

MINUTES

MONTANA SENATE 54th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By CHAIRMAN ETHEL HARDING, on March 3, 1995,
at 10 A.M.

ROLL CALL

Members Present:

Sen. Ethel M. Harding, Chairman (R)
Sen. Kenneth "Ken" Mesaros, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. Mike Foster (R)
Sen. Don Hargrove (R)
Sen. Vivian M. Brooke (D)
Sen. Bob Pipinich (D)
Sen. Jeff Weldon (D)

Members Excused: None.

Members Absent: None.

Staff Present: David Niss, Legislative Council
Gail Moser, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing:	HJR 11, HJR 19, HB 455, HJR 17
Executive Action:	HJR 17 BE CONCURRED IN
	HJR 11 BE CONCURRED IN
	HB 455 BE CONCURRED IN
	HJR 19 BE CONCURRED IN

{Tape: 1; Side: A; Approx. Counter: 51.}

HEARING ON HJR 11

Opening Statement by Sponsor:

REP. CARLY TUSS, House District 46, Great Falls, stated HJR 11 was a resolution to honor Officer Shane Chadwick of Great Falls. She related in September 1994, Officer Chadwick responded to a nuisance call at 4:30 a.m. regarding a man feeding birds and causing a lot of noise. A neighbor reported it was a reoccurring event. Upon responding to the call, Officer Chadwick was met

with bullets and killed. **REP. TUSS** explained her constituents and the entire community were very affected by the tragedy. HJR'11 was to honor Officer Shane Chadwick not just as an officer but also as an individual who saw his duty, responded, and was met with tragic consequences. She report Officer Chadwick had grown up in Chester, struggled through high school and through that struggle became mathematically accomplished. She noted he had been very active with the youth in his hometown of Chester and in Great Falls. She summarized the resolution asked the State of Montana to recognize the contribution of the young man, the contribution of his family, and the contribution of law enforcement to the quality of our lives.

Proponents' Testimony:

Colonel Craig Reap, Montana Highway Patrol, explained there was a close kinship among law enforcement officers and every time a tragedy occurred it sent shock waves through their ranks. He stated on behalf of the Attorney General and all other members of the Department of Justice they sympathized with Officer Chadwick's family and friends. **Col. Reap** explained whenever a law enforcement officer was killed in the line of duty it reminded them how fragile human life was and how quickly the fragile line of protection could be disrupted.

Opponents' Testimony: None.

Questions From Committee Members and Responses: None.

Closing by Sponsor:

REP. TUSS closed without further comment.

HEARING ON HJR 19

Opening Statement by Sponsor:

REP. BOB PAVLOVICH, House District 37, Butte, reported HJR 19 requested an interim study on the needs of Montana Veterans. He explained in the previous interim there had been a study of veteran's needs in Montana which had met to formulate legislative recommendations. He related if the legislature did not appropriate money for the study, there was money in the veteran's budget from the cigarette tax money; the cost of the study would be \$5,000-\$10,000.

Proponents' Testimony:

Jim Jacobsen, Administrator of the Montana Veterans' Affairs Division, reported the productivity of the previous committee was evidenced by several pieces of legislation in the current session. He explained the areas of health care, nursing homes, and veterans' cemeteries needed continued study.

Hal Manson, American Legion of Montana, reported the American Legion had been involved in the study and urged support for its continuation.

Dick Baumberger, Disabled American Veterans of Montana, urged support of HJR 19.

Opponents' Testimony: None.

Questions From Committee Members and Responses: None.

Closing by Sponsor:

REP. PAVLOVICH closed without further comment.

HEARING ON HB 455**Opening Statement by Sponsor:**

REP. ELLEN BERGMAN, House District 4, Miles City, stated HB 455 would allow the Board of Supervisors of a Conservation District to elect a Supervisor of the Board by acclamation. She explained an election by acclamation meant upon determination that there was only one person filing for a single position, the Board of Supervisors could appoint that person to the position rather than bear the cost of the General Election in November. She noted the position was a nonpartisan elected position and the bill allowed Conservation District Supervisors the choice of whether or not to poll if only one candidate had filed. She reported Conservation Districts had only a few thousand dollars in their entire annual budget and HB 455 could save them \$500 or more in their election costs. REP. BERGMAN stressed HB 455 did not mandate anything, it simply gave the option.

Proponents' Testimony:

Mike Volesky, Executive Vice President of Montana Association of Conservation Districts, explained the intent of the bill was to save the Districts money. He reported prior to its introduction,

HB 455 had been passed on the local levels. He noted many Districts had indicated they would continue to hold elections anyway, as an election by acclamation could preclude the possibility of a write-in candidate. He distributed **EXHIBIT 1**.

Lorna Frank, Montana Farm Bureau, stressed HB 455 would save the Districts money.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

SEN. JEFF WELDON stated he understood trying to save money but believed the cost would be the democratic process. He referred to Exhibit 1 and stated he did not agree with the premise that the uncontested elections were a waste of taxpayers money. He asked Mike Volesky to justify compromising a democratic process to save money. **Mr. Volesky** reported the Conservation Districts were divided on the issue so the Association had brought the bill to be decided by the legislature.

SEN. MACK COLE asked how many of the elections had only one candidate involved. **Mr. Volesky** stated he had no specific figures but estimated a vast majority were uncontested; the job was a volunteer position which required a lot of work.

SEN. MIKE FOSTER asked how often write-in candidates were encountered. **Ray Beck, Department of Natural Resources**, stated there were some districts which held very little interest in their Conservation Districts and other areas where there was a fair amount of competition for the seats. He reported he had worked with the Districts for nearly 20 years and knew of very few situations where a write-in candidate occurred.

SEN. WELDON asked if there was a provision in the bill requiring a public notice if the trustees opted for the acclamation process. **Joe Kerwin, Secretary of State's Office**, replied there was no specific requirement.

SEN. WELDON wondered if, in respect to the Democratic process, the Districts should be required to give notice when they elected someone by acclamation. **REP. BERGMAN** replied she would be agreeable to an amendment to that effect. **Mr. Volesky** agreed.

SEN. MESAROS referred to page 2, line 6, "the administration shall give notice that an election will not be held" and asked about making that discretionary. **Mr. Volesky** stated the Districts would be required to give notice to indicate their final decision regarding having a General Election.

SEN. MESAROS referred to the disagreement between the districts on the issue and wondered if the requirement could be made

discretionary. **Mr. Kerwin** stated there was discretion in that upon notice from the County Election Administrator that there would not be an election, the governing body of the Conservation District could override the decision of the County Election Administrator by adopting a resolution to insist on an election.

SEN. VIVIAN BROOKE asked if any other entity was given the option not to hold elections. **Mr. Kerwin** replied it was available for non-partisan primaries, fire districts, and irrigation districts.

Closing by Sponsor:

REP. BERGMAN closed without further comment.

HEARING ON HJR 17

Opening Statement by Sponsor:

REP. JOE TROPILA, House District 47, Great Falls, stated HJR 17 was a resolution to honor Todd Foster who had become famous on the world boxing stage and wished to be honored by the Montana Boxing Association. He explained through integrity and sports acumen Todd Foster had placed Montana in the world stage of boxing. He added Mr. Foster was one of few Montanans to compete in the Olympics.

Proponents' Testimony:

SEN. KEN MESAROS and **SEN. MIKE FOSTER** wished to be shown on record as proponents of HJR 17.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

SEN. FOSTER referred to page 1, line 28, "vicarious pride" and asked what the phrase referred to. **SEN. DON HARGROVE** stated vicarious meant putting ourselves in his place and being proud of his accomplishments as a Montanan.

Closing by Sponsor:

REP. TROPILA noted Todd Foster had become a role model for the youth in Montana as an advocate against drugs and alcohol. The honor was well deserved.

EXECUTIVE ACTION ON HJR 17

Motion/Vote: SEN. FOSTER moved that HJR 17 BE CONCURRED IN.
The MOTION CARRIED UNANIMOUSLY on oral vote.
SEN. STEVE DOHERTY will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HJR 11

Motion/Vote: SEN. PIPINICH moved that HJR 11 BE CONCURRED IN.
The MOTION CARRIED UNANIMOUSLY on oral vote.
SEN. CHRIS CHRISTIANS will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HB 455

Motion: SEN. MESAROS moved that HB 455 BE CONCURRED IN.

Discussion: SEN. WELDON asked if it would be appropriate to require notice to the public of who had been elected via acclamation. SEN. MESAROS replied most Conservation Districts had newsletters and the information would be distributed there.

SEN. FOSTER agreed with Senator Weldon that the requirement should be there, but from a practical standpoint, the local newspapers would naturally cover the event.

SEN. WELDON concluded ultimately the local Board of Trustees would have to be trusted and, as with any other situation, if there was a problem the legislature would hear about it.

Vote: The MOTION CARRIED UNANIMOUSLY on oral vote.
SEN. MACK COLE will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HJR 19

Motion: SEN. BOB PIPINICH moved that HJR 19 BE CONCURRED IN.

Discussion: SEN. WELDON noted that Chairman Harding had served on the last study committee and asked if she felt the study needed to be continued. CHAIRMAN HARDING replied there was a need for the study as the members of the groups were growing older and health care, nursing homes, and cemeteries were becoming an important issue.

SEN. WELDON asked if Veterans' Affairs would become a permanent interim committee. **CHAIRMAN HARDING** stated she could see it phasing out with World War II because of the decrease in the number of veterans. On the other hand there had been many small conflicts since World War II.

SEN. BROOKE stated since there was money in the Veterans Division perhaps the Committee could be made permanent through an agreement with the state to pay a portion of the cost.


SEN. PIPINICH reported the veterans had approximately \$10,000 which would only be enough to fund the study for one term.

Vote: The **MOTION CARRIED UNANIMOUSLY** on oral vote.

SEN. HARDING will carry the bill on the Senate floor.

ADJOURNMENT

Adjournment: CHAIRMAN ETHEL HARDING adjourned the meeting at
10:55 AM


ETHEL M. HARDING, Chairman


GAIL MOSER, Secretary


TINA PRICE, Transcriber

EMH/gem/tp

MONTANA SENATE
1995 LEGISLATURE
STATE ADMINISTRATION COMMITTEE

ROLL CALL

DATE _____

file 3-3-9J

[illegible]

SEN:1995
wp.rollcall.man
CS-09

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 3, 1995

MR. PRESIDENT:

We, your committee on State Administration having had under consideration HJR 17 (third reading copy -- blue), respectfully report that HJR '17 be concurred in.

Signed: Ethel M. Harding
Senator Ethel M. Harding, Chair

PN Amd. Coord.
SA Sec. of Senate

Doherty
Senator Carrying Bill

501151SC.SPV

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 3, 1995

MR. PRESIDENT:

We, your committee on State Administration having had under consideration HJR 11 (third reading copy -- blue), respectfully report that HJR 11 be concurred in.

Signed: Ethel M. Harding
Senator Ethel M. Harding, Chair

PK
Amd. Coord.
ST Sec. of Senate

CHRISTIAENS
Senator Carrying Bill

501153SC.SPV

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 3, 1995

MR. PRESIDENT:

We, your committee on State Administration having had under consideration HB 455 (third reading copy -- blue), respectfully report that HB 455 be concurred in.

Signed: Ethel M. Harding
Senator Ethel M. Harding, Chair

SP Amd. Coord.
Sec. of Senate

COLE
Senator Carrying Bill

501157SC.SPV

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 3, 1995

MR. PRESIDENT:

We, your committee on State Administration having had under consideration HJR 19 (third reading copy -- blue), respectfully report that HJR 19 be concurred in.

Signed: Ethel M. Harding
Senator Ethel M. Harding Chair

PV
Amd. Coord.
So Sec. of Senate

HARDING
Senator Carrying Bill

501159SC.SPV

SENATE STATE ADMIN.

EXHIBIT NO. 1

DATE 03-03-95

BILL NO. HB455

Custer County Conservation District
3120 Valley Drive East
Miles City, MT 59301
February 10, 1995

RE: HB455 -- ELECTION BY ACCLAMATION

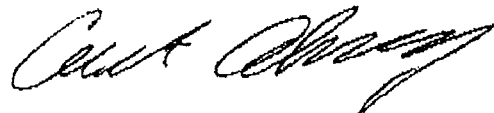
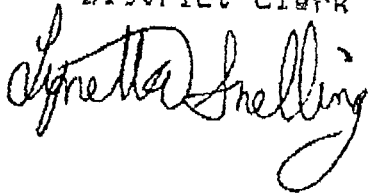
The last uncontested election cost the District \$618.95, which we feel is a waste of taxpayer's money. Therefore, the Custer County Conservation District strongly supports HB455.

The District operates on a small budget, so this expense limits the funding available for important District projects and activities.

Lynetta Snelling
District Clerk

Rob Bartholomew
Sec./Treasurer

Curtis Almy
Former Chairman



OPTIONAL FORM 99 (7-90) Please Show to Ellen Bergman

FAX TRANSMITTAL

of pages 1

To <u>Jeanna / Ellen Bergman</u>	From <u>Lynetta - Custer CD</u>
Dept./Agency <u>MACD</u>	Phone # <u>232-2439</u>
Fax # <u>443-0174</u>	Fax # <u>232-3965</u>

NSN 7540-01-317-7368

5099-101

GENERAL SERVICES ADMINISTRATION



Cascade County Conservation District

Westgate Mall 1807 Third Street NW Great Falls, MT 59404-1990 406-727-3603

To: Rep. Ellen Bergman
Rep. Rose Forbes
Rep. Joe Tropila
Rep. Diana Wyatt

From: Cascade County Conservation District
Rod Pribyl
Dave Shane
Tom Stelling *Tom Stelling*
Dale Marxer
Cal Ryder
Charles Gestring
Jim Dawson

Date: February 10, 1995

Subject: HB 455 - Election By Acclamation

Fax: 1-900-225-1600

The Cascade County Conservation District supports HB455. The last uncontested election cost Cascade County Conservation District \$1,762.73. These funds could be put to better use on various projects and activities sponsored by the conservation districts.

If you should require any additional information, please feel free to contact our office or Tom Stelling (406-264-5879) at any time.

Thank you for your consideration in this matter.

DATE Fri 03-03-95

SENATE COMMITTEE ON STATE ADMINISTRATION

BILLS BEING HEARD TODAY: HJR 11 / HJR 17 / HJR 19 / HB 455

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Dick Baumberger	Disabled Am. Veterans	HJR 19	✓	
Craig Reap	MHP	HJR 11	✓	
Lorna Frank	MT. Farm Bureau	HB 455	✓	
HAL MANSON	AMERICAN LEGION	HJR 19	✓	
Jim Jacobsen	MA VET AFF DU	HJR 19	✓	
Rep PARLOVICIT	HD-37	HJ 11	✓	
✓ ✓	✓ ✓	HJ 17	✓	
✓ ✓	HD-37	HJ 19	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY