

MINUTES OF THE MEETING  
SENATE STATE ADMINISTRATION COMMITTEE  
FEBRUARY 4, 1977

The meeting was called to order by Senator Towe, Chairman, at 11:00 a.m. in Room 410 of the Capitol Building. Committee members present were Senators Towe, Brown, Rasmussen, Roskie, Devine, Jergeson, Blaylock with Senator Story excused.

The following bills were discussed: SB 168  
SB 152  
SB 171  
SB 260  
SB 143  
SB 122

SENATE BILL 168

Senator Thiessen, District 27, sponsor of the bill, stated the bill is a Department of Administration bill and asked Jack Crosser, Director, to explain the bill.

Jack Crosser stated the bill deals with the problem of negotiating statewide group insurance plans.

PROPOSERS

Mike Young, Department of Administration, said the bill deals with the problem of voluntary employee component groups flowing in and out of group insurance plans. It takes a 2/3 vote of a component group to enter or leave the plan. It makes it extremely difficult to get a bid due to the unsteady figure. It is hoped by making a majority vote necessary to enter the plan and a 2/3 vote to get out it will help alleviate the problem.

Dave Stutler, State Personnel Division, suggested the bill be transferred to the select joint committee on employee compensation as there are four other bills (HB 346, 327, 170, 183) currently dealing with much the same problem in that committee.

OPPOSERS

Jim Murphy, representing the Group Insurance Advisory Council which represents executive and legislative offices stated there is some concern with a simple majority reflecting the desire of the whole group. He realized the insurance carriers want a stable group but felt employees should be able to exercise their own options.

Tom Schneider, Public Employees Retirement System, urges the bill be put in the select committee also.

Don Judge, Field Representative of the State and Municipal Employees, supported the idea of the select committee also.

Mike Young closed for Senator Thiessen by stating there is merit in putting the bill in the select committee.

There being no further discussion the hearing was closed.

#### SENATE BILL 152

Senator Hazelbaker, District 41, sponsor of the bill, stated the bill is a product of the Montana Justice Project final report. It explains definitions and duties of auxilliary and reserve police officers.

Mr. Bain, former Chief of Police in Great Falls, presented suggested amendments to the bill (see attached #1).

Jack Williams, representing the Chiefs of Police, supported the bill.

Chuck O'Reilly, Assistant Director of the Montana Justice Project, stated several of the smaller police departments in the state requested the bill.

Don Judge, Field Representative of the American Association of State and Local Employees urged support of the bill.

#### OPPONENTS

Tom Dowling, representing the Sheriffs and Peace Officers Association, stated the provisions on page 4, subsection 4, should be included for auxilliary officers.

Greg McCurdy, Montana Association of Counties, stated HB 122 takes care of the provisions of the bill. He felt the state should provide training.

There being no further discussion, the hearing was closed.

#### SENATE BILL 171

Senator Dunkle, District 15, sponsor of the bill, asked Tom Schneider, Public Employees Retirement System, to explain the bill to the committee.

Mr. Schneider presented his statement to the committee (see attached #2).

#### PROPONENTS

Homer Wheeler, representing himself as a state employee, stated he favored the bill.

Don Judge, representing the American Federation of State and County Municipal Employees, stated support of the bill.

Larry Nachtsheim, Public Employees Retirement System, supported the bill.

Senator Dunkle closed stating the bill is important to state employees and will help in their retirement.

There being no further discussion, the hearing was closed.

#### SENATE BILL 260

Senator Dunkle, District 15, sponsor of the bill, stated the bill will provide a cost-of-living increase and make certain changes in the Public Employees Retirement System. He asked Tom Schneider and Larry Nachtsheim to comment on the bill.

Tom Schneider presented a statement and proposed amendments to the bill to the committee (see attached #3).

Larry Nachtsheim, Public Employees Retirement System, supported the bill and stated the fiscal note reelection is accurate but felt the amendments would help. He stated this covers just those who have already retired and the Board felt it should be addressed by the legislature.

There being no further discussion the hearing was closed.

#### SENATE BILL 143

Senator Watt, District 49, sponsor of the bill, stated the purpose of the bill is to provide for the closure of registration 30 days prior to election, to remove posting requirements for notices, to hold primary elections on the first Tuesday following the first Monday in June, and to simplify and reduce the cost of administering registration and elections.

#### PROPOSERS

Robert E. Arras, Clerk and Recorder, Missoula, presented his testimony (see attached #4) and stated he supported the bill completely.

John Bell, representing the Montana Clerks and Recorders, stated his support of the bill.

Greg McCurdy, Montana Association of Counties, stated his support of the bill.

There being no further proponents and no opponents to the bill, the hearing was closed.

#### SENATE BILL 122

Senator Dunkle, District 15, stated the bill asks for rotation of names on the ballot by drawing of lots.

PROPONENTS

John Bell, Clerks and Recorders, urged support for the bill.

Mrs. Francis Detsweiler stated rotation of names is most expensive, and her county attorney told her to draw lots and it worked quite well in the Constitutional Convention election.

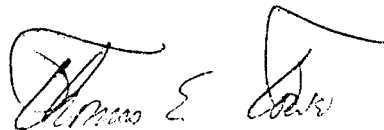
Sam Gilully, Montana Press Association, urged support of the bill for the benefit of smaller county printers in Montana. He said the time element causes quite a deal of pressure and this bill would alleviate the situation.

Greg McCurdy, Montana Association of Counties, said it is a "darn good bill".

Robert Arras, Clerk and Recorder from Missoula, stated the bill would be a very definite benefit and he supported it wholeheartedly.

There being no further discussion, the hearing was closed.

There being no further business, the meeting was adjourned to reconvene February 4 upon adjournment of the Senate.

A handwritten signature in dark ink, appearing to read "Thomas E. Towe", is written over a horizontal line.

Thomas E. Towe, Chairman

SB 122  
143  
152  
BILL 168  
171  
260

SENATE STATE ADMINISTRATION COMMITTEE

VISITORS' REGISTER

DATE 2/4/71

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPOSE
Clayton Bain	POST Advisory Council	152	X	
Jack Williamson	Chiefs of Police Assoc	152	X	
Charles O'Reilly	Mount. Quarters President	152	X	
John Ball	Chiefs of Records	SB 122	X	
James P. Smith	Chiefs of Records	SB 122	X	
Robert E. Akas	Chiefs of Records	SB 122	X	
W.D. Brown	ad Council Missions	SB 143	X	
Douglas W. Campbell	Amateur - Missions	SB 143	X	
Sam Gilluly	Mount. Press Ass'n	SB 122	X	
John Woodford	Sec. of State	142 SB 122	amend	
James R. Brown	Cascade Co Sheriff Dept	SB 152		
Blake E. Gipe	Franklin Co Sheriff	SB 152		
John P. Rebit	Dept of Hvy Employees	SB 168		Amend
James J. Murphy	Advisory Council	SB 168		X
James J. MacLachlan	PER'S (R.M.D.M.)	SB 171	X	
Thomas Schneider	MTEA	168 260	Subst Committee	
Thomas Schneider	MTEA	171 260	X	

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

ROLL CALL

State Administration COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 2/4/77

NAME	PRESENT	ABSENT	EXCUSED
Senator Thomas E. Towe, Chrm.	X		
Senator Pete Story, V. Chrm.			X
Senator Bob Brown	x		
Senator A.T. "Tom" Rasmussen	X		
Senator George F. Roskie	x		
Senator John W. Devine	x		
Senator Greg Jergeson	x		
Senator Chet Blaylock	X		

Each day attach to minutes.

Mike Young

DATE: \_\_\_\_\_

: 00

---

NTING WHOM? \_\_\_\_\_

NG ON WHICH PROPOSAL: \_\_\_\_\_

SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

S: \_\_\_\_\_

LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

## REPORT ON VOLUNTEER LAW ENFORCEMENT GROUP

In 1975, the Board of Crime Control conducted a statewide survey of all law enforcement agencies on volunteer law enforcement groups. The survey revealed wide variations in their use, functions they perform, training, how they are supervised, scope of authority, and the names used by these volunteers to call themselves.

Of over 900 volunteers in Montana, 320 are sworn, armed, wear badges and uniforms, and perform similar functions as do regular, full-time law enforcement officers.

Most of these volunteers have received very little in the area of training and firearms qualification. Most training that is provided is merely token. In no other volunteer services, with responsibilities compared to the law enforcement volunteer, can there be found a procedure for granting the citizen full, functional authority without adequate training. Quality training is of obvious importance for anyone empowered with the authority to restrict a fellow citizen's liberties.

The next weakest link in volunteer groups was in the area of supervision. The parent law enforcement agency provided very little in the way of supervision. Some volunteers have developed their own supervisory structure, resulting in little contact with the parent agency.

Since Montana has no specific code which defines law enforcement volunteers, nor specifically authorizes them, they pose an interesting question as to their arrest powers. The Board of Crime Control requested an opinion of the Attorney General regard-

ing this. According to Volume 36, Opinions of the Attorney General, Opinion Number 6 refers to Section 16-3705(1) RCM 1947, which includes a category called special deputies. The Attorney General's Opinion has stated that this category includes law enforcement volunteers. This conclusion means that sworn volunteers are peace officers and are legally able to exercise arrest powers at all times. It is obvious that the appointing agency has some serious problems in controlling the use of police authority by their sworn volunteers.

From all of this, it is very apparent Montana needs a code that is all encompassing of volunteers. The code would contain definitions, authority to create, scope of authority, authorizing minimum selection and training standards, and adequate restraints on the duties and responsibilities of law enforcement volunteers.



THOMAS E. SCHNEIDER — EXECUTIVE DIRECTOR  
PHONE (406) 442-4600  
P. O. BOX 5600  
HELENA, MONTANA 59601

February 4, 1977

Senate Bill 171

Senate Bill 171 simply establishes an on going method for a member of the P.E.R.S. to purchase credit for service not previously credited to the member's account but which qualifies for credit under the PERS statutes. Prior to 1973 this type of service could have been purchased at any time but as the years passed it was getting harder and harder to verify it.

During the legislative session of 1973 the stricken language of this bill was passed to attempt to bring everyones service up to date. To a large part this was accomplished but now we have passed beyond the year requirement and some problems have come up. Working through PERS we have come up with the language of SB 171 to provide a mechanism to handle these problems to everyone's satisfaction.

*Example: Because PERS did not in the past have a method of showing creditable service on the yearly statement to the membership some members were not aware that they did not have credit for all of their service until they were ready to retire. Because of the 1975 date the law precluded them from buying service. At the time the PERS system began in 1946 it was a practice that employees did not have to join during their six months probationary period. This has resulted in employees being short six months of service and even though the employer has agreed to pay the employer contribution the law precluded the employee from picking up the service.*

The second change on line 2 page 4 is simply a corrective change of statutory changes made in 1975. The section of the law dealing with death benefits (survivorship) was overlooked so that even though PERS has a five year vested right for retirement and disability benefits the current law still requires ten years for a survivorship benefit.

The law would be effective on passage and approval because the sooner these changes are made the better off all parties would be.



THOMAS E. SCHNEIDER - EXECUTIVE DIRECTOR  
PHONE (406) 442-4600  
P. O. BOX 5600  
HELENA, MONTANA 59601

February 4, 1977

SENATE BILL 260

Senate Bill 260 does the following things:

1. Pages 1 and 2 through line 7 on page 2 - This section provides for a cost of living increase which we are now amending to be  $\frac{3}{4}$  of the CPI increase for the past two years. The full increase has been reduced to  $\frac{3}{4}$  because we had and understanding with PERS that as soon as their actuary completed his evaluation the cost of living increase would be amended to fall within the revenue provided by the current funding of the system. This provision would not require either an additional employee or employer contribution.
2. Lines 21 through 25 on page 2 and line 1 on page three changes the present law to provide that any member who takes the regular retirement allowance automatically leave the beneficiary with any of the member's accumulated contributions if the member dies before the member's own contributions are used up. This change ties in with the change on page 6 lines 24 and 25 and page 7 lines 1 through 3 which ~~formally~~ provided that the beneficiary could only receive the remaining amount at the time of the member's death if the member chose that option and took less of a benefit.  
*This simply provides that the member or the beneficiary will receive the member's accumulated contributions without taking less of a monthly benefit. The remaining options remain in the law and speak for themselves.*
3. The changes on pages 3, 4, 5 and 6 deal with the disability benefits of PERS. They would remove the current difference between the duty related and non-duty related disabilities and provide a uniform method of compensating for any disability.

IN ESSENCE the changes provide that after five years of service anyone found to be disabled would receive a benefit of either 25% of final compensation or 90% of  $\frac{1}{60}$  of the final compensation multiplied by the years of creditable service whichever is greater.

In addition anyone disabled on the job would receive the additional <sup>amount</sup> ~~from~~ from workers compensation which is currently the case.

The only loss of benefits from the current law would be the five years required for all disability payments from PERS the gain would be that anyone disabled after five years of service would receive no less than 25% of final compensation. Under the current law a person with 5 years would receive 90% of 5/65 of final compensation.

*Example:*

5 years of service      \$ 7000 final compensation

$90\% \text{ of } 5/65 \times \$ 7000 = \$ 484.61 \text{ divided by } 12 = \$ 40.38 \text{ per month.}$

#### NEW PROVISION

$25\% \text{ of } \$ 7000 = \$ 1750.00 \text{ divided by } 12 = \$ 145.83$

As you can see this would provide more disability protection for more members than the current provision. The actuary has computed that this additional benefit can be added to the system with no additional contribution necessary.

Removing the duty related disability also makes it much easier to administer the disability program as there is no longer a contested case on whether a disability is duty related as far as PERS is concerned.

SB 260

44 Mr. Chairman and distinguished members of the committee, My name is Robert E. Arras and I am Clerk and Recorder and ex-officio registrar of elections for Missoula County. Senate Bill 143, introduced by Senators Watt and Murray is a result of recommendations that have come forth from a citizens committee on elections that is an advisory committee to myself as registrar of elections. These dedicated, unpaid, citizens have volunteered their time and effort to act as a citizens input to the election process and having observed the poliferiation of elections this past two years, have submitted the ideas gleamed <sup>from</sup> ~~for~~ their observation and Senate Bill 143 is the product of their labors.

The bill is an attempt to standardize several sections of the election laws, section 1 and 2 of the bill, and make them uniform in nature. Various sections of the law now allow for close of registration date to vary up to 40 days prior to election. This bill would eliminate these varying dates and set close of registration at 30 days prior to the election, thereby standardizing the close of registration.

Section 3, 4, and 10 of the bill before you, eliminates the requirement that a posting be made at each polling place 10 days prior to the election. The cost to all of the counties is extremely high and time consuming. In Missoula County, with 60 precincts spread out over the county; this is a three day task. It is our feeling that an adequate notice is given by the use of the newspaper as stated in the amended section.

Section 5 is a procedural correction for internal control within the election offices and would eliminate a burdensome procedure and install a more workable procedure. You would do away with the build up of red lined registers and card files and would instead remove the name for the registry (In Missoula's case, the data bank memory entry) and by removing the card from the active card file, eliminate having to "paw" through all of the red lined cards to get to an active card. This admendment would be time saving and eminently more efficient.

Section #6 is additional wording that would inform potential <sup>voters</sup> ~~users~~ and would allow mailing of a properly completed registry card to the registrar. This would alliviate problems encountered by the old, the infirm, and the handicapped person. ①

Section 7 deals with the number of judges required at the polling places. The break point for numbers of judges required now <sup>point</sup> increase the break <sup>point</sup> to 350 electors. *Is At 200 Electors per precinct And This Bill Would* This change also brings sub-section #1 into uniformity with sub-section #2 wherein the commissioners may appoint a second board of election judges to count & tabulate votes in precincts that have 350 or more electors. The impact on Missoula County would be a savings of approximately 20 to 25% or \$3600 to \$4500 per election.

Section 9 adds the words after the first Monday in June into the present law. This insertion would preclude the happening of a legal holiday falling the day before the election, as it did this year. Memorial Day was a legal holiday and fell on Monday, the day before the 1st Tuesday. Closing the election office in this case, on Monday a legal holiday was in violation of 23-3016(a) (I) wherein some voters are entitled to register up to noon the day before election, and as such we had to keep the office open and pay overtime pay for that day. Again, an added cost to the county.

Section 11 is a housekeeping type of change. It allows an election judge to deliver a copy of precinct result to the registrar instead of sending a copy by mail.

Section 12 adds the provision that the ballot boxes, after the election may be collected by a person designated by the registrar. This would allow for the pick up of ballot boxes and unused supplies the day after the election by a pick-up crew. In Missoula County most of the election judges are physically unable to handle the 60# to 80# ballot boxes. The vast majority of the election judges are women and are not able to wrestle these heavy boxes.

I do support the bill and wish to thank Senator Bob Watt & Senator Bill Murray for sponsoring the proposed changes and Senate Bill #143. Thank you to each member of the committee <sup>for your Attention & Consideration</sup> and I am hopeful that you will act favorably on this bill.

① in registering to become an elector, due to their inability to appear in person in the elections office. We permit these people and many others the right to an absentee ballot and seems only right to allow them to register in absentee.



NAME GREGG L. McCURDY

Bill No. 48

ADDRESS BOX 234, AVON, MT. 59713

Date       

WHOM DO YOU REPRESENT? MONTANA ASSOCIATION OF COUNTIES

SUPPORT       

OPPOSE       

AMEND       

152

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

*Amend H315 - on state page Tuesday 4/26  
Come on out of Plan H3122  
Larkin corner of the hill.*

NAME: Jack Williams DATE: Feb. 11-77

DATE: Feb 11-77

ADDRESS: 1227 Hansen Kellogg

PHONE: 442-3232

REPRESENTING WHOM? Chiefs of Police Assn

APPEARING ON WHICH PROPOSAL: 5 152

✓

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

AMENDMENTS TO S.B. 152

1. Amend page 3  
Line 12  
Insert: 2 years  
Drop: 1 year
2. Amend page 6  
Line 25  
"after weapon" Insert: while on assigned duty
3. Amend page 7  
Following: Line 13  
Insert: "Section 6. Standardization of terminology. To facilitate the use of common terminology for law enforcement purposes, the code commissioner shall, where appropriate, change all statutory references to comply with the following rules:  
  
(1) Every reference to "reserve officer" in the laws governing the police retirement system shall be changed to "retired officer."  
  
(2) Every reference to "reserve list" in the laws governing the police retirement system shall be changed to "retired list."

Renumber: subsequent section.

Suggested Amendments

Senate Bill 260

Page 1, Line 22. After the words "lesser of" add the number sign and word "75% of".

Page 2, Line 3. After the words "lesser of" add the number sign and word "75% of".

Page 5, Line 1. After the word "reasons" add the following "and granted prior to July 1, 1977,"

Page 5, Line 14. Delete after the word "this" the word "act" and add the word "section".

Page 6, Line 13. After the number and sign "(3)" delete the word "pension" and add the words "a retirement allowance".

NAME: Jean Woodard DATE: 2-4-77

ADDRESS: Sec. of State Office

PHONE: 449-2034

REPRESENTING WHOM? Sec. of State

APPEARING ON WHICH PROPOSAL: SB 143

DO YOU: SUPPORT?                      AMEND? ☒ OPPOSE?                     

COMMENTS: There are several technical  
amendments that need to be made  
I am opposed to change Sec. 13, page 11,  
line 24, which will delete mailing a  
water information pamphlet to each  
registered voter.