

MINUTES OF THE MEETING OF THE HOUSE STATE ADMINISTRATION COMMITTEE
March 1, 1983

CHAIRMAN JOE BRAND called the meeting to order at 8 a.m., Room 129 of the Capitol, Helena, Montana.

Roll call was taken, and all members were present.

SENATE BILL 268

SENATOR RICHARD MANNING introduced Larry Nachtsheim, Administrator of PERD, who explained that the purpose of the bill is to transfer the total responsibility for the administration of the Volunteer Firefighters' Compensation Act for unincorporated areas to the Public Employees' Retirement Division. (testimony attached).

DAVE FISHER, lobbyist for the Montana Volunteer Firemen's Association spoke in support of the bill.

CLEM DUAIME, President of the Montana Volunteer Firemen's Association also spoke in favor of the proposed bill.

THERE WERE ADDITIONAL PROPONENTS AND NO OPPONENTS WHO TESTIFIED ON SENATE BILL 268. SENATOR MANNING MADE A CLOSING STATEMENT.

THERE WERE NO QUESTIONS FROM THE MEMBERS OF THE COMMITTEE.

Representative Bardanouve will carry the bill on the House floor.

SENATE BILL 285

SENATOR B.F. "CHRIS" CHRISTIAENS explained the purpose of the bill. It would allow the spouse of a retired employee to remain on the group insurance plan for public employees. He further explained that currently, if a public employee is retired and goes on Medicaid or Medicare and their spouse is not yet 65 but has a health condition, it is impossible for them to get into any other insurance company. This bill would allow them to convert their policy and have the medical coverage that they need. He further explained that there are some amendments to this bill.

DARRYL MEYER, Cascade County, spoke in favor of the bill.

CELINDA LAKE, Women's Lobbyist Fund gave written testimony in support of the bill. "We strongly support Senate Bill 285 which primarily affects women. Without such legislation female spouses of public employees frequently find themselves in limbo vis-a-vis insurance. They find themselves eligible for only more expensive and more limited plans than they were in, if they are eligible at all. We urge your support of this bill which would promote equity in insurance."

THERE WERE NO ADDITIONAL PROPONENTS AND NO OPPONENTS TO SENATE BILL 285. SENATOR CHRISTIAENS MADE A CLOSING STATEMENT.

Senator Christiaens indicated that passage of this bill would aid a great many people needing this type of insurance assistance.

COMMITTEE QUESTIONS

REPRESENTATIVE BILL HAND inquired whether this would ultimately mean that it may cost more for premiums. Senator Christiaens explained that the person purchasing the policy would be picking up the premiums; therefore, it would not cost any more money.

REPRESENTATIVE FRANCIS BARDANOUE stated that it would appear to him that this bill would have substantial impact on the carrier. Wouldn't this have an adverse impact and wouldn't this raise the premiums for all people under the plan? Senator Christiaens replied that they have talked to insurance people who have indicated "no" this would not have any adverse effect.

Representative Bardanoue questioned whether or not the older person insured would be a higher risk person to carry, thus making the cost higher.

CHAIRMAN JOE BRAND stated that Medicare picks up all but twenty percent and would supplement the higher costs that might occur. He also mentioned that the firefighters have this kind of a program, and he questioned whether Senator Christiaens had checked into their program to see if there had been any increase in the premium costs relative to this similar program. Senator Christiaens stated that they had not checked into that.

REPRESENTATIVE KATHLEEN McBRIDE asked if she understood correctly, that the spouse pays the premium for their coverage. Senator Christiaens replied that this was correct.

REPRESENTATIVE BILL HAND ask about the supplemental policy that Chairman Brand had mentioned. It was explained that Medicare picks up all but twenty percent of the cost for the medical services and that the other carrier insurance picks up the remaining portion. Therefore, the insurance company does not have to pick up the full cost that you could have if you were a younger insured policy holder.

Representative Bardanoue explained that there would be one exception to this case, if a person had extremely high medical costs that exceeded Medicare benefit levels, then the insurance company would have more than 20% to pick up.

CHAIRMAN BRAND ask Senator Christiaens to look into the fire-fighters' policy and see what they did regarding Medicare and also find out what it has done to their fund.

THERE BEING NO FURTHER QUESTIONS FROM THE COMMITTEE CHAIRMAN BRAND CLOSED ON SENATE BILL 285. Representative Paul Pistoria will carry the bill on the House floor.

SENATOR McCALLUM was not available to present SENATE BILL 230 at the moment so Chairman Brand ask the committee to take action on the previous bills.

EXECUTIVE SESSION

SENATE BILL 268

REPRESENTATIVE HELEN O'CONNELL MOVED for this bill to BE CONCURRED IN and it was seconded by Representative Joe Hammond. The question being called, the motion carried with an unanimous voice vote.

Senate Bill 268 was reported out of committee BE CONCURRED IN.

SENATE BILL 285

REPRESENTATIVE CLYDE SMITH MOVED that the amendments to Senate Bill 285 be accepted and this was seconded by Representative Glenn Mueller. The question being called, the motion carried by unanimous voice vote.

REPRESENTATIVE JOE HAMMOND MOVED this bill AS AMENDED BE CONCURRED IN and it was seconded by Representative Bill Hand. The question being called, the motion carried by unanimous voice vote.

Discussion followed regarding removal of the passed House bills from the committee members notebooks. It was decided that they should be removed and placed in cardboard binders for those members who wish to keep them.

Chairman Brand declared Executive Session concluded when Senator McCallum returned to introduce Senate Bill 230.

SENATE BILL 230

SENATOR GEORGE McCALLUM explained the purpose of the bill. It would be to straighten out some problems with the Montana Recall Act. This began after some problems occurred in Missoula County on a recall petition filed there. The original bill was amended in the Senate. Originally whenever there was a recall vote every 1 out of 5 names had to be verified. Now every signature must be verified.

FERN HART, Clerk and Recorder from Missoula County, spoke strongly in favor of this bill. (testimony attached).

She explained about the recall vote that they had in Missoula County a short time ago and the problems they had in determining actual registered voters.

BILL ROMINE, Clerk & Recorders Association, spoke in support of the bill by saying this is not only a problem in Missoula County but it is a fairly common problem throughout Montana. They were going to request that they count every fifth signature but he wasn't sure that they wanted to see the bill amended again. Then the question was raised regarding the 30 days and when it begins.

PETE PENNER, Missoula County, spoke in support of the bill. He mentioned that in the recall election that they had, 10,000 voters were denied their right to this vote because the clerk and recorder's office was unable to determine the proper number of registered voters. The elector must be satisfied that the law works and the clerk and recorder must be able to do his/her job. He recommended speedy passage.

DORIS OLOFSON, Missoula Freeholders, urged passage of the bill. She read a letter from Dr. Deloit R. Wolfe of Missoula supporting this bill. (letter attached).

CLIFFORD OLOFSON, Missoula, supported the bill.

WALTER TAYLOR, Missoula, talked about the past experience with the recall election in Missoula County and said that they trust these changes would prevent the past experience from occurring again.

THERE BEING NO ADDITIONAL PROPONENTS AND NO OPPOENTS TO SENATE BILL 230 SENATOR McCALLUM CLOSED.

Senator McCallum explained that there had been amendments made to this bill in the Senate but that he would not be opposed to considering some of the other suggested amendments made before this committee. He stated that this is an important bill; it is important to the voting public and to all the clerk and recorders of the state of Montana.

COMMITTEE QUESTIONS

REPRESENTATIVE KATHLEEN McBRIDE ask Senator McCallum who is responsible for approving petitions. Mrs. Hart explained that that they do not check the voter's signature by a computer, and therefore it takes a great deal of time. They have had to hire additional people when they start verifying signatures.

Representative McBride ask about the way that a person signs his name. How do they verify the different types of signatures, i.e., Mrs. Joe Smith or Betty Smith or B. Smith?

REPRESENTATIVE WALTER SALES suggested an additional amendment, and Senator McCallum did not have any problems with this suggestion.

CHAIRMAN JOE BRAND instructed Lois Menzies to look into the reason that the language in question was there and if it should be changed. Also to see if this could be consolidated into one sentence.

REPRESENTATIVE PAUL PISTORIA spoke in favor of the bill and said that maybe even 30 days would not be enough time when you think about all the signatures that they have to have verified. Maybe it should be 45 days.

THERE BEING NO FURTHER QUESTIONS ON SENATE BILL 230 CHAIRMAN BRAND CLOSED ON THIS BILL. Representative Walter Sales will carry this bill after the amendments have been reviewed.

REPRESENTATIVE WALTER SALES MOVED for adjournment and the motion carried by unanimous voice vote.

ADJOURNMENT was at 11:15 a.m.

Respectfully submitted,



REPRESENTATIVE JOE BRAND,
CHAIRMAN

JB/ca

Cleo Anderson, Secretary to Committee

STANDING COMMITTEE REPORT

3-1

FEBRUARY

83

19.....

SPEAKER

MR.

STATE ADMINISTRATION

We, your committee on

SENATE

268

having had under consideration Bill No.

first

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"AN ACT CONSOLIDATING THE ADMINISTRATION OF DISABILITY, DEATH, AND PENSION BENEFITS PROVIDED IN THE VOLUNTEER FIREFIGHTERS' COMPENSATION ACT UNDER THE PUBLIC EMPLOYEES' RETIREMENT BOARD; AMENDING SECTIONS 19-12-102, 19-12-103, 19-12-201 THROUGH 19-12-204, 19-12-402 THROUGH 19-12-404, 19-12-404, 19-12-407, 19-12-502 THROUGH 19-12-504, AND 19-12-506, MCA; AND PROVIDING AN EFFECTIVE DATE."

SENATE

268

Respectfully report as follows: That Bill No.

DO PASS

VISITORS' REGISTER

HOUSE Administration COMMITTEE

BILL SB268

Date 3-1-83

SPONSOR Manning

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

S.B. 268 - CONSOLIDATES THE ADMINISTRATION OF THE VOLUNTEER FIREFIGHTERS' COMPENSATION FUND FOR UNINCORPORATED AREAS UNDER THE PUBLIC EMPLOYEES' RETIREMENT BOARD - Manning

The purpose of this bill is to transfer the total responsibility for the administration of the volunteer firefighters' compensation from the unincorporated areas.

Section 1 - Is the provision making this change. All the changes in the remainder of the bill are simply the matter of clarifying language and providing the Board takes on the responsibility currently carried out by the Workers' Compensation Division.

Currently, the Workers' Compensation Division is responsible for the fund. Each year they make annual payments of \$75 dollars to approximately 150 fire departments in unincorporated areas. They are also responsible for medical and burial expenses; however, there have been no payments in this area in the past four years. The original fund for insurance came into existence in 1935; in that period of time it has probably paid-out about \$10,000. The balance in the fund is approximately \$2.2 million dollars. In 1965, the pension provision was added to this fund and currently the PERS is processing 330 monthly retirement benefits for a total of about \$22,600. The total time required to administer this fund is for the Workers' Compensation Division two-man-weeks a year to handle the payments and probably two hours a month to handle the balancing of this fund and advising the Investment Board of available amounts for investment.

The retirement division spends about one-man-month a year preparing the annual schedule of benefit payments and probably one day a month in responding to correspondence and processing required reports.

The Workers' Compensation Division agrees to the transfer and it is anticipated there would be no change in the current FTE's of either division.

With the consolidation of the administration of the single fund the individuals involved, specifically the volunteer firemen of unincorporated areas, would have a single agency of state government to deal with and would not have the problem of mail for one area being mis-routed to another that currently occurs.

Larry Nachtsheim
Administrator
PERS
Proponent

VISITOR'S REGISTER

HOUSE Administration

COMMITTEE

BILL SB285

DATE 3-1-83

SPONSOR Christiaens et al

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

Name Celestia Lake Committee On St. Admin
Address _____ Date _____
Representing Women's Lobbyist Fund Support X
Bill No. SB285 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. We strongly support SB285 which primarily affects women. Without such legislation
2. female spouses of public employees frequently find themselves in limbo vis a vis insurance. They find themselves eligible
3. for only more expensive and more limited plans than they were in, if they are eligible at all. We urge your support of
4. this bill which would promote equity in insurance.

Thank you

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

AMEND SENATE BILL 285 AS FOLLOWS:

1. Page 2, line 17.

Following: "provisions"

Insert: "for remaining a member of the group"

2. Page 2, line 21.

Following: "(1) (b) ;"

Strike: "and"

3. Page 2, line 23.

Following: "33-22-508"

Strike: "."

Insert: "; and"

4. Page 2.

Following: line 23

Insert: "(c) continued membership in the group by anyone eligible
under the provisions of this section notwithstanding the
person's eligibility for medicare under the federal Health
Insurance for the Aged Act."

VISITORS' REGISTER

HOUSE Administration

COMMITTEE

BILL SB230

Date 3-1-83

SPONSOR McCallum

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

Name Terri Hart Committee On State Dom.
Address 16 Carriage Way - Missoula County Date 3/1/83
Representing Clerk & Recorder - Election Dom. Support ✓
Bill No. SB 230 Oppose _____
Amend " _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. LARGE COUNTIES CANNOT VERIFY SIGNATURES BY REGISTRATION CARDS WHEN THE REQUIRED NUMBER OF SIGNERS IS SO GREAT.
30 DAYS WOULD ALLOW PROPER VERIFICATION
2. THE OPTION OF TAKING PETITIONS IN BARKES WOULD ASSIST THE PROCEDURE.
- 3.
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

SB 230

FOR THE HOUSE COMMITTEE ON STATE ADMINISTRATION

Recall has become a more common term in the last two years in both cities and counties.

Our effort to comply with the legislation was a most serious attempt and we frustrated the efforts of at least 8,000 signers of the petitions.

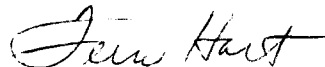
The Elections Office has two rolls: One, is to follow the statutes so that the action is legal and two, to enable the voter to exercise the right which was established by the initiative.

We felt we had good advice in our County when we accepted the petition as to form, when we filed it as to form, accepted it in batches - counting the time, by calendar days (15) for each batch and when we verified the signatures against our voter register in the manner prescribed for other initiatives.

The Supreme Court has ruled that we should have interpreted the statutes literally and checked each signature against the voter registration card. Thus we failed those people who had attempted to bring about a recall election.

The proposed statute SB 230 has given a more possible procedure. It has mandated the signature by signature check, but it has granted us more time. It gives us 30 days and seems to indicate that we have the time from the receipt of the last part of a batch.

My request is for a pass from this committee in the interest of supporting the people's will to have the possibility of recall and with the concern that larger counties cannot verify the signatures necessary in 15 days.



Fern Hart
Clerk & Recorder/Treasurer
Missoula County

WITNESS STATEMENT

Name Bill Romine Committee On State Ad
Address Helena Date 3-1-83
Representing Clerks + Recorders Support x
Bill No. S.B. 230 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. *This bill clarifies the verification of the signatures on Recall petitions, and also gives the clerk sufficient time ~~not~~ to verify the signatures.*

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

Sup. Court
~~STATE ADMINISTRATION COMMITTEE~~
~~JOE BRAND, CHR.~~

*Mr. Chron - members of the Committee
In the record my name is PETE PENNER*

I STRONGLY SUPPORT S. B. 230.

IN A RECENT RECALL ATTEMPT IN MISSOULA COUNTY 10,000 ELECTORS OF THE COUNTY, WHO SIGNED RECALL PETITIONS IN GOOD FAITH, WERE DENIED THEIR RIGHT TO A RECALL ELECTION.

THE SUPREME COURT DECISION ON PETITION SIGNATURE VERIFICATION DENIED THE ELECTION BECAUSE THE CLERK AND RECORDER WAS UNABLE TO DO HER JOB AS MANDATED BY THE MONTANA RECALL ACT. THE ELECTORATE MUST BE SATISFIED THAT THE LAW WORKS, OR THEY ARE LEFT WITH NOTHING. THE CLERK AND RECORDER MUST BE ABLE TO DO HER JOB OR ANSWER TO THE VOTERS. S.B. 230 CLEARLY ADDRESSES THE PROBLEMS CREATED BY THE SUPREME COURT DECISION AND LEAVES NO REASON OR EXCUSE FOR NOT EXECUTING THE LAW PROPERLY.

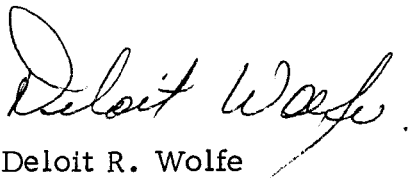
PLEASE, WITH CAREFUL DELIBERATION, KEEPING THE RIGHT OF THE ELECTORATE TO RECALL IN MIND, AND ADDRESSING THE PROBLEMS CREATED BY THE SUPREME COURT DECISION, GIVE S.B. 230 A SPEEDY "DO PASS" RECOMMENDATION.

RE: SENATE BILL , No.230

Having gone over this bill, #230, I would encourage all parties involved to approve and pass the amending sections.

The responsibility lies within your powers to avoid the problem that arose in Missoula County during a recent recall situation.

The public should not be denied their wishes should such a problem surface in the future.



Deloit R. Wolfe

*Mr Chairman & members of the Committee
for the record my name*

MISSOULA COUNTY

REC'D 2/14/83
ELECTION DEPARTMENT
OFFICE OF THE CLERK AND RECORDER
MISSOULA COUNTY COURTHOUSE
MISSOULA, MONTANA 59801
PHONE 721-5700, EXTENSION 468
February 10, 1983

House State Administration Committee
State Capitol
Helena, MT 59620

Gentlemen:

I am writing to comment on Senate Bill 230, which was amended on the floor of the Senate and which has now been referred to your committee.

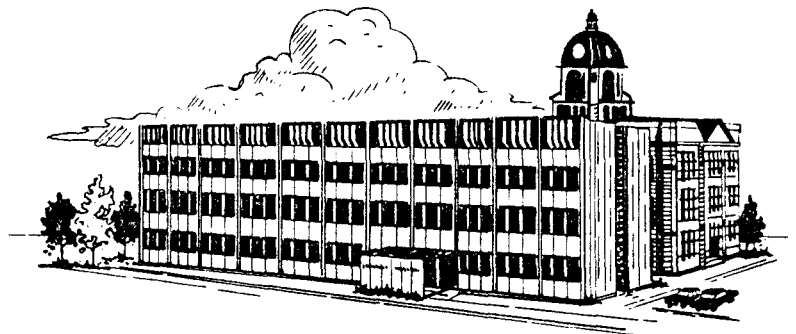
Senate Bill 230 was sponsored by George McCallum at the request of Missoula County. The Clerk and Recorder of Missoula County, Fern Hart, attended the Senate committee hearing on the bill and agreed to a change which would require each petition signer's signature to be compared with registration signatures on file in the election administrator's office. When that change was made, however, a corresponding change in the signature challenge method, as drafted by the Legislative Council, was not made, and the result is more ambiguity.

May I suggest that the following changes be made:

Section 2. (1) The county clerk in each county in which such a petition is signed shall verify and compare the signature of each person who has signed the petition with registration signatures on file in such clerk's office to assure that the signers are electors in such county and,etc.

(2) A registered elector of a county, having reason to believe that signatures on a petition are not genuine, may file a sworn statement or affirmation of his belief and a request for a re-comparison of those signatures he believes are not genuine with the county official certifying the sheet or section of the petition. If any of the challenged signatures are not genuine, the county official must re-compare all signatures on that sheet or section and issue an amended certificate to the officer with whom the recall petition is to be filed, not more than 20 days after the challenge is filed, giving the correct number of valid signatures.

There is also a contradiction present in Section 2, subsection (4), which was drafted by the Legislative Council. The first sentence requires the clerk to certify and deliver "any petition" within 30 days following receipt of the

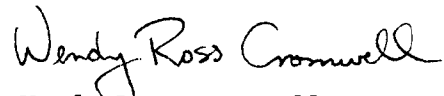


Senate Bill 230, Cont'd

petition. This would mean that if a portion of a petition were turned in on day number one, all subsequent portions, even those turned in on day number 29, would still have to be certified by day number 30. The second sentence in subsection (4) cannot be effective because of the first sentence. It might be wise to have an attorney from the Legislative Council look at the bill again in light of the Supreme Court's ruling number 82-28, and offer suggestions. Our intention was to allow recall petitions to be submitted in batches, within the three-month period allowed for collection of signatures. Unfortunately the drafted bill is still ambiguous.

Thank you for your attention to my suggestions.

Sincerely,



Wendy Ross Cromwell
Recording/Elections Manager

WRC

cc: Missoula County legislative delegation

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