

The meeting was called to order by Chairman Brand, roll call was taken, with O'Connell absent.

Dick Hargesheimer's summary of SB 122, 286, and 395 was presented to the committee. See attachment #1.

The hearing on SB 336 was reopened at Senator Turnage's request in order to permit Tom Harrison to testify.

TOM HARRISON, Attorney for the Police Protective Association--To explain what seems to be a point of confusion, you can't begin to buy back time until age 55 or after 20 years of service. It costs the state no money. This allows them to buy back in order to get a larger retirement. There may be some cost to the people who administer the system. A similar bill has passed the Senate, and is in the House, that pertains to sheriffs, it does the same thing. I will answer any questions, and I urge your support.

JIM TURCOTTE, Assistant Administrator, PERS Division, Department of Administration--Section 1 is in conflict with HB 801.

HARRISON--The fiscal note was prepared before the amendments were added, and before the cost to the state had been cut out. If the person doesn't have a vested right and is terminated - this bill says that under those circumstances, (if you were able to come back to work) the PERS money would be refunded after a period of 6 months. MULAR--Shouldn't we strike "under section 1" on page 2, line 16? HARRISON--Yes. TURNER--Considering page 3, line 15, is that still consistent? MULAR--The House killed a bill with a similar section referring to buying back military time. HARRISON--Page 5, subsection 2 has been stricken - this seems more like the feeling of the House, so I would suggest that you reinstate that language. BRAND--Page 4, line 23 - amend these both to say 20 years. Could you write some amendments and bring them in, we will wait to act on this. RYAN--Some of these people retire with much less than 20 years, and they receive 50% of their basic salary as a retainer. HARRISON--If the active duty was more than 25% of his active time. BRAND--You said the fiscal impact would be minimal. HARRISON--Yes, only whatever administrative costs are necessary to work this out between PERS and the person.

SB 395--Senator Mehrens, sponsor--A friend of mine from Great Falls told me that a friend of his had to use vacation time to go to court, so I put this bill in because that seemed unfair to me.

TOM SCHNEIDER, Montana Public Employees Association--This applies to subpoenas for civil matters. The person or firm requesting the subpoena will have to pay the expenses now. As it is now, the people very seldom pay. This has to pertain to his highway patrol duties and be in the courtroom.

NO OPPONENTS

KROPP--So, if anybody is subpoenaed, do they not get paid? SCHNEIDER--You are supposed to receive a Witness Fee, but I never have. RYAN--It seems that policemen and highway patrolmen have to take vacation and lose their base pay. BRAND--Why wasn't a bill brought out to apply this to all law enforcement? (no answer recorded)

March 15, 1977

SB 122--Senator Dunkle, sponsor--I was asked to introduce this to help clerks and recorders get names on ballots better. The senate amendments kind of mess it up.

JOHN BELL, Montana Association of Clerks and Recorders--As introduced, this would have called for a drawing by lot, supervised by the county commissioner. New Jersey has a similar law. The election registrar or auditor endeavors to stack the deck for his party. The fact of that occurring is rather remote in this bill. I don't think this bill, in original form, would have caused any problems. In the June election in Yellowstone, they used a lot drawing set up. In a race where you have two or three candidates, the difference should be negligible. The Senator said this was for the clerks and recorders, but I think it helps the printers. With off-set printing, it is difficult to print a full copy, take it down, reset the press, etc. There are very few off-set printers in the state, and this slow method makes it hard to get ballots in on time. The way candidates are going down on the ballot reflects preference. A California law calls for the names to be in alphabetical order, but they amended it recently. The Montana Attorney General furnished the Yellowstone County Attorney Hamser with Opinion #75 - see attachment #2 - on page 4, the formula for registration in the county is almost impossible. The amended version of SB 122 doesn't do anything. I would ask you to amend this back to its' original version or kill it, because right now, it doesn't do anything.

SAM GUILLIULY, Montana Press Association--We support John Bell's proposal. Every county printer in Montana will be grateful if you amend it back and pass it. The printer is also under the time pressure for the election and the process is complicated. With off-set, you have to take the plate off the press, reshoot it, and put it back on. Under the present law, the printer gets \$6.00 for every time he has to change. There are only 2 letter presses in the state; so, we support this if you amend it back.

MERLE KLINT, County Clerk and Recorder, Billings--Yellowstone County had a ridiculous number of ballots in the last election. It would have cost \$789 for the sample ballot to be printed in the paper. I refused to publish it due to the exorbitant cost. With the advent of single member districts, the rotation plan is obsolete. I agree with John Bell, to amend it back or kill it.

HELEN KOVICH, Lewis & Clark County Clerk and Recorder--Rotation has become obsolete. Registration closes 30 days before election, and the way it is now, we are supposed to have our ballots out within 3 weeks.

EUGENE KRAMER, State Publishing, Missoula--I have worked on ballots since 1954. It is just as has been said.

CARL STECKY, Bozeman County Clerk and Recorder--Since they changed 40 days to 30 days for the ballots, very few servicemen get their ballots.

NO OPPONENTS

SB 286--JACK CROSSER, Director of Department of Administration--(Mr. Crosser started the hearing in the absence of Senator Thiessen, sponsor of the bill)--This checks a problem that occurred January 3, 1977, when the term of the Treasurer ended. This bill abolishes the office, and transfers the duties to the Department of Administration. It makes the director of that department serve as ex officio treasurer. This

way it continues the designation of Treasurer, but the position is only an operating arm of the Department of Administration. This would be operating separately for internal control purposes. It also deletes the state treasurer as a member of various boards.

NO OPPONENTS

MULAR-Page 3, lines 3 and 4 - will these 4 members be from the public at large, or from the department? CROSSER-From the public. MULAR-Wouldn't that put a deadlock on the Department of Agriculture about the Hail Insurance Board? I want to know why the Treasurer was appointed to that board; and therefore, what the ramifications would be if you took him off. The Hail Insurance Board has been transferred to the Board of Investments. (no answer recorded from Crosser) BRAND-What about the personnel in his office? CROSSER-I envision no change in personnel. Vera Freseman would continue as Deputy Treasurer. BRAND-If the financial area was transferred, why wasn't someone from administration put on the board? CROSSER-Before the Investment Board, each agency decided what and how to invest its' money. BRAND-So, you are taking away the only person that wasn't appointed by the Governor. Why do you want to change? CROSSER-(he explained the investments, and stated that Ms. Freseman would remain as a ex officio member of the board) FEDA-Could we amend this to include an elected official? CROSSER-I wouldn't object.

EXECUTIVE SESSION

SB 395-Mular moved the bill BE CONCURRED IN, the motion carried unanimously. MULAR-We should let Keyser carry it, he has carried all of the other ones. Mular was assigned to carry the bill on the floor.

MEETING ADJOURNED - 9:45 a.m.

Joe Brand, Chairman

Anita C. Sierke, Secretary