

HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE
January 22, 1979

JOINT HEARING - SENATE BILL NO. 65:

The joint meeting was called to order by Vice-chairman Olson of the Senate Judiciary Committee at 10:03 a.m. in room 405 of the Capitol Building. Members of the House Committee present were Representatives Uhde, Keyser, Lory, Curtiss, Roth, Iverson, Keedy, Daily, Pavlovich and Chairman Scully.

SENATOR LENSINK: As chief sponsor of the bill, which is a bill to generally revise the election laws, gave an explanation and brief history of how this bill was put together. He explained that in the last 60 years there has been no significant revision in the Montana election law, that the bill is not perfect and that there will be some disagreement and some errors. He invited suggestions for improvement and whatever amendments that anyone had to offer.

Senator Lensink introduced Representative Eudaily, who went over the major revisions that were contained in this bill. The ones he specifically covered are checked on pages 12 to 16 in the red book on election laws prepared by the subcommittee on state legal services and election laws, in November, 1978.

He also stated that this bill will prohibit a candidate from using a personal bank account for campaign funding, establish an aggregate amount that a candidate can spend, eliminate the requirement for reports having to be notarized, and the big one - the consolidation of all elections to be held in November with the national, state offices, legislative, soil and water districts, etc. to be held in even years and county offices, city elections, special districts, to be held in odd years.

Vice-chairman Olson, at this point, turned the meeting over to House Judiciary Chairman Scully. He asked for any further proponents.

Margaret Davis, representing the League of Women Voters gave a statement in favor of this bill. She offered two small amendments on page 47, line 12, after the word "more" that the word "adjoining" be inserted and on page 65, line 9, after the word "ballot" strike the word "may" and insert the word "shall" and after "size" strike "and" and insert "or". Exhibit #1.

Chad Smith, representing the Montana School Board Association, said if this bill was including school elections, he would have some proposed amendments and gave a copy to the secretary. Exhibit #2.

MERRILL KLUNDT, chairman of the Montana Clerk and Recorders Legislative Committee, offered a statement in support of this bill, and offered a number of amendments that he would like to see in this bill. Exhibit #3.

JOHN BELL, representing the Montana Association of Clerks and Recorders, stated that he heartily endorsed this bill and he hoped that the committee would accept the amendments offered and pointed out that they have refrained from anything controversial. Exhibit #4.

EDITH COX, representing the Montana Association of County Treasurers supported the amendments.

R. DEAN ZINNECKER, from the Montana Association of Counties, gave a statement supporting the amendments offered by the clerks and recorders.

EDNA GUNDERSON, representing the Democratic Party gave a statement opposing elections in odd-numbered years.

DAN MIZNER, representing Montana League of Cities and Towns, stated that they support the bill.

BILL MERRICK, representing the Montana Broadcasters Association, gave a statement in support of the bill and offered written testimony to be included in the minutes.

BOB BIGGERSTAFF from the Montana Association of Conservation Districts, offered support for this bill.

JANELLE FALLAN, representing the Montana Chamber of Commerce, explained that they generally support this bill.

SENATOR LENSINK closed the hearing on this bill and said that he certainly appreciated the hard work that had gone into the preparation of this bill and for the support and testimony that everyone offered.

SENATOR O'HARA questioned as to how much expense was involved in having an election and Merrill Klundt explained that in Yellowstone County with 24 precincts the cost was \$92,000 in the last election alone. It was advised that there would be a fiscal note available at the end of the week.

DAN MIZNER requested that they provide a provision for some type of annual election as some cities have an annual election by charter.

SENATOR ANDERSON questioned if anyone had any figures to show if annual elections have increased voter turnout in any other states. Maggie Davis from the League of Women Voters, said they did not have any concise figures on this, but felt that it would have some positive effects.

There were no further questions concerning this bill and Senator Lensink closed the hearing.

There was no further business and the meeting adjourned at 11:07 a.m.

Following the hearing and adjournment, Representative Eudaily gave the secretary some other proposed amendments that they would like to have included in this bill which is shown on Exhibit #5. Also John Hanson, Commissioner of Campaign Finances and Practices offered an amendment, which he would like to have considered by the committee.

Chairman Lensink and Chairman Scully will appoint a subcommittee for this bill. Mr. Scully said he would hold all election bills and coordinate them with this bill in his committee.

Several of the House members had questions concerning duplicate registration, and proper registration so that your vote was in the right precinct, and also had some discussion about school bond issues. Representative Eudaily commented that they did not include school elections and issues in the bill.



John P. Scully, Chairman

Mary Ellen Connelly, Secretary

JUDICIARY COMMITTEE

Sub-committee on House Bill No. 148

January 22, 1979

The sub-committee meeting was called to order by Chairman Keyser at 11:30 in Room 436 of the Capitol Building on Monday January 22, 1979. Other members of the sub-committee are Representatives Keedy, Rosenthal and Daily. The staff attorney also attended.

Representative Rosenthal asked Norma Vestre of the SRS Bureau to explain the bill further because there was question in the minds of the committee members as to the intent of the bill. She stated that the intent of the amendment is to include children through the placement of probation officers.

Mr. Weinberg stated there is some conflict with the present law.

PETE SUNDARK:

Pete Sundark from SRS said it is not in conflict because of the section, the Montana Youth Court Act, does include the licensing of the foster homes.

MARTY WALKER:

I am not against parents having there share of financial responsibility. About this bill, I read it to say that it would provide them with authority to conduct financial investigations before a court hearing and before they are found guilty and before they go to court. She read her testimony and gave it to the committee (attached). She said she felt that secondary sources must not be considered until they are investigated and found to be accurate. Some may be neighbor and could have a grudge against you. I feel you should reconsider the whole set-up, and make the welfare department responsible.

DONNA KUN:

I want to give testimony. My purpose in coming here is that you must put a limit on the investigative officers and control their power. Some of the things in the bill bother me. I feel that their should not be any financial investigation until there has been a court hearing into facts. There should be limits and checks.

Representatives Keedy and Rosenthal questioned the witnesses at length.

Discussion was lengthy about primary and secondary sources and also financial investigation.

NORMA VESTRE:

SRS is required to investigate on complaint of abuse and/or neglect. This bill is directed toward people with an income of \$20,000 or more. Representative Keedy questioned her at some length about line 12 on page 2, why is the financial report necessary before the court hearing.

PETE SUNDARK: We are talking about a child who is now in a foster home and under foster care. This bill is not expanding the investigative posers of our agency. The act provides that the service is for both the parent and child.

REPRESENTATIVE KEEDY: Can you tell me where in the bill it applies to foster care.

Discussion followed about 10-13-10 and 41-3-404 and about the intent of the bill. It was mentioned that the SRS is already under law to conduct an investigation.

Discussion about the filing of the investigation and the financial report and that it is not entirely clear what the law does require. The question was raised as to who does the financial investigation.

NORMA VESTRE: The social worker. The same one who had been working with the family. She stated that the social worker would have to have some special training and the question was raised as to what it would cost. Mr. Sundark said there would be no added cost. Representative Daily asked how much more would be collected for the state of Montana.

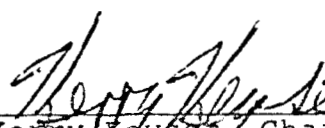
Mr. SUNDARK: \$87,837 from parents and other sources, not less than \$43,000 additional more savings to the state. At least 1/3 of the cost of foster care. It would not be more than the actual care, which is \$150 plus medicat at the present time.

There were no further questions.

Representative Keedy moved to accept the original amendment. There was a tie vote and no committee recommendation.

There was discussion about introducing as a committee bill to clarify. The motion to do so carried with the vote unanimous. Larry Weinberg, the staff attorney will prepare a statement to be presented to the full Judiciary Committee. Representative Daily moved "do not pass" and the motion carried. They will present the recommendation on Wednesday.

The meeting adjourned at 1:10 p.m.


Kerry Keyser, Chairman
House Bill 148 sub-committee

KK:mec


Judiciary Chairman