

MINUTES OF THE MEETING  
STATE ADMINISTRATION COMMITTEE  
MONTANA STATE SENATE

March 2, 1979

The thirty-third meeting of the State Administration Committee was called to order by Chairman Pete Story on the above date in Room 442 of the State Capitol at 10:00 A.M.

ROLL CALL: All of the Committee members were present, with the exception of Sen. Bob Brown who was absent. Senators Roskie and Rasmussen arrived late to the meeting.

CONSIDERATION OF HOUSE BILL No. 337: The Chairman called on Rep. Chris Stobie, House District 23, Thompson Falls, sponsor of the Bill, to present his testimony.

Rep. Stobie introduced Tom Schneider, Montana PERS, to give an explanation of the Bill's purpose.

Mr. Schneider stated this Bill would allow the PERS to pay a minimum benefit for widows of deceased highway patrolmen which should have been granted in 1975, but were not because of an error in drafting that bill. This involves only 4 widows for a total of \$1,200.00 a month; the benefits are no different than all others covered by the 1975 bill.

The Chairman asked for other proponents.

Joe Sol, Chief, Highway Patrol, supporting the Bill, testified it was a humanitarian bill and would affect 4 ladies, all at least 75 years old, whose benefits from their husband's retirement had ceased. The financial impact will not have a very big impact on the Patrolmen's Retirement System.

Jim Turcotte, State PERS, stated the major consideration is that the 4 persons involved are widows are in excess of 75 years old, so the length of time for these benefits will not be very great.

There being no opponents, the hearing was opened for questions.

Sen. Story questioned the ability to absorb this expense, to which Mr. Turcotte replied he did not see any problem; no back benefits would be paid.

Sen. Ryan questioned if they had made an examination of their records to see if any more might be hiding somewhere. Chief Sol answered they have determined only the 4 persons. Mr. Turcotte added that prior to 1972, retiring patrolmen were not told of the benefit option in order to cover their surviving spouses; this merely corrects that problem.

There being no further questions, the hearing on House Bill No. 337 was closed.

CONSIDERATION OF HOUSE BILL No. 290: The Chairman called on Rep. George Johnston, House District 13, Cut Bank, sponsor of the Bill, to present his testimony.

Rep. Johnston testified that the last raise for these special deputy state fire marshals was in 1973 which established the \$40.00 a day pay figure. This will have very little impact on these special deputies who are not used very often - only when the fire marshal can't go out in the field to investigate a fire. They are, however, specially-trained persons, and this pay is very low for what they do.

Further proponents were called for.

Robert E. Kelly, State Fire Marshal Bureau, supporting the Bill, restated these special deputies are used in the field only when the state fire marshal is not available.

Art Korn, Montana State Volunteer Firemen's Association, in support of the Bill, urged its passage and felt this was a necessary raise.

Robert H. Ellis, Montana State Volunteer Firemen's Association and Trustee on the Helena Valley Fire Department, requested favorable consideration for the Bill.

Dave Fisher, Montana Volunteer Firemen's Association and Montana Fire Chiefs' Association, also supported the raise and the Bill's passage.

There being no further proponents, and no opponents appearing, the hearing was opened for questions.

Sen. Story asked those persons supporting the Bill if they had been used as one of these special deputies, to which Mr. Fisher responded that he had upon one occasion.

Sen. Jergeson questioned the \$56 over \$40 being an increase in excess of the President's wage guideline, to which Rep. Johnston reminded the Committee that this was for an 8-year period with no raise.

There being no further questions, the hearing on House Bill No. 290 was closed.

CONSIDERATION OF HOUSE BILL No. 189: Chairman Story called on Rep. Kerry Keyser, House District 81, Ennis, to present his testimony as sponsor of the Bill.

Rep. Keyser advised this was requested by the Department of Administration to clarify the present law relating to retirement age for highway patrolmen. Page 3, line 7, is the only change from the present law, and states that a patrolman may retire at age 60 if he becomes 60 before he has 25 years of creditable service in.

Sen. Story questioned if the Patrol had an age beyond which they did not accept people for their school, and was answered the age limit is 35. Starting at 35, they have just enough time left to become eligible for full retirement at age 60 after 25 years' service.

There has been a problem, Rep. Keyser stated, where some patrolmen took a premature retirement; it was at a reduced rate, but the additional length of time more than made up for the reduction in pay, and he did not want to see the retirement system being depleted by persons taking early pensions.

Proponents were called for.

Jim Turcotte, State PERS, supporting the Bill, submitted written testimony, copy of which is attached to these Minutes, pertaining to the effect an early retirement had on the system when it would be paid for a longer length of time, beyond their years of service.

There being no opponents to the Bill, and no questions from the Committee, the hearing on House Bill No. 189 was closed.

CONSIDERATION OF HOUSE BILL No. 358: The Chairman called on Rep. Aubyn Curtiss, House District 20, Fortine, sponsor of the Bill, to present her testimony.

Rep. Curtiss advised the purpose of the Bill was to have a means of keeping track of what government agencies were doing when the legislature was not meeting. After reading her presentation, she stated this was precipitated by an incident in which ashes were being used for fertilizer. She also felt the interim committees were a good way to keep in touch with agencies and what they were doing and the regulations they were making in the absence of the legislature. This Bill would require that these state agencies give notice of any hearings on making rules or regulations to certain legislators. She mentioned that perhaps it should be amended to specifically include the chief sponsor of a bill among those persons to be given this notice.

Further proponents were called for.

Robert A. Ellis, supporting the Bill, felt it was vital to have this type of notice as when state agencies make these various rules and regulations, they have the effect of a law. Particularly, the Fish and Game and the Department of Natural Resources and Department of Health use this as a means for calling the shots their way.

In response to Sen. Roskie's inquiry, Rep. Curtiss stated at lines 18 and 19, the bill's chief sponsors should be added.

Sen. Ryan questioned if this would pertain to the problem of rules becoming laws unless the legislature prevented it specifically, and Sen. Jergeson felt this pertained to agencies' rules with the power of law behind it.

Sen. Roskie explained the Legislative Code Committee's procedure with respect to this subject

There being no further proponents, no opponents and no further questions from the Committee, the Hearing on HB 358 was closed.

CONSIDERATION OF HOUSE BILL No. 227: The Chairman called on Rep. William (Red) Menahan, House District 90, Anaconda, to present his testimony as sponsor of the Bill.

Rep. Menahan testified passage of this Bill would allow a per diem and travel expenses be paid to the board of athletics when board members travel to boxing matches around the state. The Board has had authority to grant licenses to participants, ring attendants, officials, etc., and the language added on page 3 of the Bill allows an increase in the license fee and changes it to an annual fee, rather than having to buy a license for each event. He thought this would be a protective measure for the public and provide some control over these boxing matches in trying to prevent fraud.

Sen. Story questioned the \$25 per day figure; Rep. Menahan replied that would be only when they were away from home; they did have to perform some duties at these matches and that this would come from earmarked funds from the license fees, etc. There were only 3 of these board members in the state this would pertain to: Sonny O'Day, Pat Connors & Boskovich. He added that the number of events would be difficult to estimate and depends solely on how many matches could be lined up, but that not all 3 of these officials were at the same place at the same time and it was to be paid only when attending official functions.

In answer to Sen. Roskie's inquiry, Rep. Menahan responded that previously some percentage of the funds received at these matches went to the VFW and so much went back to the State and that they did not have any staff as services were furnished through Ed Carney's office.

When questioned about licensing the promoters, Rep. Menahan stated that was not covered by this Bill and that the local organizations were supposed to work that out with the local county commissioners; the state doesn't deal with them.

Rep. Menahan replied no to Sen. Story's question regarding these person's having authority to take the gate receipts to count. He then referred to the Statement of Intent attached to the Bill.

Sen. Roskie commented in going through the laws pertaining to the athletics board that they were so detailed as to defy understanding and questioned if the purpose of having a board member present at all matches was to enforce these rules and regulations. Rep. Menahan thought the principal function was to make sure they had qualified officials, referees and had some control in order to conduct a fair program.

Referring back to the license fee charge under this Bill, Sen. Story asked if this was for each event, to which Rep. Menahan replied it was presently a \$10 charge for each fight for a license. He added that officials were paid so much per bout out of the gate receipts. He advised that if the Committee would like to talk to Mary Lou Crawford of the DPOL, she had worked on this for a long time and was about as knowledgeable as anyone.

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In reply to Sen. Ryan's question, Rep. Menahan stated these people had a great interest in sports and had to have a certain amount of expertise in order to get a pro card.

There being no further questions, the hearing was closed on House Bill No. 227.

DISPOSITION OF HOUSE BILL No. 189: Sen. Greg Jergeson moved that House Bill No. 189 BE CONCURRED IN. After a short discussion period, upon roll call vote, the motion carried by unanimous vote of the Committee members present, with Sen. Brown being absent.

FURTHER CONSIDERATION OF HOUSE BILL No. 290: Sen. Jergeson suggested amending the \$56.00 figure to keep in line with the 5% increase guideline.

Sen. Story reminded that this was not raised since 1973, and Sen. Ryan commented that in the eastern part of Montana, this could be an important function.

Sen. Bill Hafferman moved that House Bill No. 290 BE CONCURRED IN.

Sen. Rasmussen asked where the money comes from to pay these people, to which Sen. Story answered from insurance tax.

Upon vote, the motion carried without opposition, with Sen. Rasmussen abstaining as he did not hear the testimony and Sen. Brown being absent.

FURTHER CONSIDERATION OF HOUSE BILL No. 337: Chairman Story explained for the benefit of the members who had arrived late.

Sen. Jergeson suggested writing a statement of intent to the effect that the Highway Patrol not go out looking for any more widows to curtail the practice of requesting the legislature to fund retirement.

Discussion centered on the testimony which indicated that the 4 persons which this would affect had not had the opportunity to select the option upon retirement to have their surviving spouses covered.

Sen. Jergeson, after a discussion on pertinent rules, will have a statement of intent prepared and submit it to the Committee at the next meeting.

DISPOSITION OF HOUSE BILL No. 358: Senator Roskie moved that House Bill No. 358 BE CONCURRED IN.

After a short discussion on whether to amend to include having these notices mailed to the bill sponsors, the motion was voted on and carried without opposition, with Sen. Brown being absent.

Sen. Roskie will carry this Bill on the floor.

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Sen. Hafferman will carry House Bill No. 290 on the floor, and Sen. Jergeson will sponsor House Bill No. 189.

DISPOSITION OF HOUSE BILL No. 187: Amendments proposed for this bill were discussed; these pertained to changing the Bill back to the way it was originally drafted.

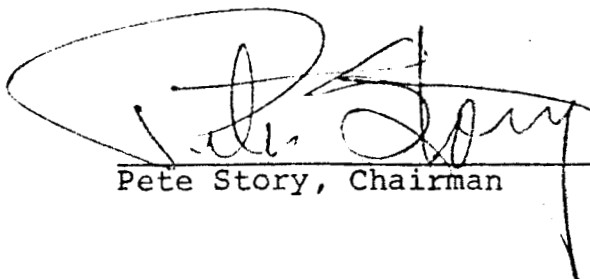
Sen. Rasmussen moved that House Bill No. 187 AS AMENDED, BE CONCURRED IN; motion carried by unanimous vote of the members present, with Sen. Brown being absent. Amendments are as shown on the attached copy of the Standing Committee Report.

Sen. Rasmussen will carry this Bill on the floor.

The secretary handed out the background material furnished by the Governor's office relative to the confirmation of the persons appointed to the various offices and boards, and the Chairman explained the procedure for handling these confirmations on the floor today.

ADJOURNMENT:

There being no further business, the Chairman adjourned the meeting at the hour of 11:30 A.M.



Pete Story, Chairman

Date March 2, 1979

ROLL CALL

STATE ADMINISTRATION COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Senator Pete Story, Chairman	✓		
Senator George F. Roskie, V. Chmn.	(b.t.)		
Senator Bob Brown		✓	
Senator A. T. (Tom) Rasmussen	(b.t.)		
Senator Patrick L. Ryan	✓		
Senator Greg Jergeson	✓		
Senator William F. Hafferman	✓		

Each Day Attach to Minutes.

DATE

March 2, 1971

COMMITTEE ON

State Administration

H. B. 189, 227, 290, 337, 358

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check On	
			Support	Op
Jim Turcotte	PERD	HB 189 337	✓	
George R. Johnson	Spencer	HB 290	✓	
Rep Aubyn Curtis	Sponsor	HB 358		
Joe B. Soli	Highway Patrol	HB 337	✓	
ART KORN	MONT. STATE VOL FIRE ASSOC	HB 290	✓	
Steve Jackson	Montana Fire Dept. Assn	HB 290	✓	
Robert H. Ellis	Montana State Vol Fire Assn	HB 290	✓	
Thomas E. Schneider	MPEA	HB 337	✓	
Robert E. Kelly	Fire Marshal Bureau	290	✓	
Robert H. Ellis	Self	HB 358		
Wm Menahan	Self	227	✓	



House Bill 189

This is a housekeeping bill to clarify the interpretation of two definitions found in Section 19-6-101 MCA.

Definition	(6)	Page 2	line 3
and	(4)	Page 3	line 5
	(4)		

It has been the interpretation of the Retirement Board that these definitions are both part of the Highway Patrol Act and must be read together.

Either a patrolman serves twenty-five years and retires or he doesn't serve twenty-five years.

If he chooses to retire early prior to completing twenty years of service his benefit will be reduced from age 60 because he has not fulfilled the twenty-five years of service provision.

The question has been argued several times that the early retirement benefit should be reduced from the point in time at which the member would have completed twenty-five years of service had he continued to work. This would reward the early retiree and it is the understanding of the Board that this is not the intention of this Act.

House Bill 189 will put this argument to rest either by its passage or failure. We recommend that the bill do pass.

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date March 5-79 House Bill No. 358 Time \_\_\_\_\_

*BE CONCURRED IN*  
*4/1/79*

NAME	YES	NO
Senator Pete Story, Chairman	✓	
Senator George F. Roskie, V. Chairman	✓	
Senator Bob Brown	absent	
Senator A. T. (Tom) Rasmussen	✓	
Senator Patrick L. Ryan	✓	
Senator Greg Jergeson	✓	
Senator William F. Hafferman	✓	

Jennie L. Palmer  
Secretary

Pete Story  
Chairman

Motion: Senator George Roskie moved that House Bill No. 358  
BE CONCURRED IN; motion carried by unanimous vote of all  
members present, with Sen. Brown being absent.  
Sen. Roskie will carry the Bill on the floor.

(include enough information on motion--put with yellow copy of committee report.)

# STANDING COMMITTEE REPORT

..... March 2 19 79 .....

MR. .... President .....

We, your committee on ..... State Administration .....

having had under consideration ..... House ..... Bill No. 358 .....

Respectfully report as follows: That ..... Louisa ..... Bill No. 358 .....

Third Reading Bill,

~~DO PASS~~

BE CONCURRED IN

*PA.*

.....  
*Pete Story*, Chairman.

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date March 2-77 House Bill No. 187 Time \_\_\_\_\_  
*Be concurred in*  
*by a majority of the*

NAME	YES	NO
Senator Pete Story, Chairman	✓	
Senator George F. Roskie, V. Chairman	✓	
Senator Bob Brown	<i>absent</i>	
Senator A. T. (Tom) Rasmussen	✓	
Senator Patrick L. Ryan	✓	
Senator Greg Jergeson	✓	
Senator William F. Hafferman	✓	

Jennie L. Palmer  
Secretary

Pete Story  
Chairman

Motion: Senator Tom Rasmussen moved that House Bill No. 187

BE CONCURRED IN AS AMENDED; motion carried by unanimous  
vote of the members present, with Sen. Brown being absent.

Sen. Rasmussen will carry the Bill on the floor.

See attached Standing Committee Report for amendment.  
 (include enough information on motion--put with yellow copy of  
 committee report.)

# STANDING COMMITTEE REPORT

March 2 19 79

MR. President

We, your committee on State Administration

having had under consideration House Bill No. 187

Respectfully report as follows: That House Bill No. 187,

Third Reading Bill, be amended as follows:

1. Title, line 6  
Following: "BIENNIALS"  
Insert: "BIENNIAL"  
Following: "REPORT"  
Strike: "TO BE"

2. Title, line 7  
Following: line 6  
Strike: "PREPARED FOR THE FIRST YEAR OF EACH FISCAL BIENNIAL"

3. Page 1, line 12  
Following: "Biennial"  
Insert: "Biennial"  
Following: "reports"  
Strike: "REPORTS"  
Insert: "reports"

DO-PASSX

(continued)

4. Page 1, Line 13

Following: "members-of-the"

Insert: "members of the"

5. Page 1, line 14

Following: "September"

Strike: "AUGUST"

Insert: "September"

6. Page 1, line 15

Following: "odd-numbered"

Strike: "EVEN-NUMBERED"

Insert: "odd-numbered"

7. Page 1, line 17

Following: "biennium"

Strike: "YEAR"

Insert: "biennium"

8. Page 2, line 8

Following: "the"

Insert: "members of the"

9. Page 2, lines 9 and 10

Following: "session"

Strike: remainder of line 9 and line 10 in their entirety

Insert: "."

And, as so amended, SE CONCURRED IN

*C.A.*

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date March 2, 1944 1944 Bill No. 189 Time \_\_\_\_\_

*2:00 pm called for  
to bring on floor*

NAME	YES	NO
Senator Pete Story, Chairman	✓	
Senator George F. Roskie, V. Chairman	✓	
Senator Bob Brown	<i>Absent</i>	
Senator A. T. (Tom) Rasmussen	✓	
Senator Patrick L. Ryan	✓	
Senator Greg Jergeson	✓	
Senator William F. Hafferman	✓	

Jennie L. Palmer Secretary                      Pete Story Chairman

Motion: Senator Greg Jergeson moved that House Bill No. 189  
BE CONCURRED IN; motion carried by unanimous vote of all  
members present, with Sen. Brown being absent.  
Sen. Jergeson will carry the Bill on the floor.

(include enough information on motion--put with yellow copy of committee report.)

# STANDING COMMITTEE REPORT

March 2 19 79

MR. President

We, your committee on State Administration

having had under consideration House Bill No. 189

Respectfully report as follows: That House Bill No. 189

Third Reading Bill,

~~DOXPASS~~ BE CONCURRED IN

*PR*



ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date March 2-19 House Bill No. 290 Time

*to be concurred in  
by*

NAME	YES	NO
Senator Pete Story, Chairman	✓	
Senator George F. Roskie, V. Chairman	<i>absent</i>	<i>not heard testimony</i>
Senator Bob Brown	<i>absent</i>	
Senator A. T. (Tom) Rasmussen	✓	
Senator Patrick L. Ryan	✓	
Senator Greg Jergeson	✓	
Senator William F. Hafferman	✓	

Jennie L. Palmer  
Secretary

Pete Story  
Chairman

Motion: Senator Bill Hafferman moved that House Bill No. 290

BE CONCURRED IN; motion carried with Sen. Roskie abstaining as he had not heard the testimony and Sen. Brown being absent.

Sen. Hafferman will carry the Bill on the floor.

(include enough information on motion--put with yellow copy of committee report.)

# STANDING COMMITTEE REPORT

..... March 2 ..... 19 79 .....

MR. .... President .....

We, your committee on ..... State Administration .....

having had under consideration ..... House... Bill No. 290 .....

Respectfully report as follows: That ..... House... Bill No. 290, .....

Third Reading Bill,

~~DO PASS~~

*Pl.*

NAME: Tim Turcotte DATE: 3-1-79

ADDRESS: 1712 9th

PHONE: 9-3155

REPRESENTING WHOM? PERD

APPEARING ON WHICH PROPOSAL: HB 189, 337

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: written

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Gene Madine DATE: 3/1/79

ADDRESS: 1901 J Washington St. Battle Mount

PHONE: 792-8858

REPRESENTING WHOM? Montana Fire Chief Assn.

APPEARING ON WHICH PROPOSAL: H.B. 290

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: Included wage  
is provided for in state fire marshal  
budget.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.