

MINUTES

MONTANA HOUSE OF REPRESENTATIVES  
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairman Jan Brown, on January 13, 1989,  
at 9:00 a.m.

ROLL CALL

Members Present: All members were present with the  
exception of:

Members Excused: Rep. Duane Compton

Members Absent: None

Staff Present: Judy Burggraff, Secretary; Lois Menzies,  
Staff Researcher

Announcements/Discussion: Chairman Brown reminded the  
committee members that there would be no meeting on  
Monday, January 16. Rep. Cocchiarella said she hoped  
that the subcommittee on HB 26 would be able to give  
their report on Tuesday, but that they were waiting for  
information on the new fiscal note. On HB 78, Chairman  
Brown said that the sponsor, Rep. M. Hanson, reported  
that the Indian Affairs Committee will think about the  
bill over the weekend, and she hopes to come back the  
first of the week and do something different with the  
bill, like possibly tabling it.

HEARING ON HB 36

Presentation and Opening Statement by Sponsor: Rep. Ted  
Schye, House District 18, said that he is sponsoring  
the bill at the request of the Glasgow Lions Club. The  
club raises money by having a sports pool on the Monday  
night football game. The club has been keeping 50  
percent of the money paid into the pool and paying out  
to the winner the remaining 50 percent. The last time  
they did this, the county attorney told them that what  
they were doing was illegal as the sports pool laws  
requires that the payoff has to be 100 percent of the  
money collected. The bill is for nonprofit  
organizations, which allows them to have sports pools  
to keep up to 50 percent of that money to bring into  
their organization for charitable work. He said that  
there would have been people from his district to

testify for the bill if the weather had not been so bad.

List of Testifying Proponents and What Group They Represent:

Lyle Naegle, State Volunteer Fire Fighters Association

List of Testifying Opponents and What Group They Represent:

None

Testimony:

LYLE NAEGLE testified that he thought the bill would help the small fire companies and especially the companies having emergency medical reponse units that have spun off from fire departments as there are no systems of funding these programs. He said that the way their funds are being raised now is by the use of sports pools, and they would like to be legal. He said he would appreciate the committee passing the bill.

Questions From Committee Members: REP. DAVIS asked why they requested just up to 50 percent, why not higher. Rep. Schye replied that in order to have some money to pay off and to interest buyers, you are going to have to offer at least 50 percent. Also he said that the 50 percent figure was what the Lions Club in Glasgow was using. REP. PHILLIPS asked what the definition of beneficial organization was. Rep. Schye said he did not know, but that he thought they were talking about hospitals or non profit rural hospitals, volunteer fire departments and similar organizations. REP. GERVAIS asked if someone could have a pool and pay out 100 percent. Rep. Schye said they could pay off any amount they wanted to as long as it was at least 50 percent.

Closing by Sponsor: Rep. Schye said the Lions' organization, which requested the bill, does do a lot of good for the city and county. He said he believes that the bill could benefit other cities and organizations. Some organizations are doing this now, and they are in the wrong; this would allow more uniformity across the state as some county attorneys are stopping the pools and others are not.

DISPOSITION OF HB 36

Motion: Rep. Moore moved DO PASS, Rep. DeBruycker seconded.

Discussion: CHAIRMAN BROWN asked if REP. PHILLIPS wanted a clarification of beneficial organization. Rep. Phillips declined.

Amendments and Votes: None

Recommendation and Vote: HB 36 PASSED unanimously. Rep. DeBruycker asked that since it has passed unanimously if the bill could be put on the Consent Calendar. The committee agreed.

#### DISPOSITION OF HB 62

Motion: Rep. O'connell moved DO PASS, Rep. Hayne seconded.

Discussion: REP. CAMPBELL asked who was going to have to pay for the audit. He wanted to make sure that the cemetery districts were paying for the audit and not putting the burden on the county. Lois Menzies, staff researcher, said that the Department of Commerce charges the audit fees and the audit fees are required to be paid by the governmental entity to the State Treasurer. REP. NELSON said that if the cemetery districts are paying to the county to have the audit done then basically they are paying for it themselves. REP. COCCHIARELLA said that on the fiscal note it said that cemetery funds would be reduced by the amount of \$14,883. REP. DEBRUYCKER said he was confused about the audit issue. Lois Menzies said that the audit would be mandatory and that she believed the money would come from the cemetery district, not from the county. REP. DEBRUYCKER asked if this would force every cemetery district to have an audit and what the cost of that would be. REP. GERVAIS said that in his district that they have their own funds, and it is real difficult to get any information at all out of them. He thinks the bill is a good one. REP. WESTLAKE said he has a concern of where the cost of the audit will eventually be collected. He doesn't want the cost passed onto the county. REP. COCCHIARELLA said she had phoned her county commissioners, and they were 100 percent in favor of the bill passing.

Amendments and Votes: None

Recommendation and Vote: A division of the house was called for. A roll call vote was taken. The motion PASSED by a vote of 9 to 8. (See attached voting sheet.)

DISPOSITION OF HB 84

Motion: Rep. Roth moved DO PASS, seconded by Rep. Campbell.

Discussion: CHAIRMAN BROWN asked Lois Menzies for her research on the bill. Lois said that REP. NELSON had asked whether there was a statute that applied to school bond elections. She said that there is a section in Title 20 addressing this issue. Section 20-20-204 states that notification of the election can be given in two ways: either a notice can be published or it can be posted. Those are the two options in HB 84. No amendment would be needed. Information from the Missoula County Clerk and Recorder was sent around in support of HB 84 (Exhibit 1).

Amendments and Votes: None

Recommendation and Vote: The motion CARRIED, 17 - 1. All voted in favor but Rep. Compton, although not present, he had left a no vote with Chairman Brown.

ADJOURNMENT

Adjournment At: 9:25 a.m.

  
REP. JAN BROWN, Chairman

JB/jb

1114.min

DAILY ROLL CALL

STATE ADMINISTRATION COMMITTEE

51th LEGISLATIVE SESSION -- 1989

Date January 13, 1989

NAME	PRESENT	ABSENT	EXCUSED
Rep. Jan Brown, Chairman			
Rep. Helen O'Connell, Vice Ch.			
Rep. Vicki Cocchiarella			
Rep. Ervin Davis			
Rep. Floyd "Bob" Gervais			
Rep. Janet Moore			
Rep. Angela Russell			
Rep. Carolyn Squires			
Rep. Vernon Westlake			
Rep. Timothy Whalen			
Rep. Bud Campbell			
Rep. Duane Compton			
Rep. Roger DeBruycker			
Rep. Harriet Hayne			
Rep. Richard Nelson			
Rep. John Phillips			
Rep. Rande Roth			
Rep. Wilbur Spring, Jr.			

STANDING COMMITTEE REPORT

January 13, 1989

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 36 (first reading copy -- white) do pass . The committee unanimously voted to place House Bill 36 on the Consent Calendar.

Signed: \_\_\_\_\_

  
Jan Brown, Chairman

STANDING COMMITTEE REPORT

January 13, 1989

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 84 (first reading copy -- white) do pass .

Signed: \_\_\_\_\_

*Jan Brown*  
Jan Brown, Chairman

STANDING COMMITTEE REPORT

January 13, 1989

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 62 (first reading copy -- white) do pass.

Signed: \_\_\_\_\_

Jan Brown  
Jan Brown, Chairman



EXHIBIT 1  
DATE 1-13-89  
OFFICE OF THE CLERK AND RECORDER  
RECORDING DIVISION  
HB MISSOULA COUNTY COURTHOUSE HB 84  
MISSOULA, MONTANA 59802

January 5, 1988<sup>5</sup>

Please accept this written statement as evidence of support by the Missoula County Clerk & Recorder to change the requirement that notice of a city bond election be posted in the precinct ten days prior to election.

No other taxing district has this requirement and the purpose of notification can be met by publishing the announcement in the local newspaper.

Respectfully submitted,

A handwritten signature in cursive script that reads 'Fern Hart'.

Fern Hart  
Clerk & Recorder/Treasurer  
Missoula County

INVOICE

CITY CLERK  
ATTN: CITY HALL

MISSOULA, MT 59802

---REMITTANCE ADDRESS---  
MISSOULA COUNTY ACCOUNTING DEPT  
FED. TAX ID #81-6001397  
MISSOULA, MT 59802  
TELEPHONE: 406-721-5700 EXT. 125

CUSTOMER #	INVOICE #	INVOICE DATE	DATE DUE	INVOICE AMT
0000000005	00001370	12-09-88	12-09-88	1,275.42

CATEGORY: ELEC ELECTIONS

QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	EXT PRICE
1	E	2/35 SHARE OF ELECTION JUDGE EXPENSE		499.00
1	E	SHARE OF POLLEBOOKS, SUPPLIES		11.70
1	E	SHARE OF EMPLOYEE OVERTIME		32.00
1	E	SHARE OF BALLOT PRINTING, PROGRAMMING		553.00
1	E	SHARE OF LEGAL ADVERTISING, MISSOULIAN		124.25
1	E	COST OF POSTING NOTICES, CITY PRECINCTS		44.75
TOTAL INVOICE AMOUNT				1,275.42



ROLL CALL VOTE

STATE ADMINISTRATION

COMMITTEE

DATE 1-13-89

BILL NO. HB 62

NUMBER HB 62

NAME	AYE	NAY
Jan Brown	✓	
Bud Campbell		✓
Vicki Cocchiarella	✓	
Duane Compton		
Ervin Davis		✓
Roger DeBruycker		✓
Floyd "Bob" Gervais	✓	
Harriet Hayne	✓	
Janet Moore	✓	
Richard Nelson		✓
Helen O'Connell		✓
John Phillips	✓	
Rande Roth	✓	
Angela Russell	✓	
Wilbur Spring, Jr.		✓
Carolyn Squires	✓	
Vernon Westlake		✓
Timothy Whalen		✓

TALLY

9

8

Judy Bergquist  
Secretary

Jan Brown  
Chairman

MOTION: No Pass

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