

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
59th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN LARRY JENT**, on January 25, 2005 at 8:00 A.M., in Room 137 Capitol.

**ROLL CALL**

**Members Present:**

Rep. Larry Jent, Chairman (D)  
Rep. Dee L. Brown, Vice Chairman (R)  
Rep. Veronica Small-Eastman, Vice Chairman (D)  
Rep. Joan Andersen (R)  
Rep. Mary Caferro (D)  
Rep. Sue Dickenson (D)  
Rep. Emelie Eaton (D)  
Rep. Robin Hamilton (D)  
Rep. Gordon R. Hendrick (R)  
Rep. Teresa K. Henry (D)  
Rep. Hal Jacobson (D)  
Rep. William J. Jones (R)  
Rep. Gary MacLaren (R)  
Rep. Bruce Malcolm (R)  
Rep. Alan Olson (R)  
Rep. Bernie Olson (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Sheri Heffelfinger, Legislative Branch  
Marion Mood, Committee Secretary

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed. Tape stamp markers follow testimony.

**Committee Business Summary:**

Hearing & Date Posted: HB 102, 1/11/2005; HB 35, 1/11/2005  
Executive Action: HB 116; HB 256; HB 184

(The hearing was moved to Room 137 because of the anticipated number of witnesses)

**HEARING ON HB 102****Opening Statement by Sponsor:**

**REP. RALPH LENHART (D), HD 38**, opened the hearing on **HB 102**, Statutory appropriation for highway patrol retirement-related fees. He explained that the required money will be transferred from the General Fund into the Highway Patrol Officers Special Account.

**Proponents' Testimony:**

**Larry Fasbender, Deputy Director, Department of Justice (DOJ)**, commented that what had started out as a way to simplify the process of transferring fees generated from vehicle taxes to the retirement accounts had quickly turned into something more complicated: after the legislation had been drafted, the DOJ learned of the collaboration on a bill between the Office of Budget and Program Planning and **SENATOR ROBERT STORY** which would bring about considerable changes to the vehicle registration process in an attempt to simplify it. This prompted an extensive reworking of **HB 102**. **Mr. Fasbender** advised that adding the fees collected from vehicle registrations to the General Fund and then making the statutory appropriations for the retirement system out of the General Fund greatly simplified the process. He urged the committee to support **HB 102** with the proposed amendments.

**EXHIBIT (sth19a01)**

**Mike O'Connor, Montana Public Employees' Retirement Administration (MPERA)**, rose in support of **HB 102**, adding that it simplified the administration of this particular retirement system while leaving all benefits in place.

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

**VICE CHAIR DEE BROWN, HD 3, HUNGRY HORSE**, referred to Table 1 of the "Green Sheets" provided by **MPERA** at the beginning of the Session and commented that highway patrolmen can retire after 20 years of service. She asked **Mr. O'Connor** whether he knew how many of these retired officers then transferred to a sheriff's or municipal police retirement system. **Mr. O'Connor** advised that transferring from one public safety retirement system to another did not happen. Occasionally, there would be a transfer from a public safety retirement system to a position covered by the Public Employee Retirement System (**PERS**). **VICE CHAIR BROWN** wondered if that would be a transfer to a related field, such as

the Department of Transportation (MDT). **Mr. O'Connor** agreed that this was possible because of their qualifications.

**REP. BRUCE MALCOLM, HD 61, EMIGRANT**, was concerned about the financial implications of HB 102 as per the fiscal note. **Mr. Fasbender** explained there is no change to the impact on the General Fund; HB 102 provides authority to transfer funds from the State Special Revenue to State Special Revenue Accounts and then into the Retirement Account as required; since no such appropriation was authorized in the 2001 Session, the money is still sitting in the Special Revenue Account. HB 102 stipulates that this money be transferred into the General Fund; in the future, funding will be done through a statutory appropriation out of the General Fund.

**REP. ALAN OLSON, HD 45, ROUNDUP**, wondered if the \$350,000 for FY 2005 could be termed a supplemental appropriation. **Mr. Fasbender** advised that there is a supplemental request to fund the last biennial cost which stems from the fact that there was no appropriation in the 2001 Session; he added this was contained in the supplemental bill.

**Closing by Sponsor:**

**REP. LENHART** closed, stating this bill was important to the Highway Patrol Retirement System because it facilitated disbursement of the funds.

*{Tape: 1; Side: A; Approx. Time Counter: 0 - 11.5}*

**CHAIRMAN JENT** asked VICE CHAIR BROWN to chair the remainder of the hearing so that he could present **HB 35**.

**HEARING ON HB 35**

**Opening Statement by Sponsor:**

**REP. LARRY JENT (D), HD 64**, opened the hearing on **HB 35**, Highway patrol officer salaries and retention. **REP. JENT** reviewed the bill with the Committee. He noted that Section 3 will be substantially amended as per Exhibit 2: a fee of \$5 will be added to the registration fee of all vehicles, trailers and personal water craft rather than to insurance policies. There had been substantial objection to adding the fee to insurance policies since some policies cover many vehicles, coupled with the fact that about 20% of Montanans do not carry insurance; this prevents law-abiding citizens who carry insurance from having to shoulder all of the cost. **REP. JENT** noted that Section 5 was not correct because it referred to the insurance code; consequently, the proposed amendment strikes Section 5, Subsection (1). He

stressed that the provisions are effective upon passage and approval except for the fiscal provision which becomes effective July 1, 2005.

**EXHIBIT (sth19a02)**

***{Tape: 1; Side: A; Approx. Time Counter: 11.5 - 20.2}***

**Proponents' Testimony:**

**REP. RALPH LENHART, HD 38, GLENDIVE**, stated that he also served on the interim committee mentioned by the sponsor where he learned of the pay inequity suffered by the Montana Highway Patrol. He stressed that as first responders, these officers faced many dangerous situations and deserved better pay.

**Mike McGrath, Attorney General**, stated that we have a crisis with regard to the number of highway patrol officers and proclaimed it was time that we got serious about highway safety. Over the past few years, Montana has been ranked last among states in terms of highway traffic safety issues. Mothers Against Drunk Driving (MADD) has given the State an "F" for alcohol-related crashes; Montana was the only state in the nation to get an "F". The state is ranked 50th in fatalities per miles driven; the National Highway Traffic Safety Administration continues to rank Montana at the bottom relating to highway traffic safety issues. Of the four measures introduced this Session, HB 35 is at the top of the list.

**Mr. McGrath** noted that thirty years ago, there were 220 sworn officers on the road versus the current 206, despite the fact that the population has grown and the miles driven have greatly increased. He lauded the new and positive emphasis on drunk driving but was discouraged by the lack of tools necessary to enforce highway safety. **Mr. McGrath** noted two key issues addressed in HB 35: first, it provides more money for highway patrol officers, enabling the Montana Highway Patrol (MHP) to be more competitive with other law enforcement agencies in the state in terms of recruitment and retention; the second issue is an increase in the number of officers on the road. He advised that MHP is not a General Fund agency but receives its funding through the gasoline tax, and by being exempt from the vacancy savings requirement, MHP is able to increase the number of officers by 14 in this biennium which will have a huge impact with regard to traffic safety across the state. In support of his testimony, he provided a fact sheet.

**EXHIBIT (sth19a03)**

***{Tape: 1; Side: A; Approx. Time Counter: 22.1 - 25.5}***

**Col. Paul Grimstad, Montana Highway Patrol**, submitted written testimony and a multi-page handout illustrating problem areas.

[EXHIBIT \(sth19a04\)](#)

[EXHIBIT \(sth19a05\)](#)

*{Tape: 1; Side: B; Approx. Time Counter: 0 - 10.4; Comments: REP. EATON left during this presentation, at 8:45 A.M.}*

**REP. BERNIE OLSON, HD 10, LAKESIDE**, stated that former REP. STAN FISHER, with whom he had served on the interim committee, asked him to speak on behalf of HB 35; he expressed hope for its passage.

**VICE CHAIR BROWN** asked whether their support was for HB 35 with the proposed amendments which **REP. B. OLSON** confirmed.

**Bill Slaughter, Director, Department of Corrections**, praised Col. Grimstad's testimony, adding that in his former capacity as Sheriff, he did lure the best of the best away from the Highway Patrol, since he was able to offer more attractive salaries. He vehemently disputed the claim that highway patrolmen face less danger in their jobs than urban safety officers. **Mr. Slaughter** pointed to Section 4 which provides the exemption from vacancy savings, saying this was an excellent idea. He was adamant that vacancy savings do not work in the field of public safety since officers have to be sent on call-outs no matter what, and this often results in overtime. In addition, it takes away an administrator's flexibility.

**Frank Garner, President, Montana Association of Chiefs of Police (MACOP)**, stated that his association represents most of the municipal law enforcement administrators in Montana and noted that even though he represented the competition, he stood in support of HB 35. In support of his testimony, he submitted a letter he had written to the Montana Legislature.

[EXHIBIT \(sth19a06\)](#)

**Jim Cashell, Gallatin County Sheriff and President of the Montana Sheriffs' and Peace Officers' Association**, stated that it was essential that the Highway Patrol was both fully staffed and adequately funded. He recounted that his highway patrol officers cannot afford to live in Bozeman and are relegated to live in the outlying areas; he stated that the difference in pay between his staff and highway patrol officers is about \$6 an hour. Mr. Cashell added that the personnel shortage in the MHP affects every sheriff's office in Montana because of the time it takes for the former to respond to accidents.

**Kathy McGowan, Montana County Attorneys' Association**, stated that her association also had met with the other associations in the last two years, trying to troubleshoot and identify issues of concern as related to the MHP, the Crime Lab in Missoula and the Law Enforcement Academy. She reiterated previous testimony, and added that one weak link in law enforcement affects the whole system.

*{Tape: 1; Side: B; Approx. Time Counter: 10.4 - 23.4}*

**Jim Kembel, Montana Police Protective Association**, echoed previous testimony.

**Roger McGlenn, Executive Director, Independent Insurance Agents' Association**, voiced strong support for HB 35 as amended, adding that their concern with the inequities of the initial funding system had been alleviated.

**Frank Cote, Farmers Union Mutual Insurance Company**, rose in support of the bill as amended, adding that having a well-qualified and well-paid force was paramount.

**Tom Schneider, Montana Public Employees Association (which includes members of the MHP)**, reiterated the disparity not only between the number of highway patrol officers 30 years ago and today but also with regard to compensation.

**Jacqueline Lenmark, American Insurance Association**, advised that the 450-plus member companies write roughly 36% of the property and casualty insurance market in Montana. They praised the DOJ for looking at an alternate funding source and strongly recommend passage of HB 35 as amended.

**Greg Van Horssen, State Farm Insurance Company**, stating he was also speaking on behalf of **John Metropolis, Farmers Insurance Group**, stood in support of HB 35 as amended. He thanked the Attorney General for allowing his company to be part of the discussions that led to HB 35 and reiterated appreciation for the alternate funding source.

**Larry Kibbee, Property Casualty Insurers Association of America**, rose in support of HB 35 as amended.

**Barry "Spook" Stang, Executive Vice President, Montana Motor Carriers Association (MMCA)**, added that of all the parties represented, his members would be paying the lion's share for this program but stated strong support for HB 35 as amended. He contended that the alternate funding source leveled the playing field as MMCA members were competing with out-of-state trucking companies who do not buy their insurance policies in Montana and

thus would not be paying the \$5. Since the fee is assessed through the vehicle registration, they will pay the \$5 apportioned for the number of miles driven in Montana. **Mr. Stang** also pointed to the importance of having experienced and highly trained officers investigating commercial vehicle accidents to ensure accuracy and fairness.

**{Tape: 2; Side: A}**

**Tom Butler, Sergeant, Association of Montana Highway Patrolmen (AMHP)**, advised that he took personal leave to appear before the Committee. He stated that he also serves as Vice President for the Association of Montana Highway Patrolmen which includes 200 active and 150 retired members. **Sgt. Butler** lauded the interim committee for an excellent job in addressing the recruiting, retention and manpower issues facing MHP. He expressed support for HB 35 as it creates an equal playing field for all law enforcement in Montana but cautioned that there was an inherent risk in tying the patrolmen's pay to that of sheriffs' officers: if the latter is decreased or does not provide cost-of-living adjustments, the patrolmen's pay rate is similarly affected. He submitted a copy of the Association's brochure.

**EXHIBIT (sth19a07)**

**Brad Moore, Highway Patrol Officer, Gallatin County**, also took personal leave to testify and voiced his support for the bill as amended for the aforementioned reasons. He stated that he was proud to serve but advised that patrolmen were facing increasingly difficult challenges, adding that the difference in pay between patrolmen and local law enforcement officers forced the former to either bid out of an area like Bozeman or leave the patrol. He advised that as a husband and father, he had to make choices that would best serve the needs of his family.

(REP. DICKENSON leaves at 9:10 A.M.)

**Mark Taylor, Association of Montana Highway Patrolmen**, echoed the testimony of previous proponents. In addition, he pointed to one issue that was not addressed in the fiscal note: HB 35 puts a soft cap on the gas tax which currently funds the 206 highway patrol officers. Upon passage of HB 35, the added patrolmen will be funded through the new vehicle registration fee which would leave the gas tax money for highway construction projects.

**VICE CHAIR BROWN** asked Mr. Taylor to speak to the highway construction fees and the match by the Federal Government. **Mr. Taylor** explained that Montana collects gas tax monies which are matched on an 80/20 basis for Federal highway construction dollars. A three- or four-percent increase in pay for patrol

officers would amount to \$250,000 to \$300,000 saved in gas tax because of HB 35; with the 80/20 match, this means that over \$1 million can be re-allocated for highway construction purposes.

**Opponents' Testimony:** None

**Informational Testimony:**

**Randy Morris, Department of Administration, State Personnel Division,** offered any assistance with regard to the establishment of the market survey analysis.

**Questions from Committee Members and Responses:**

**REP. HAL JACOBSON, HD 82, HELENA,** for the record, voiced his strong support for the bill. He asked Col. Grimstad when the 14 additional officers would be added to the Highway Patrol. **Col. Grimstad** asked to defer to **Jesse Munro, MHP,** who advised that currently, there were four vacancies waiting to be filled. Due to the vacancy savings exemptions, as soon as a position comes open, funding would be available to immediately fill it. There are 13 candidates in the Academy who will be ready to work in mid-May, and they will fill those slots. **REP. JACOBSON** surmised that additional personnel would be on the road in May. **Mr. Munro** advised that they would, upon completion of their eight-week field training.

**REP. JACOBSON** asked whether enough patrol vehicles were available to accommodate the increased number of officers. **Col. Grimstad** assured him that the necessary equipment was available.

**{Tape: 2; Side: A; Approx. Time Counter: 0 - 10.1}**

**REP. BERNIE OLSON, HD 10, LAKESIDE,** referred to Page 10 of Col. Grimstad's handout which showed actual, minimal and optimal staffing levels and asked whether MHP aspired to the optimal level with the passage of HB 35. **Col. Grimstad** replied that this was not their intent; he added that those staffing levels had come out of a 1979 survey done by the International Association of the Chiefs of Police. MHP is looking at an additional 50 to 80 officers over the next eight to ten years.

**REP. BRUCE MALCOLM, HD 61, EMIGRANT,** voiced concern with this time frame, saying it was not quick enough in his opinion. **Col. Grimstad** replied that it was their goal to incrementally increase officers to where they had that many in eight to ten years. He felt it would be counterproductive to demand 80 to 100 additional officers within the next six months. **REP. MALCOLM** inquired whether he was limiting this because of finances or whether he

thought there would not be enough candidates. **Col. Grimstad** advised that based on their calculations, a portion of the registration fees would be used for a pay raise; the balance would be sufficient to support such an increase in the number of officers over this period of time, but not more.

**REP. JOAN ANDERSEN, HD 59, FROMBERG**, inquired who paid for candidates to attend the Law Enforcement Academy. **Col. Grimstad** advised that the State did. **REP. ANDERSEN** surmised that the State paid for this even though they would not have a job with the Patrol upon graduation. **Col. Grimstad** confirmed this, explaining that this occurred because of the vacancy savings requirement. They could find other jobs and wait until an opening presented itself. **REP. ANDERSEN** wondered if passage of HB 35 would make it possible for graduates of the Academy to go straight to work. **Col. Grimstad** advised that depending on openings, the exemption in HB 35 would allow them to put the officers right to work.

**REP. GARY MACLAREN, HD 89, VICTOR**, asked how many officers would be on the road in June, including the 13 who would graduate from the Academy in May. **Col. Grimstad** explained that there are 23 current openings: three of them are open because of deployment to Iraq, and two are positions of officers currently on disability. He cautioned that the Academy will not graduate enough to fill the number of openings. **REP. MACLAREN** ascertained that the current openings are authorized openings which **Col. Grimstad** confirmed.

*{Tape: 2; Side: A; Approx. Time Counter: 10.1 - 15.8}*

**VICE CHAIR BROWN** recalled the 2004 Audit Report and asked if this money would also fund additional Full Time Equivalents (FTE's) in training and research or vehicle maintenance. **Col. Grimstad** advised that this money was strictly for highway patrol officers. **VICE CHAIR BROWN** requested information with regard to how the internal paperwork had improved since the audit as it had been discovered that some expenses such as lunch or non-patrol functions were coded as patrol time. Ideally, the ratio between patrol and desk time was 50 percent but the audit had established a mere 30 percent. She asked what had been done to increase patrol time. **Col. Grimstad** explained that the 23 sergeants were made to get out on the road with their troops. Previously, the sergeants who command between five and eight officers were relegated to doing a lot of paperwork such as entering the officers' daily reports and checking accident reports; now, administrative support staff already on the payroll was taking over some of these functions. In addition, districts are now required to send crash records directly to Helena. Lastly, a

rather large district was broken up by the addition of a district office in Havre.

**VICE CHAIR BROWN** asked him to speak to the vehicle, ATV and bus inspections and the time they require. **Col. Grimstad** advised that the Department of Motor Vehicles changed ATV inspections to a self-inspection which frees up officer time. And district-wide, a specific time is now allotted and posted at the patrol offices for vehicle inspections instead of people coming in at their convenience. This, too, is freeing up valuable time that the officer can spend on the road.

**REP. B. OLSON** asked how much time was spent testifying in court. **Col. Grimstad** did not know but offered to obtain the information. **REP. OLSON** wondered if it was a considerable amount of time. **Col. Grimstad** stated that it was in the more populated areas. Recalling his 18-year tenure in Missoula, he added that rural areas required less court time because of the difference in case loads. **REP. OLSON** asked about how much they charged insurance agencies for accident reports. **Col. Grimstad** stated it was a \$2 fee, no matter what kind of accident it was or how much time the investigation took. **REP. OLSON** asked if they could not charge an amount commensurate with the service provided. **Col. Grimstad** advised that legally, all they can charge for is the cost of the paper, photographs, etc., not for manpower hours. **REP. OLSON** redirected his question to Attorney General McGrath and asked if the DOJ could increase these fees. **Mr. McGrath** felt the fees for copies could be raised but did not anticipate that it would raise any significant amount of money.

**REP. MARY CAFERRO, HD 80, HELENA**, stated for the record that she, too, supported HB 35 which would make our highways safer. Assuming there would be fewer accidents and fewer insurance claims benefitting insurance companies, she wondered if the cost savings would be passed on to Montana policy holders by way of decreased premiums. **Mr. Cote** advised that current law prohibits insurance rates which are excessive, discriminatory or unfairly low; the State Auditor has the authority to review these rates at any time. If this bill caused a reduction in accidents as well as in claims paid, the Auditor's Office would make sure that over time, insurance companies were not charging too much. He did not anticipate a reduction in rates because of the rising costs for cars as well as medical expenses, adding that if HB 35 resulted in fewer accidents and less damage, one would see a stabilization of premiums rather than a decrease.

**REP. CAFERRO** recalled that in the interest of fairness, an alternate funding method was established, since it was estimated that about 20 percent of motorists are uninsured. She wondered

what percentage of drivers were picked up because of expired license plates. **Col. Grimstad** replied he did not have that information but would make it available to her.

**Closing by Sponsor:**

**REP. JENT** closed.

(CHAIRMAN JENT announced the Committee would reconvene at 10:10 A.M. after a ten-minute break. REP. EATON returned at 9:50 A.M.)

*{Tape: 2; Side: B}*

**EXECUTIVE ACTION ON HB 239**

**Motion:** VICE CHAIR BROWN moved that HB 239 DO PASS.

**Discussion:**

**REP. TERESA HENRY, HD 96, MISSOULA,** recalled that REP. CAFERRO had asked for information on whether this benefit would have any negative impact on a retired person's disability check.

**CHAIRMAN JENT** asked Vice Chair Brown to obtain this information from David Senn and him but invited Committee members' questions not related to the Social Security issue.

**REP. B. OLSON** stated his support for HB 239.

**REP. WILLIAM JONES, HD 9, BIGFORK,** concurred.

**REP. MACLAREN** asked if there were any teachers who went to full retirement and made less than \$500 per month. **REP. OLSON** thought that there had been a bill about four or six years ago which increased benefits for regular retirees. **REP. ANDERSEN** recalled that REP. PEGGY BERGSAGEL had brought such a bill in the 1999 Session because due to salary increases, some early retirees were receiving very little.

**CHAIRMAN JENT** suggested to postpone Executive Action on HB 239 until the necessary information was gathered.

**Substitute Motion/Vote:** **REP. OLSON** made a substitute motion to RECONSIDER THE DUE PASS MOTION on HB 239. Substitute motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 116**

**Motion:** REP. A. OLSON moved that HB 116 DO PASS.

**Motion:** REP. OLSON moved that AMENDMENT HB011601.ASH BE ADOPTED.  
**EXHIBIT**(sth19a08)

**Discussion:**

**Sheri Heffelfinger, Legislative Services Division**, explained that the amendments address the concerns raised by the Budget Office as to whether every small change had to be reported by the agencies. REP. DEBBY BARRETT had requested the amendments to clarify that *significant* changes must be reported on a regular basis to the interim committee which has oversight over the agency.

**CHAIRMAN JENT** advised that "significant change" is defined in the code as an operating budget change on the top of Page 2 of the bill.

**REP. A. OLSON** stated that this was still in keeping with the bill's intent.

**REP. JACOBSON** assumed that this amendment would alleviate the Budget Office's concerns which **CHAIRMAN JENT** affirmed.

**Vote:** Motion carried unanimously by voice vote; REP. DICKENSON voted aye by proxy.

**Motion:** REP. OLSON moved that HB 116 DO PASS AS AMENDED.

**Discussion:**

**REP. MACLAREN** asked Ms. Heffelfinger about the purpose of the bill. **Ms. Heffelfinger** stated that she could not speak to REP. BARRETT'S concerns.

**REP. A. OLSON** clarified that the purpose was to get this information out to the committees with oversight over the various departments, and not just to the Interim Finance Committee.

**VICE CHAIR BROWN** explained that a resolution passed last session which required that boards across the state do a similar reporting; she contended that this was a very positive piece of legislation because it made everyone more aware of what is going on in State Government.

**CHAIRMAN JENT** agreed with VICE CHAIR BROWN's assessment, adding that the Legislature has an important function with regard to the checks and balances of the system. When the oversight involves finances, it is not only the Legislative Finance Committee that should receive reports because of the significant change in programs the Legislature votes for. He stated his support for HB 116.

**REP. JACOBSON** stated, for the benefit of the freshmen on the Committee, that while interim committees do not have policy making authority, they do need to follow up on and review programs instituted by the Legislature.

**Vote:** Motion carried unanimously by voice vote; **REP. DICKENSON** voted aye by proxy.

**EXECUTIVE ACTION ON HB 256**

**Motion:** **REP. HENDRICK** moved that HB 256 DO PASS.

**Motion:** VICE CHAIR BROWN moved that AMENDMENT HB025601.ASH BE ADOPTED.

[EXHIBIT](#) (sth19a09)

**Discussion:**

**Ms. Heffelfinger** explained that the amendment makes this a discretionary position and leaves the selection of a caucus leader up to each caucus by adding "may include" after "... minority whip...."

**VICE CHAIR BROWN** asked Ms. Heffelfinger if there should not be a fiscal note since experience has taught that the more people are in leadership positions, the more it will cost. **Ms. Heffelfinger** was not certain because it came out of a different budget. She added that the leadership would have to make that determination.

**REP. JACOBSON** felt that this issue would have to be included in HB 1.

**REP. A. OLSON** noted that the discussion should stay within the scope of the amendment.

**CHAIRMAN JENT** agreed, saying that the discussion should only regard whether this position was discretionary or not.

**Vote:** Motion carried unanimously by voice vote; **REP. DICKENSON** voted aye by proxy.

(REP. DICKENSON returned)

**Motion/Vote: REP. HENDRICK moved that HB 256 DO PASS AS AMENDED.**

**Discussion:**

**CHAIRMAN JENT** commented that both parties have money available for staff and for travel, and he did not see why it should require an addendum to HB 1, especially since the position is discretionary.

**REP. A. OLSON** contended that there were too many "queen bees" and not enough "worker bees" and stated he will oppose this bill.

**CHAIRMAN JENT** recalled that during the last session, the meeting leader was the caucus leader, in this case REP. JUNEAU, whose main function was to facilitate the caucus meetings. He stated his support for the bill. As to the funding issue, he referred to his above-mentioned comments.

**Vote: Motion failed 8-8 by roll call vote along party lines.**

**CONTINUED EXECUTIVE ACTION ON HB 239**

**VICE CHAIR BROWN** asked the Committee's indulgence in taking Executive Action on HB 239 without having the requested information so that he issues could be discussed; she stated that she would have the information available before the debate on the House floor.

**Motion: REP. BROWN moved that HB 239 DO PASS WITHOUT THE REQUESTED INFORMATION.**

**Discussion:**

**VICE CHAIR BROWN** stated that the majority of the increases would average \$45 to \$65; recipients were making between \$350 to \$420 on the Teachers Retirement System (TRS), so the increase would not amount to \$500 which might jeopardize their Social Security Disability. She added that those who had invested less in TRS, meaning they had to retire earlier because of their disability, would see a greater increase.

**REP. CAFERRO** advised that she was concerned about this issue because there are ways within programs to look at income in a way that protects the recipient from losing established benefits. She knew of cases where income had increased by a mere dollar, putting people into a different category; this resulted in the loss of food stamps. She stated she would research this some

more. **REP. CAFERRO** proclaimed that she wanted to support the bill and hoped to find a way to include policy which would protect people from losing benefits.

**VICE CHAIR BROWN** declared her willingness to accept this idea as a friendly amendment on the House floor.

**VICE CHAIR SMALL-EASTMAN** suggested to wait for such an amendment before voting on the bill. She added that at first she had thought of the disability check as being the only benefit that might be affected but now understood and agreed with **REP. CAFERRO's** concerns.

*{Tape: 3; Side: A}*

**Substitute Motion: CHAIRMAN JENT made a SUBSTITUTE MOTION THAT HB 239 BE CONSIDERED AT A LATER DATE. Motion carried unanimously by voice vote.**

**EXECUTIVE ACTION ON HB 184**

**Motion: REP. A. OLSON moved that HB 184 DO PASS.**

**Motion: REP. A. OLSON moved that AMENDMENT HB018401.ASH BE ADOPTED.**

**EXHIBIT (sth19a10)**

**Discussion:**

**REP. A. OLSON** explained that with this amendment "with advisory powers only" is reinserted in the bill regarding the role of the Library Board of Trustees; he added this had been his concern during the hearing of HB 184.

**REP. EATON** wondered if the sponsor was aware and approved of this amendment. **REP. A. OLSON** stated that he had not talked to the sponsor.

**VICE CHAIR BROWN** recalled that **REP. A. OLSON** had asked during testimony to have this put back in.

**REP. B. OLSON** remembered that the sponsor, **REP. MCALPIN**, had nodded his approval.

None of the members remembered having a contrary impression of the sponsor's preference.

**Vote: Motion carried unanimously by voice vote.**

**Motion/Vote: REP. OLSON moved that HB 184 DO PASS AS AMENDED.  
Motion carried unanimously by voice vote.**

**ADJOURNMENT**

Adjournment: 10:30 A.M.

---

REP. LARRY JENT, Chairman

---

MARION MOOD, Secretary

LJ/mm

Additional Exhibits:

**EXHIBIT ([sth19aad0.PDF](#))**