in itself, terminate the program, and any existing commitments incurred by the authority are not affected by this review.

87-5-123. Report. The department shall, as provided in 5-11-210, report to each legislature the results of any program using money from the nongame wildlife account and shall list in detail how the money collected was used.

Sections not recommended for amendment

2-8-203. Committee review and report. (1) Except as provided in subsection (5), the committee shall review and assess the merits of any proposal to:

(a) establish a new licensing board; or

(b) add to the duties of an existing licensing board responsibility for licensing another occupation or profession.

(2) Any proposal subject to review under subsection (1) must be submitted, in the form of a legislative report, to the committee at least 180 days before the first day of the next regular legislative session.

(3) The committee shall conduct the review required by subsection (1) only if the report includes:

(a) the information required by 2-8-204; and

(b) a completed application as provided in 2-8-205.

(4) The committee shall prepare and, as provided in 5-11-210, submit a report to the legislature for its next regular session. The report must include but is not limited to:

(a) the committee's estimate of the cost to the state of licensing the occupation or profession and a proposed schedule of fees that will recover the cost of the licensing program as required by 37-1-134; and

(b) the committee's recommendation as to whether the profession or occupation should be licensed by the state.

(5) The provisions of this part do not apply to an agency, profession, or occupation that is required to be licensed or regulated by federal law.

2-8-207. Consolidation of existing boards. (1) Any person or organization may propose consolidation of two or more existing boards and is considered an applicant. The provisions of 2-8-205(2) through (4) apply to the proposal.

(2) An application for consolidation must:

(a) describe any administrative savings that could result from the proposed consolidation, such as reduced staff time, reduced paperwork, or reduced travel time;

(b) describe the public support that has been shown for the consolidation proposal;

(c) describe how the public will benefit from the consolidation, such as improved quality of service;

(d) describe any other benefits from the consolidation;

(e) describe any positive or negative effects on current or future licensees;

(f) describe the membership of the proposed licensing board and the qualifications of the proposed members;

(g) estimate the yearly cost to the state of administering the consolidated program, including board travel and per diem, personnel costs, materials, testing costs, investigative costs, and other relevant costs;

(h) list the proposed fees to cover the estimated costs of the program and the estimated number of each type of fee, including application fees, examination fees, license fees, and license renewal fees;

(i) describe the proposed period a license will be effective; and

(j) provide draft legislation that meets the bill drafting requirements of the legislative council.

(3) The committee shall weigh the merits of the proposed consolidation against the merits of retaining a separate licensing board for each affected occupation or profession and recommend in its report submitted to the legislature as provided in 5-11-210:

(a) the proposed consolidation;

(b) continuation of the existing licensing boards; or

(c) a modification of the proposed consolidation.

3-1-1126. Commission report to legislature. (1) The commission shall, as provided in 5-11-210, submit to the legislature a report containing the following information:

(a) identification of each complaint, whether or not verified, received by the commission during the preceding biennium by a separate number that in no way reveals the identity of the judge complained against;

(b) the date each complaint was filed;

(c) the general nature of each complaint;

(d) whether there have been previous complaints against the same judge and, if so, the general nature of the previous complaints;

(e) the present status of all complaints filed with or pending before the commission during the preceding biennium; and

(f) whenever a final disposition of a complaint has been made during the preceding biennium, the nature of the disposition, the commission's recommendation, if any, to the supreme court, and the action taken by the supreme court.

(2) The commission must observe the confidentiality provisions of this part in fulfilling the requirements of this section.

5-5-216. Recommendations of subcommittees. A subcommittee appointed for the purpose of making a study designated by the legislative council may make recommendations for legislation. These recommendations and the study report shall be submitted to the legislature as provided in 5-11-210.

5-18-107. Powers and duties of the committee -- duty to review revenue rules -- legislative oversight of the department of revenue -- committee reports --

revenue estimating and use of estimates. (1) The committee shall review all proposed rules of the department of revenue filed with the secretary of state.

(2) The committee may:

(a) request and obtain the department's rulemaking records for the purpose of reviewing compliance with 2-4-305;

(b) prepare written recommendations for the adoption, amendment, or rejection of a rule and submit the recommendations to the department;

(c) submit oral or written testimony at a rulemaking hearing;

(d) require the department to appear before the committee and respond to the committee's recommendations for the adoption, amendment, or rejection of a rule;

(e) require that a rulemaking hearing be held in accordance with the provisions of 2-4-302 through 2-4-305;

(f) recommend to the legislature the repeal, amendment, or adoption of a rule as provided in 2-4-412;

(g) institute, intervene in, or otherwise participate in proceedings involving the legality of a rule under the Montana Administrative Procedure Act in the state and federal courts and administrative agencies;

(h) review the incidence and conduct of the department's administrative proceedings;

(i) require the department to publish the full or partial text of any pertinent material adopted by reference under 2-4-307;

(j) by an affirmative vote of at least six members of the committee, contract for the preparation of an economic impact statement or require the department to prepare an economic impact statement, following the provisions of 2-4-405;

(k) petition the department to promulgate, amend, or repeal a rule. Within 60 days after submission of a petition, the department shall either deny the petition in writing, stating its reasons for the denial, or shall initiate rulemaking proceedings in accordance with 2-4-302 through 2-4-305.

(l) make written objection to a proposed rule of the department for lack of substantial compliance with 2-4-302 through 2-4-305. The provisions of 2-4-406 govern the objection procedure, the department's response, and the procedure for and effect of publication of the objection in the Montana Administrative Register and the Administrative Rules of Montana.

(m) petition the department for a declaratory ruling as to the applicability of any statutory provision or of any rule or order of the department. A copy of a declaratory ruling must be filed with the secretary of state for publication in the register. A declaratory ruling or the refusal to issue such a ruling is subject to judicial review in the same manner as decisions or orders in contested cases under the Montana Administrative Procedure Act.

(n) petition for judicial review of the sufficiency of the reasons for the department's finding of imminent peril to the public health, safety, or welfare, cited in support of an emergency or temporary rule proposed by the department under 2-4-303; and

(o) require the department to conduct the biennial review of its rules as required in 2-4-314 and report its findings to the committee.

(3) The committee shall exercise legislative oversight of the department of revenue, including without limitation the review of:

- (a) proposed budgets;
- (b) proposed legislation;
- (c) pending litigation; and
- (d) major contracts and personnel actions of the department.

(4) The committee may investigate and issue reports on any matter concerning taxation or the department of revenue.

(5) (a) The committee shall have prepared by December 1 for introduction during each regular session of the legislature in which a revenue bill is under consideration an estimate of the amount of revenue projected to be available for legislative appropriation.

(b) The committee's estimate, as introduced in the legislature, constitutes the legislature's current revenue estimate until amended or until final adoption of the estimate by both houses. It is intended that the legislature's estimates and the assumptions underlying the estimates will be used by all agencies with responsibilities for estimating revenues or costs, including the preparation of fiscal notes.

(c) The committee may request the assistance of the staffs of the legislative council, the office of the legislative fiscal analyst, the legislative auditor, the department of revenue, and any other agency that has information regarding any of the tax or revenue bases of the state.

5-18-203. Powers and duties of subcommittee. (1) The coal tax oversight subcommittee may:

- (a) review the programs financed by coal severance tax funds; and
- (b) consider any matters relating to coal taxation.

(2) The subcommittee shall:

(a) report and make recommendations to the revenue oversight committee; and

(b) as provided in 5-11-210, prepare for the legislature a report on potential uses of the coal tax trust fund to develop a stable, strong, and diversified Montana economy that meets the needs of present and future generations of Montanans while maintaining and improving a clean and healthful environment as required by Article IX, section 1, of the Montana constitution.

5-19-108. Duties of the committee. The committee shall:

(1) seek opinions of and information from Indian tribes, Indian tribal organizations, state agencies, local governments, non-Indians living on or near Indian reservations, and other interested persons and agencies in order to gain insight into Indian/non-Indian relations;

(2) hold hearings both on and off reservations to promote better understanding between tribes and public agencies and to improve both the Indian people's knowledge of the structure of state agencies and the legislative process and the non-Indian people's knowledge of tribal government and institutions;

(3) encourage and foster participation of Indian people at its meetings;

(4) act as a liaison between the Indian people and the legislature;

(5) encourage tribal-state and tribal-local government cooperation and otherwise promote amicable Indian/non-Indian relations;

(6) cooperate with the commissioner of higher education in a study of Indian students in Montana schools; and

(7) as provided in 5-11-210, report its activities, findings, recommendations, and any proposed legislation to the legislature.

13-13-279. Advisory council assistance -- report to legislature. (1) The secretary of state shall adopt the rules required by 13-13-278(1) with the assistance of the secretary's election administrators advisory council, and the advisory council shall assist and advise the secretary in the implementation of 13-13-276 through 13-13-279.

(2) The secretary of state shall by January 1, 1995, prepare a written report to the legislature concerning the implementation of 13-13-276 through 13-13-279 and the activities of the advisory council in implementing 13-13-276 through 13-13-279. The report must:

(a) include copies of rules adopted by the secretary of state in accordance with 13-13-277 and 13-13-278;

(b) contain a detailed summary of the experience of the secretary of state and local election administrators in implementing 13-13-276 through 13-13-279; and

(c) include any recommendations for changes to the applicable laws.

22-3-107. Authority of board. The powers and duties of the trustees are as follows:

(1) to elect annually from among their number a president, a vice-president, and a secretary;

(2) to adopt bylaws for their own government and to make rules, not inconsistent with law, for the proper administration of the society in the interests of preserving the rich heritage of this state and its people;

(3) to appoint a director, fix his salary, and prescribe his duties and responsibilities;

(4) to create such classes of memberships in the society as they deem desirable, to determine the qualifications for any class of membership, and to set the fees to be paid for such memberships;

(5) to sell or exchange publications and other museum or art objects and use the money arising from such sales for the operation of the society and for the acquisition of historical materials and objects of art;

(6) to sell or exchange surplus or duplicate books, surplus museum or art objects or artifacts not pertinent to the region encompassed by the Montana historical society mission and to use the money arising from such sales exclusively for acquisitions of library, art, and museum artifacts;

(7) to see that the collections and properties of the society are maintained in good order and repair;

(8) to report to the governor and, as provided in 5-11-210, the legislature biennially. The report shall include a statement of all important transactions and acquisitions, with suggestions and recommendations for the better realization of the purposes of the society and the improvement of its collections and services.

(9) to accept, receive, and administer in the name of the society any gifts, donations, properties, securities, bequests, and legacies that may be made to the society. Moneys received by donation, gift, bequest, or legacy, unless otherwise provided by the donor, shall be deposited in the state treasury and used for the general operation of the society.

(10) to collect, assemble, preserve, and display, where appropriate, all obtainable books, pamphlets, maps, charts, manuscripts, journals, diaries, papers, business records, paintings, drawings, engravings, photographs, statuary, models, relics, and all other materials illustrative of the history of Montana in particular and generally of the Pacific Northwest, Northern Rocky Mountain, and Northern Great Plains regions and of the United States of America when pertinent;

(11) to procure from pioneers, early settlers, and others narratives of the events relative to the early settlement of Montana, the Indian occupancy, Indian and other wars, overland travel and immigration to the territories of the west, and all other related documents of Montana's history, development, and society;

(12) to gather contemporary information, specimens, and all other materials which exhibit faithfully the distinctive historical and contemporary characteristics of the area, with particular attention to Indian, military, and pioneer artifacts and implements;

(13) to collect and preserve such natural history objects as fossils, plants, minerals, and animals;

(14) to collect and preserve books, maps, manuscripts, and other materials as will tend to facilitate historical, scientific, and antiquarian research;

(15) to promote the study of Montana history by lectures and publications;

(16) to publish a roadside history of Montana with maps, photographs, and text that will enable tourists, citizens, and students to understand the history of the countryside seen from the state's main roads;

(17) to generally foster and encourage the fine arts and cultural activities in Montana;

(18) to receive for and on behalf of the state, by donation or otherwise, art objects of any kind and description and to exhibit and circulate such objects in Montana and elsewhere;

(19) to microfilm papers or documents in danger of disappearance or injury;
and

(20) to coordinate the administration of the historic records network established in 22-3-211.

13-22-108. Reports. (1) Each biennium, the secretary of state shall provide, upon request, a report to the legislature outlining the program's effectiveness in achieving its objectives.

(2) Participating schools and agencies shall provide to the secretary of state information regarding the youth voting program for the secretary of state's report to the legislature.

23-7-202. Powers and duties of commission. The commission shall:

(1) establish and operate a state lottery and may not become involved in any other gambling or gaming;

(2) determine policies for the operation of the state lottery, supervise the director and his staff, and meet with the director at least once every 3 months to make and consider recommendations, set policies, determine types and forms of lottery games to be operated by the state lottery, and transact other necessary business;

(3) maximize the net revenue paid to the superintendent of public instruction and to the board of crime control under 23-7-402 and ensure that all policies and rules adopted further revenue maximization;

(4) subject to 23-7-402(1), determine the percentage of the money paid for tickets or chances to be paid out as prizes;

(5) determine the price of each ticket or chance and the number and size of prizes;

(6) provide for the conduct of drawings of winners of lottery games;

(7) carry out, with the director, a continuing study of the state lotteries of Montana and other states to make the state lottery more efficient, profitable, and secure from violations of the law;

(8) study and may enter into agreements with other lottery states to offer lottery games;

(9) prepare quarterly and annual reports on all aspects of the operation of the state lottery, including but not limited to types of games, gross revenue, prize money paid, operating expenses, net revenue to the state, contracts with gaming suppliers, and recommendations for changes to this part, and deliver a copy of each report to the governor, the department of administration, the legislative auditor, the president of the senate, the speaker of the house of representatives, and each member of the appropriate committee of each house of the legislature as determined by the president of the senate and the speaker of the house; and

(10) adopt rules relating to lottery staff sales incentives or bonuses and sales agents' commissions and any other rules necessary to carry out this part.

23-7-203. Legislative liaison committee -- bipartisan -- compensation from lottery fund. (1) There is a legislative liaison committee.

(2) The liaison committee consists of four legislators. Two members must be from the senate and two members must be from the house of representatives. The speaker of the house and the senate committee on committees shall appoint the members of the liaison committee, and no more than two members may be of the same political party. No legislator who has any ownership interest in any gambling device or establishment may be appointed to the liaison committee.

(3) A member of the liaison committee is entitled to compensation and expenses as provided in 5-2-302, paid from money appropriated to the lottery, while performing his duties as a member of the liaison committee, as provided in subsection (4) of this section.

(4) The liaison committee shall meet once each fiscal year with the commission at Helena and shall, as provided in 5-11-210, report to each legislature on the activities and operations of the state lottery.

23-7-410. Annual audit. The legislative auditor shall conduct or have conducted an annual audit of the state lottery. The costs of the audit must be paid out of the state lottery fund. A copy of the audit report must be delivered to the commission, the director, the governor, the president of the senate, the speaker of the house of representatives, and each member of the appropriate committee of each house of the legislature as determined by the president of the senate and the speaker of the house.

39-6-101. Duties of department. (1) The department of labor and industry shall:

(a) encourage and promote the making of apprenticeship agreements conforming to the standards established by or in accordance with this chapter;

(b) register such apprenticeship agreements as are in the best interests of the apprenticeship and conform to the standards established by or in accordance with this chapter;

(c) keep a record of apprenticeship agreements and, upon performance thereof, issue certificates of completion of apprenticeship;

(d) terminate or cancel any apprenticeship agreements in accordance with the provisions of such agreements; and

(e) provide assistance for the development of on-the-job training programs in nonapprenticeable occupations;

(f) establish standards for apprenticeship agreements in conformity with the provisions of this chapter;

(g) issue such rules as may be necessary to carry out the intent and purposes of this chapter; and

(h) perform such other duties as may be required by federal regulations, provided that such federal regulations are not in conflict with this chapter.

(2) Not less often than once every 2 years, the department shall make a report of its activities and findings to the governor and, as provided in 5-11-210,

to the legislature. The department shall also make the report available to the public.

39-51-407. Reimbursement of fund by state. This state recognizes its obligation to replace, and hereby pledges the faith of this state that funds will be provided in the future and applied to the replacement of any of the money received from the United States or any agency thereof under Title III of the Social Security Act, any unencumbered balances in the unemployment insurance administration account, any money granted to this state pursuant to the provisions of the Wagner-Peyser Act, and any money made available by the state or its political subdivisions and matched by such money granted to this state pursuant to the provisions of the Wagner-Peyser Act which the secretary of labor finds have, because of any action or contingency, been lost or have been expended for purposes other than or in amounts in excess of those found necessary by the secretary of labor for the proper administration of this chapter. Such money shall be promptly supplied by money furnished by the state of Montana or any of its subdivisions for the use of the department and used only for purposes approved by the secretary of labor. The department shall, if necessary, promptly report to the governor and the governor to the legislature, by a letter to the speaker of the house of representatives and the president of the senate, the amount required for such replacement.

46-23-316. Governor's report to legislature. The governor shall, as provided in 5-11-210, report to the legislature each case of remission of fine or forfeiture, respite, commutation, or pardon granted since the last previous report, stating the name of the convict, the crime of which he was convicted, the sentence and its date, the date of remission, commutation, pardon, or respite, with the reason for granting the same, and the objection, if any, of any of the members of the board made thereto.

75-7-304. Duties of the commission. Duties of the commission are:

(1) to monitor the existing condition of natural resources in the basin and coordinate development of an annual monitoring plan. This plan must involve a cooperative strategy among all land and water management agencies within the Flathead basin and identify proposed and needed monitoring which emphasizes but is not limited to the aquatic resources of the Flathead basin.

(2) to encourage close cooperation and coordination between federal, state, provincial, tribal, and local resource managers for establishment of compatible resource development standards, comprehensive monitoring, and data collection and interpretation;

(3) to encourage and work for international cooperation and coordination between the state of Montana and the Province of British Columbia concerning the undertaking of natural resource monitoring and use of consistent standards for management of resource development activities throughout the North Fork Flathead River drainage portion of the Flathead basin;

(4) to encourage economic development and use of the basin's resources to their fullest extent without compromising the present high quality of the Flathead basin's aquatic environment;

(5) to, in the discretion of the commission, undertake investigations of resource utilization and hold public hearings concerning the condition of Flathead Lake and Flathead basin;

(6) to submit to the governor and, as provided in 5-11-210, to the legislature a biennial report that includes:

(a) a summary of information gathered in fulfillment of its duties under this section;

(b) information on monitoring activities within the Flathead basin concerning the condition of the basin's natural resources, with particular emphasis on Flathead Lake;

(c) the identification of land use and land development trends in the Flathead basin;

(d) any recommendations the commission considers appropriate for fulfillment of its duties and for continued preservation of the Flathead basin in the present high quality of its aquatic resources; and

(e) an accounting of all money received and expended, by source and purpose, for the period since the last report; and

(7) to meet at least semiannually within the Flathead basin, alternating the meeting site between the cities of Kalispell and Polson.

85-2-105. Water policy committee. (1) There is a permanent water policy committee of the legislature. The committee consists of eight members. The senate committee on committees and the speaker of the house of representatives shall each appoint four members on a bipartisan basis. The committee shall elect its chairman and vice-chairman. The committee shall meet as often as necessary, including during the interim between sessions, to perform the duties specified within this section.

(2) On a continuing basis, the committee shall:

(a) advise the legislature on the adequacy of the state's water policy and of important state, regional, national, and international developments which affect Montana's water resources;

(b) oversee the policies and activities of the department of natural resources and conservation, other state executive agencies, and other state institutions, as they affect the water resources of the state; and

(c) communicate with the public on matters of water policy as well as the water resources of the state.

(3) On a regular basis, the committee shall:

(a) analyze and comment on the state water plan required by 85-1-203, when filed by the department;

(b) analyze and comment on the report of the status of the state's water development program required by 85-1-621, when filed by the department;

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(c) analyze and comment on water-related research undertaken by any state agency, institution, college, or university;

(d) analyze, verify, and comment on the adequacy of and information contained in the water resources data management system maintained by the department under 85-2-112; and

(e) report to the legislature as provided in 5-11-210.

(4) The environmental quality council shall provide staff assistance to the committee. The committee may contract with experts and consultants, in addition to receiving assistance from the environmental quality council, in carrying out its duties under this section.

87-1-250. Report. The department shall report to the fish and game committee of each house of the legislature concerning upland game bird enhancement activities undertaken pursuant to 87-1-246 through 87-1-249 during the preceding biennium, together with any recommendations concerning the operation of the program.

Text of section 17-7-111

17-7-111. Agency program budgets -- form distribution and contents. (1) In the preparation of a state budget, the budget director shall, not later than July 1 in the year preceding the convening of the legislature, distribute to all state offices and departments, including the judicial branch and the legislative branch, the proper forms necessary for the preparation of budget estimates. These forms shall be prescribed by the budget director to procure the information required by subsection (2).

(2) The agency budget requests, when completed by the budget office, must set forth a balanced financial plan for the agency completing the forms for each fiscal year of the ensuing biennium. The plan must consist of:

(a) a consolidated agency budget summary for current level expenditures and for each modification request setting forth the aggregate figures of the full-time equivalent personnel positions (FTE) and the budget in such manner as to show a balance between the total proposed disbursements and the total anticipated receipts, together with the other means of financing the budget for each fiscal year of the ensuing biennium, contrasted with the corresponding figures for the last completed fiscal year and the fiscal year in progress. The consolidated budget summary must be supported by schedules classifying receipts and disbursements contained therein by fund and, where applicable, organizational unit.

(b) a schedule of the actual and projected receipts, disbursements, and solvency of each accounting entity within each fund for the current and subsequent biennium;

(c) a detailed schedule of receipts, by accounting entity within each fund, indicating classification and source of funds;

(d) an agency schedule summarizing past and proposed spending plans and the means of financing the proposed plan. Information presented shall include the following:

(i) a statement of agency goals and objectives and a statement of goals and objectives for each program of the agency. Such goals and objectives must include, in a concise form, sufficient specific information and quantifiable information to enable the legislature to formulate an appropriations policy regarding the agency and its programs and to allow a determination, at some future date, on whether the agency has succeeded in attaining its goals and objectives. The goals and objectives must contain a list of duties prioritized by the department director to reflect the director's opinion concerning the importance of the duties assigned to the agency by law. Any discretionary programs established by the agency that are not required by law must also be enumerated.

(ii) actual FTE and disbursements for the completed fiscal year of the current biennium, estimated FTE and disbursements for the current fiscal year, and the agency's request for the ensuing biennium, by program; and

(iii) actual disbursements for the completed fiscal year of the current biennium, estimated disbursements for the current fiscal year, and the agency's recommendations for the ensuing biennium, by disbursement category;

(e) any other information the budget director feels is necessary for the preparation of a budget.

(3) The budget director must also prepare and submit to the legislative fiscal analyst in accordance with 17-7-112:

(a) detailed recommendations for the state long-range building program. Each recommendation shall be presented by department, institution, agency, or branch by funding source, with a description of each proposed project; and

(b) the proposed pay plan schedule for all executive branch employees, with the specific cost and funding recommendations for each agency. Submission of a pay plan schedule under this subsection is not an unfair labor practice under 39-31-401.

(4) The board of regents shall submit, with its budget request for each university unit in accordance with 17-7-112, a report on the university system bonded indebtedness and related finances as provided in this subsection (4). The report must include the following information for each year of the biennium, contrasted with the same information for the last completed fiscal year and the fiscal year in progress:

(a) a schedule of estimated total bonded indebtedness for each university unit by bond indenture;

(b) a schedule of estimated revenue, expenditures, and fund balances by fiscal year for each outstanding bond indenture, clearly delineating the accounts relating to each indenture and the minimum legal funding requirements for each bond indenture; and

(c) a schedule showing the total funds available from each bond indenture and its associated accounts, with a list of commitments and planned expenditures from such accounts, itemized by revenue source and project for each year of the current and ensuing bienniums.

MCA Oct. 1992, (c) State of Montana 1976 -- 1992

EXHIBIT 3
DATE 2/18/93
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The original is stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.

SENATE STATE ADMIN.
EXHIBIT NO. 4
DATE 2-18-93
BILL NO. SB 385

MCA CHAPTER 19-3, 5 THROUGH 9, AND 13 RECODIFICATION CROSS REFERENCE

CURRENT LAW
MCA Section Citation
Paragraph Title

PROPOSED LAW
SB 385 Comments
Location

CHAPTER (NEW)
PUBLIC EMPLOYEE'S RETIREMENT ACT -- GENERAL PROVISIONS

Part 1, Short Title

New Sec. 1

Part 2, Applicability

New Applicability

Sec. 2 Provides that the definitions and laws found in the general section apply to the PERS, Judges', Sheriffs', Highway Patrol Officers', Game Wardens, Municipal Police and Firefighters, Unified Retirement Systems.

Part 3, Definitions

19-3-104 Definitions

Amended Sec. 3 Uniform definitions for terms used in all the retirement systems. Some definitions are new, others were amended to clarify meaning and to eliminate provisions which applied to PERS only. Other definitions have been deleted because they were obsolete or inappropriate.

Part 4, General Administration

19-3-301 Location of board -- quorum -- officers and employees

Amended Sec. 4 Preserves existing authority relating to board. Language and references have been updated. Subparagraph (4) moved to section 6 because it relates to employees and not the board. (**Note: The items included in the phrase "language updated" are listed at the end of this index.)

19-3-302 Compensation of board members

No Change -----

19-3-304 Powers and duties of board

Amended Sec. 5 Consolidates the powers, duties and responsibilities of the board. Language updated and the text of paragraphs amended to clarify meaning.

New Appointment and compensation of administrative staff

New Sec. 6 Split apart and moved from Sec. 4 (above)

19-3-305 Employment of actuary -- Biennial investigation and valuation

Amended Sec. 7 Consolidates actuarial material and clarifies timing of actuarial experience, investigations.

19-5-611 Determination of disability by Board

Amended Sec. 8 Uniform provision. Subparagraph (2) separated because of subject matter.

19-3-306 Report by department of administration division to governor

Amended Sec. 9 Consolidates requirements for reporting to the governor. Language updated.

19-3-805 Administrative expenses

Amended Sec. 10 Consolidates the administrative expense provisions. Text is modified to clarify meaning and language is updated.

DATE 2-18-45

SENATE COMMITTEE ON State Administration

BILLS BEING HEARD TODAY: SB 380, SB 384, SB 385, SR 19

Name	Representing	Bill No.	Check One	
			Support	Oppose
Tom Schneider	M PERA	SB 385	X	
W. Lockner	MT State Teachers Assoc	"	"	
William A. Finkert	Family of Dean Fogel	SR 19	X	
Lawrence Albro	Family of Dean Fogel	"	X	
LINDA KING	PERD	SB 385	✓	
Tom Sanford	Retired MHP.	SB 385		
Mark Cross	PERD	SB 385	✓	
Ed Flies	Fire Fighters	SB 385	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY