

MINUTES OF THE MEETING
SENATE LOCAL GOVERNMENT COMMITTEE
MARCH 3, 1981

The meeting of the Local Government Committee was called to order by Chairman George McCallum on the above date in Room 405 at 1:15 p.m.

ROLL CALL: All members were present with Senators Thomas and O'Hara coming in late due to other meetings.

CONSIDERATION OF HOUSE BILL NO. 150:

AN ACT ALLOWING COUNTIES OF THE FIRST CLASS TO AWARD SEPARATE PRINTING CONTRACTS WHICH MAY BE AWARDED ON AN ANNUAL OR JOB BASIS.

Representative Lory, District No. 99, said the old law required printing contracts be given by county commissioners for one year. This allows first class counties to separate the printing contracts into two parts and they can be for the length of time they need.

Mike Stephen of the Montana Association of Counties supports the bill. It deals with good economics in spending county dollars and flexibility to purchase services the counties need.

There were no opponents of the bill appearing before the committee. There were no questions from the committee.

CONSIDERATION OF HOUSE BILL NO. 140:

AN ACT TO ADOPT PROCEDURES FOR LOCAL GOVERNMENT INITIATIVES; TO REQUIRE APPROVAL AS TO FORM OF PETITIONS OF BALLOT STATEMENTS.

Representative Eudaily, District No. 100 in Missoula, said he introduced this bill at the request of the Attorney General and the Secretary of State. There was an apparent oversight in dealing with major revisions in election laws. The interim committee on election laws from the 1977-78 interim felt responsible for this oversight.

Mike McGrath of the Attorney General's office explained the bill. Under present law there are no procedures for handling initiative petitions at the local level. There were prior to the enactment of SB65 last session but those were repealed. This bill requires that a sample petition be prefiled with the county election administrator. The major purpose is to prevent fraud in insuring the same petition is circulated in the same manner. It gives the administrator the opportunity to make suggestions as to the drafting so the initiative is in the proper form at the local government level. At the same time it provides local government attorneys to write a statement in simple, plain language that would be put on the petition that is circulated and it would also

be placed on the ballot if the matter was qualified. That also is to prevent fraud. Many of the titles are extremely misleading. Some disinterested body needs to write the title.

Dan Mizner of the League of Cities and Towns supports the bill. It puts responsibility back at the local level.

There were no opponents of the bill appearing before the committee.

Representative Eudaily made brief closing remarks, stating the bill is necessary.

Senator McCallum then called for questions from the committee.

Senator O'Hara asked if it hasn't been the practice on initiatives that the county authority writes the title.

Mr. McGrath said the practice now is the individual circulating the petition makes up the title. There are no requirements in the codes on the length of the title or what it should say.

Senator O'Hara asked about the state level.

Mr. McGrath said the title presently is written by the Attorney General's office. If you want to start an initiative process, you prefile with the Secretary of State. They forward it to the Attorney General who must write a title within 21 days. That title is placed on the petition.

CONSIDERATION OF HOUSE BILL NO. 3:

AN ACT TO ELIMINATE THE REQUIREMENTS THAT CITIES
MUST PAY 100% OF THE PREMIUM FOR INSURANCE
COVERAGE FOR FIREFIGHTERS AND POLICEMEN.

Representative Spilker of District No. 32 said this was the result of the interim committee's work. The interim committee was asked to look at some things the state mandates local governments to do and see if there were some areas we could give them relief in, either financial or otherwise. They made recommendations in 7 or 8 areas. Cities asked the committee to look particularly at a law the legislature passed in 1975 which said if any city gave health and medical insurance to any employees, they would provide the same insurance to firefighters and policemen and pay 100% of the premium. This applies to first and second class cities. The average cost for group insurance was \$80 to \$100 per month. This mandate in local government would have significant impact on the cities. This bill protects the premium rate the policemen and firemen are presently getting. They may bargain collectively for anything they want in that area. On page 2, line 17, they did amend it on the floor of the House at the request of the fire-

fighters. They changed "amount provided" to "rate in effect". This provides more flexibility for cities to put together a benefit package for employees. It helps small communities who are presently unable to get group rates and encourages more communities to offer health insurance to employees. This helps cities to offer all employees the same benefit package some are getting now. It gives back to cities the decision-making power that should be theirs.

Dennis Taylor, budget director for the city of Helena, strongly supports this bill. In the city of Helena, family health insurance coverage costs an average of \$86 per month. The city of Helena pays 50% for other employees but is required to pay 100% for firefighters and policemen. That represents an uncontrollable expense. They had asked the interim committee to consider repealing the law but this bill was a compromise. He thinks it is a good compromise.

Dan Mizner, League of Cities and Towns, said this also creates a problem in small cities and towns that couldn't see fit to pay that much for a policeman or two so they simply got out of the insurance business because they couldn't afford it for all employees. This would allow them to offer insurance.

Senator McCallum then called for opponents.

Vern Erickson of the Montana Firemen's Association said they realize the problem with small cities being obligated with this. They did agree to the amendments but, since then, they have had a unified pension bill heard and there was a reduction of 14% of the funds. They would like to put it back to the way it was amended so it would only pertain to first and second class cities.

Representative Spilker hopes we judge the bill on its own merits. It is important that we return as much to local government as possible. It provides protection with premium rates by setting into effect the rate firefighters and policemen were getting. This will strengthen the collective bargaining system. It is a way to help cities and communities do their financial planning. It is not going to cost the state anything to do this for them.

Senator McCallum then called for questions from the committee.

Senator Ochsner asked if this includes all towns and cities.

Mr. Mizner said there are 14 first and second class cities, 35 third class cities and 75 towns. This does not segregate policemen and firefighters.

Senator Van Valkenburg asked what "rate in effect" meant in comparison to "amount provided".

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Representative Spilker said it has to do with some cities having only one rate they will pay. Other cities have rates for single persons, families and husband and wife. Not all cities have the different rates.

Senator Van Valkenburg asked Vern Erickson if that was correct.

Mr. Erickson said in Missoula they have 3 rates; single, married and family. The way they interpreted it is if last July if you were single and then married, you could not slide into the structure for married. They want the rate structure to remain the same.

Senator Van Valkenburg asked what the distinction was between classes of cities, is it determined by population or valuation.

Mr. Mizner said anything under 1000 population is a town. From 1000 to 2500 you can be a town or a third class city. Third class extends to 5000. At 5000 you have the choice to remain at third class or go to second class. At 7500 you are automatically second class, 10,000 is a first class city. The city council makes the decision if you want to go up or stay the same.

Senator O'Hara asked what the advantage was of being a town, or third, second or first class cities.

Mr. Mizner said in each class there are certain things you have to do. First class cities have a paid fire department. Second class cities also have a paid fire department and some have volunteer fire departments.

Senator Van Valkenburg asked Mr. Mizner if any of the 37 communities that dropped their insurance coverage since 1975 were first or second class cities.

Mr. Mizner said no. They were either third class or towns.

Senator McCallum asked Mr. Mizner if on July 1, 1980 a single firefighter paid \$50, does that amount stay the same.

Mr. Mizner said the amendment in the law is that the city would pay a different rate if he had a family.

Senator McCallum asked if the city contributes \$50 in 1980 for a single man, are they going to contribute \$50 in 1983.

Mr. Mizner said yes, that is the bottom. They would have to negotiate to go above that.

Senator Van Valkenburg asked Mr. Mizner if under this bill the amount to be paid for policemen or firefighters' health

insurance is not such that it is necessary to levy 2 mills, can those mills be used in any other fashion, such as the all purpose levy.

Mr. Mizner said no. If you needed 2.5 mills the additional .5 would come out of the general fund. If they only needed 1.5 mills, that is all they can put on.

Senator McCallum asked if you can levy above the 65 mills.

Mr. Mizner said the 2 mills are outside of and in addition to the all purpose mill.

Senator McCallum asked if you can levy the 2 mills at this time without this bill.

Mr. Mizner said it allows 2 mills outside the all purpose levy.

CONSIDERATION OF HOUSE BILL NO. 203:

AN ACT AMENDING SECTION 13-2-401, MCA TO REQUIRE
CANCELLATION AFTER EACH GENERAL BIENNIAL ELECTION
OF THE REGISTRATION OF ELECTORS WHO FAILED TO VOTE.

Representative Sivertsen said this bill deals with election laws. The problem is that we have voter registration lists that are compiled and kept until after you have presidential biennial elections. With people moving around you wait four years without removing anyone from the list. The list becomes quite large and costly to the county. The amendment on line 13 changes it from every general election which a president is elected to every general biennial election. After every general election, the clerk and recorder can remove individuals that did not vote in that previous election. These lists are used by school districts when holding elections, for city elections, for SID's and RID's, for mailing lists and for jury selections. In Havre after the last election the clerk and recorder removed 2,100 names, in Billings there were 8,000 removed.

Bill Romine, representing Montana Clerk and Recorders, supports the bill. In Yellowstone County there were 18,000 names removed, not 8,000. There were 8,000 removed in Lewis and Clark County. Prior to this law they cancelled registrations every two years. This is the first time we went through a 4-year period. The biggest cost is for voter information pamphlets. This bill had no opposition in committee in the House until it hit the floor. Interested voters will vote in all elections.

Senator McCallum then called for opponents of the bill.

Don Judge, representing Montana State AFL-CIO, said he is representing the special interest people who live in Missoula and

work in Colstrip and miss the elections. This bill appears to limit the public's access to elections. They think the voting public in Montana ought to have to remain on the eligible voters list through each presidential election. There would be a cost to reregister the voters. This legislation does not provide adequate notice to the public for the rule being changed. Lines 6 through 16 on page 4 say the public will receive notice once a week for two weeks. If you put one notice in one newspaper and multiply by two, the chances of anyone catching that is going to be very slim. A lot of people will be going to the polls and finding out there that they are not registered to vote. He urges a do not pass recommendation. There must be a better way to correct the problem.

James Mocabee, representing the Associated Students of Montana State University, said this would save the counties money. In Gallatin County they would have saved between \$1,000 and \$5,000. House Bill No. 203 would depress voter participation. The voter turnout now is only about 51%. The voters should be made aware of the change and there is a cost associated with that. He urges a do not pass.

Margaret Davis of the Montana League of Women Voters said she was neither a proponent or opponent of the bill but feels the notice provisions are not entirely adequate. The either/or provision for radio or television notification of voters who have been cancelled is not adequate. If the committee favors this piece of legislation, there should be notice of cancellation made prior to the general election. It is less of a hassle to vote than to register.

Representative Sivertsen added, in closing, he doesn't think the argument that we are limiting people's access to the voting process is valid. Voting is a real privilege and with that comes some responsibility. You have to register before you can vote. If you miss a presidential election, you have to reregister, people understand that. We have improved the registration process so if you want to reregister, the clerk and recorder will send someone out to register you. Both political parties send people out to register voters. The lists the schools and others use are bought from the county for so much per name. If you buy 18,000 names that are no longer registered voters, it is the taxpayers' dollars being wasted. He thinks the notification of two weeks is enough. If the committee wants to lengthen that he has no problem with it. This is a way we can save money and not inhibit people from voting.

Senator McCallum then called for questions from the committee.

Senator Van Valkenburg asked Representative Sivertsen how we could satisfy both interests. You could save money if the person who fails to vote in the general election in non-presidential

years is kept on the registered voters list but is not sent any of the mailings.

Representative Sivertsen said we would have a lot more bookwork if we were to do that. You would have to keep two separate lists. If they miss a presidential election, they are taken off anyway. It appears by keeping them on the rolls you would have to have two lists.

Senator Van Valkenburg asked Representative Sivertsen if he said school districts and other groups are charged money for voter registration lists.

Representative Sivertsen said yes, so much per name.

Senator Van Valkenburg said that does not happen in Missoula County.

Senator Ochsner said being able to vote is a privilege, we should not have to prod people to use it. If you relinquish that privilege, it is your duty to get it back.

Senator Van Valkenburg said this would cause a lot of confusion, this has been the law since 1973.

Representative Sivertsen said with adequate notification that is not going to be a problem. This would be publicized so people would know of the change.

DISCUSSION OF HOUSE BILL NO. 3: Senator Van Valkenburg said we are talking about compensation for policemen and firemen. The bill is reducing their compensation.

Senator Hammond said what we have done before this is reduce everyone elses.

Senator Van Valkenburg said that is true. The insurance for policemen should be limited to first and second class cities.

DISPOSITION OF HOUSE BILL NO. 140: Senator Thomas moved this bill be concurred in. The motion carried unanimously, Senator O'Hara was excused.

DISPOSITION OF HOUSE BILL NO. 150: Senator Hammond moved this bill be concurred in. The motion carried unanimously, Senator O'Hara was excused.

DISPOSITION OF HOUSE BILL NO. 203: Senator Hammond said we keep hearing we have to make a real effort to get voters to vote. Sometimes they don't take any responsibility upon themselves, they don't find out about the candidates. If we are less

concerned about them, they might be more concerned about themselves.

Senator O'Hara agreed.

Senator McCallum asked what the problem was with clearing it after every presidential election.

Senator Hammond said most of the people he talked to thought if they voted in the last general election they were all right, they didn't realize it was the the presidential election.

Senator Van Valkenburg asked what the difference was in the turnout of voters between presidential and non-presidential general elections.

Senator McCallum said Montanans do pretty well. The voting is less for non-presidential elections than for presidential elections.

Senator Ochsner thought there is a 10% difference.

Senator Van Valkenburg said we are talking about 30,000 or 40,000 voters that would be eliminated by this.

Senator Ochsner said most of those are the ones that register and don't go to vote.

Senator McCallum said a lot of them move.

Senator Hammond moved the bill be concurred in.

Senator Van Valkenburg was opposed, all others voted aye.

DISPOSITION OF HOUSE BILL NO. 3: It was asked if the cities would still have the opportunity to pay even if we pass this bill.

Everyone agreed.

Senator Ochsner moved the bill be concurred in.

Senator Van Valkenburg said he would like to amend it to take third class cities and towns out of the state mandate and leave it as is for first and second class cities. He doesn't see a problem with respect to first and second class cities.

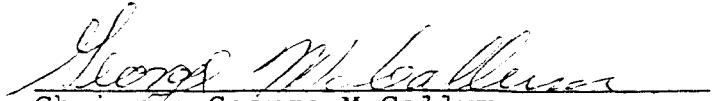
Senator McCallum said you are getting into the police end of it.

Senator O'Hara said they did compromise with the firefighters on page 2, line 22.

Debbie Schmidt said the cities that have dropped insurance would have to pay no less than the July 1, 1980 rate. If they had no rate they could negotiate.

Senators Thomas and Van Valkenburg were opposed to passing the bill, all others voted aye.

There being no further business before the committee, the meeting was adjourned at 2:30 p.m.


Chairman George McCallum

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ROLL CALL

LOCAL GOVERNMENT COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 5/3/81

NAME	PRESENT	ABSENT	EXCUSED
Senator George McCallum	✓		
Senator Jesse O'Hara	✓		
Senator H. W. Hammond	✓		
Senator J. Donald Ochsner	✓		
Senator Bill Thomas	✓		
Senator Max Conover	✓		
Senator Fred Van Valkenburg	✓		

Each day attach to minutes.

DATE MARCH 3, 1981COMMITTEE ON LOCAL GOVERNMENTBILL NO. HB3

VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppose
<i>Hickson</i>	<i>Mont St. James Assoc</i>		<input checked="" type="checkbox"/>
<i>Harry C. ...</i>	" " " "		<input checked="" type="checkbox"/>
<i>Don ...</i>	<i>Mont ...</i>	<input checked="" type="checkbox"/>	
<i>Dean M. ...</i>	<i>City of Helena</i>	<input checked="" type="checkbox"/>	

(Please leave prepared statement with Secretary)

DATE

MARCH 3, 1981

COMMITTEE ON LOCAL GOVERNMENT

BILL NO. HB140

VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppose
MIKE M'GEE	ATTY GEN'S OFFICE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Donna M. ...	Montgomery Co	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dennis M. ...	City of Helena	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(Please leave prepared statement with Secretary)

DATE

MARCH 3, 1981

COMMITTEE ON LOCAL GOVERNMENTBILL NO. HB140

VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppose
MIKE M'GEE	ATTY GEN'S OFFICE	X	
David M. Miller	Montgomery	X	
Dennis M. Coffey	City of Helena	X	

(Please leave prepared statement with Secretary)

DATE MARCH 3, 1981

COMMITTEE ON LOCAL GOVERNMENT

BILL NO. HB203

VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppose
Don Judge	MT STATE AFL-CIO	/	X
Jim Mashea	ASMSU		X
William L. Ramirez	Mont. Clerk & Recorder	X	
William L. Ramirez	Mont. JUV		

(Please leave prepared statement with Secretary)

NAME: Dennis M. Taylor DATE: 3/3/81

ADDRESS: 835 Breckenridge Helena

PHONE: 443-4294 / 442-9920 X 408

REPRESENTING WHOM? City of Helena

APPEARING ON WHICH PROPOSAL: HB 3

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Newrickson DATE: 3/3/21

ADDRESS: 7102 Sista Minnola St.

PHONE: 5459 79

REPRESENTING WHOM? Montana Farmers Assn

APPEARING ON WHICH PROPOSAL: H.R. 3

DO YOU: SUPPORT? AMEND? X OPPOSE? Y

COMMENTS: Amend so cities other than
1st or 2nd class are not required
to pay insurance to police employees

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME William L. Rame BILL No. H.R. 203

ADDRESS Box 1691 Helena DATE 7-3-81

WHOM DO YOU REPRESENT Mont. Clerk & Recorders

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: Under the present law, the clerk cancels the registration of any electors who have not voted in the last presidential election. This means that cancellation occurs every four years, rather than every two years, which was the procedure under the old law. This bill would return to the old procedure, and ~~with~~ cancellation would occur after every biennial general election. This is necessary because of the costs involved. The clerk must mail the voter information pamphlets to all registered voters. Because of our mobile society, many people have moved since the last presidential election. The result is that many extra pamphlets are being sent than are necessary. For instance, Lewis & Clark county cancelled 8,000 registrations this last election, when generally 2,000 were cancelled in the past. Yellowstone county cancelled 18,000 instead of the usual 8,000.

Since the clerk publishes notice that those who did not vote were cancelled, there is no problem about someone thinking he is still registered at the next election. Also, a person may re-register with no problem.

This bill should be passed, as it will save time and money, and will not hurt anyone.

NAME: Don Judge DATE: 3/3/81

ADDRESS: P.O. Box 1176 Helena, MT

PHONE: 442-1708

REPRESENTING WHOM? MT STATE AFL-CIO

APPEARING ON WHICH PROPOSAL: House Bill 203

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENTS: The Montana State AFL-CIO views SB 203 as one more
piece of legislation aimed at restricting the public's participation in the
electoral process. (Several others involve the initiative process). Voting should
be made more, not less, accessible to the voters. Union Buildings & construction
trades members often miss an election through working away from home (often
several hundred miles). However, they are usually familiar with presidential
year elections, and attempt to vote in these. I would not want to
be the election judge who had to deny several of these workers
this right to vote. If HB 203 passes, will the public be
made aware of the change through a publicly-funded informational
program? If not, who will conduct such a program

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Dennis M. Taylor DATE: 3/3/81

ADDRESS: 835 Breckenridge Helena

PHONE: 443-4394 / 442-9920 x408

REPRESENTING WHOM? City of Helena

APPEARING ON WHICH PROPOSAL: HBS 740

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 3/3/81 House Bill No. 3 Time 1:15

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	✓	
Senator H. W. Hammond	✓	
Senator J. Donald Ochsner	✓	
Senator Bill Thomas		✓
Senator Max Conover	✓	
Senator Fred Van Valkenburg		✓

Gail Stockwell
Secretary, Gail Stockwell

George McCallum
Chairman, GEORGE MCCALLUM

Motion: Senator Ochsner moved the bill be concurred in.

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

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 3/3/81 House Bill No. 140 Time 1:15

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	Excused	
Senator H. W. Hammond	✓	
Senator J. Donald Ochsner	✓	
Senator Bill Thomas	✓	
Senator Max Conover	✓	
Senator Fred Van Valkenburg	✓	

Gail Stockwell
Secretary, Gail Stockwell

George McCallum
Chairman, GEORGE MCCALLUM

Motion: Senator Thomas moved the bill be
concurrent in.

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

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 3/3/81 House Bill No. 150 Time 1:15

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	EXCLUDED	
Senator H. W. Hammond	✓	
Senator J. Donald Ochsner	✓	
Senator Bill Thomas	✓	
Senator Max Conover	✓	
Senator Fred Van Valkenburg	✓	

Gail Stockwell
Secretary, Gail Stockwell

George McCallum
Chairman, GEORGE MCCALLUM

Motion: Senator Hammond moved the bill
be concurred in

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

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 3/3/81 House Bill No. 203 Time 1:15

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	✓	
Senator H. W. Hammond	✓	
Senator J. Donald Ochsner	✓	
Senator Bill Thomas	✓	
Senator Max Conover	✓	
Senator Fred Van Valkenburg		✓

Gail Stockwell
Secretary, Gail Stockwell

George McCallum
Chairman, GEORGE MCCALLUM

Motion: Senator Hammond moved the bill be concurred in.

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

STANDING COMMITTEE REPORT

March 3

19 81

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 3

Respectfully report as follows: That HOUSE Bill No. 3

H.C.

BE CONCURRED IN

~~BE PASSED~~

STANDING COMMITTEE REPORT

March 3

19 31

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 140

Respectfully report as follows: That HOUSE Bill No. 140

BE CONCURRED IN

DO PASS

STANDING COMMITTEE REPORT

March 3

19 81

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 150

Respectfully report as follows: That HOUSE Bill No. 150

De
BE CONCURRED IN
TO PASS

STANDING COMMITTEE REPORT

March 3

19 81

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 203

Respectfully report as follows: That HOUSE Bill No. 203

BE CONCURRED IN
DO PASS