

STATE ADMINISTRATION
JANUARY 23, 1981
RM 436

The meeting of the House State Administration Committee was called to order at 8:00 a.m. on January 23, 1981 by Chairman Jerry Feda. All members were present except Representative McBride who was excused.

Chairman Feda opened the hearing on House Bill 231.

HOUSE BILL 231- SPONSOR, Representative Calvin Winslow, introduced the bill to the committee. Currently an elector who registers to vote by completing a mail registration form must have the form notarized or witnessed by a notary public, authorized official, or registered voter. This bill permits an elector to register by simply signing the form before mailing it.

PROPOSERS

DAVE HALLAND, Election Administrator in Yellowstone County, appeared in favor of this bill. He said that this would eliminate the need to check the witness' qualifications thus saving a lot of time for the clerks. He said this would help college students that presently have to register in their own district or mail in registrations. He said that he did not feel there would be any more danger of fraud if this bill passed. He said this bill would eliminate one of nine steps that the clerks have in checking voter registrations.

OPPOSERS

WILLIAM L. ROMINE, Montana Clerks & Records Assoc., stated that the association opposes any attempt to remove the requirement that the registration form be notarized or witnessed. He said that removal of these requirements can only give rise to fraud. He also said that they are opposed to the amendment to the bill that would eliminate the return of registrations 15 days after the date of the form. He said there is already a rush and if the 15 day deadline is removed, it would be even worse. A copy of his testimony is attached and is EXHIBIT 1 of the minutes.

Chairman Feda opened the hearing to questions from the committee.

Following brief discussion, Representative Winslow closed the hearing on House Bill 231 stating that we need to make voter registration as easy as possible in order to get more people to vote.

HOUSE BILL 264-SPONSOR, Representative Phillips, introduced this bill to the committee. This bill, requested by the Public Employees' Retirement Board, permits a P.E.R.S. member to purchase service credits in the retirement system for service with the federal government under the Intergovernmental Personnel Act if the member has five years or more of service in the retirement system and returns to full-time employment with the former state or local government employer for at least one year.

PROPOSERS

LARRY NACHTSHEIM, Public Employees' Retirement System, arose in support of HB 264. A copy of his statement is attached and is EXHIBIT 2 of the minutes.

OPPOSERS

There were no opposers to House Bill 264.

Chairman Feda opened the hearing to questions from the committee.

The question of cost to the state was brought up by the committee.

Mr. Nachtsheim said that there would be no cost to the state. The federal government would pay the employer contribution.

Representative Phillips closed the hearing on House Bill 264.

HOUSE BILL 263-SPONSOR, Representative Mueller, introduced the bill to the committee at the request of the Public Employees' Retirement Board. He stated that HB 263 is exactly the same as HB 264 except that it pertained to Montana State Game Wardens' Retirement System.

PROPOSERS

LARRY NACHTSHEIM, P.E.R.S., arose and stated his support to this bill.

OPPOSERS

There were no opposers to House Bill 263.

Chairman Feda opened the hearing to questions from the committee.

Representative Mueller closed the hearing on House Bill 263.

HOUSE BILL 233-SPONSOR, Representative Moore, introduced this bill to the committee. This bill proposes a constitutional amendment authorizing a permanent legislative committee to approve or reject expenditures by any institution or agency of state funds that were not appropriated during the session preceding the proposed budget amendment. If the amendment is approved by the voters in 1982, it will be effective January 1, 1983. Representative Moore stated that this bill is almost the same as Joint Resolution 217, which was introduced in the 1977 session.

PROPOSERS

There were no proposers to House Bill 233.

OPPOSERS

JOY BREACK, League of Women Voters of Montana, arose in opposition to HB 233. Ms. Breack said that the league is sympathetic with the efforts of the legislative committee to try to make sure the executive branch moves in the right direction during the interim, but they are opposed to this type of legislation. She said they have been in favor of an annual session for a long time. Annual sessions, she stated, would be a much better approach to the problem. A copy of her statement is attached and is EXHIBIT 3 of the minutes.

Chairman Feda opened the hearing to questions from the committee.

Representative Spilker asked Ms. Breack if she didn't think this legislation would be a better solution to the problem than nothing at all.

Ms. Breack said that the league did not feel it was right that 12 representatives make the decision for all of the representatives for the state of Montana.

Representative Hanson asked Representative Moore about the cost of this legislation.

Representative Moore said it would be a lot less than calling a special session. He also said that he did not think there would be the need for any additional staff.

Representative Moore closed the hearing on House Bill 233. He said that until 1975 when the interim budget amendment committee was abolished, they had trimmed several thousand dollars off the budget. Since then it has all been amended back in. He said state agencies have generated new programs and put on additional full time employees in order to carry out these appropriations.

HOUSE BILL 211-SPONSOR, Representative Keedy, introduced the bill to the committee. This bill provides for the payment of the salaries for deputy or assistant county attorneys on a monthly basis through the county and state general funds and requires the county commissioners to certify the appointment of a deputy or assistant to the State Auditor.

PROPOSERS

TOM HONSEL, County Attorney, stated that presently the state pays one-half of the county attorneys salary but none of the assistant or deputy attorneys salaries. These attorneys provide many services for the state. The county attorney spends about 50% of his time on state cases and the assistant attorney about 25 to 30% on state cases. He said that if they are going to provide services for the state, the state should help pay for these services.

MIKE STEVENS, Montana Assoc. of Counties, arose in support of HB 211. He said that it cost 8 million dollars to fund the district court and the county taxpayers pay for 7 out of 8 million dollars every year.

OPPOSERS

There were no opposers to House Bill 211.

Chairman Feda opened the hearing to questions from the committee.

Representative Winslow inquired about the cost to the state.

Representative Keedy said that there are approximately 64 deputy attorneys in the state. The fiscal note has the information but was not available to the committee at this time.

Representative Keedy closed the hearing on House Bill 211.

EXECUTIVE SESSION

HOUSE BILL 231

DO PASS

Representative Spilker made a motion that HB 231 DO NOT PASS.

Discussion followed.

Representative Kanduch made a substitute motion that House Bill 231 DO PASS. Motion was seconded by Representative Smith. Discussion followed. Representative Mueller said the deletion of the 15 day deadline concerned him. Representative Phillips said that he did not think fraud was really too much of a problem but that the voter registration offices are mismanaged. Question being called, a roll call vote was taken and carried 12 YES, 6 NO and 1 absent. Representatives Fedá, Kropp, Mueller, Pistoria, Ryan and Spilker voted NO.

HOUSE BILL 233

DO PASS

Representative Kanduch moved that HB 233 DO PASS. The motion was seconded by Representative Briggs. Following discussion, question being called, a roll call vote was taken and carried with 13 YES, 5 NO and 1 absent. Representatives Holiday, Pistoria, Azzara, Kennerly and Dussault voted No.

HOUSE BILL 264

NO ACTION TAKEN

It was decided by the committee to wait to take action on this bill until someone could come in and explain the Intergovernmental Personnel Act in more detail.

HOUSE BILL 263

NO ACTION TAKEN

Same reason as above.

HOUSE BILL 45

SUB-COMMITTEE

Chairman Fedá appointed Representative Holiday, Spilker and Mueller to a sub-committee on HB 45. They will report back to the committee with their determinations.

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HOUSE BILL 211

NO ACTION TAKEN

Held for fiscal note.

HOUSE BILL 201

NO ACTION TAKEN

The committee felt that they were not ready to take executive action on this bill at this time.

A motion was made to adjourn at 10:30 a.m.

Respectfully submitted,



G. C. "JERRY" FEDA, Chairman

Cathy Martin-Secretary

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HB-231

EXHIBIT 1

NAME: William L. Rovine DATE: 1-23-81

ADDRESS: P.O. Box 1691 Helena

PHONE: 442-2220

REPRESENTING WHOM? Mont. Clerks & Records Assn.

APPEARING ON WHICH PROPOSAL: H.B. 231

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: The Assn opposes any attempt to Remove the Requirement
that the Registration form be notarized or witnessed. The Removal
of these requirements can give rise to fraud. To protect the
sanctity of the vote, we must make sure that no hint of fraud can
creep into the election process. In fact the Assn supports the use of
notaries only. Also, because of the last minute rush, the forms
should be returned as soon as possible. The 15 day limit should be
retained kept. If all of the registrations are held until the last
day, an undue burden is placed upon the clerk to check the
registrations.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

HB 264 - (HB 263
 For Name
 Wardens) EXHIBIT 2

PURPOSE: This bill is introduced to implement the Intergovernmental Personnel Act of 1970 which permits employees of the State of Montana and political subdivisions who are on temporary assignment with the United States Government where the Federal Government is paying their salary to continue their membership in the P.E.R.S. Certain limitations are placed in the bill in order that individuals who elect to participate in this program do not use their Federal service to simply enhance their retirement benefits.

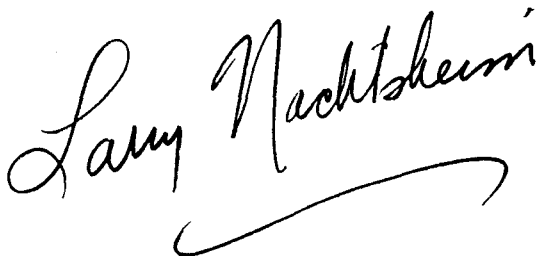
PROS AND CONS: This bill probably should have been introduced when the State of Montana began its participation in the Intergovernmental Personnel Act, however, we did not become aware of individuals involved in this program until 1979 and have introduced this legislation to rectify this situation.

FINANCIAL IMPACT: Minimal

PRIOR LEGISLATIVE HISTORY: None

EXAMPLE OF HARM: If this legislation is not enacted, individuals who have elected to participate in this Federal program would be denied credits in the Public Employees' Retirement System for the period of time they are in the employment of the Federal Government.

INTERESTED PARTIES: The only individual we are aware of who has so far participated in this program is an employee of the Fish, Wildlife and Parks Department and, I believe, the Fish, Wildlife and Parks Department would support this legislation.



NAME Joy Busch BILL No. HB 238

ADDRESS 1601 Allison Helena DATE 1-23-81

WHOM DO YOU REPRESENT League of Women Voters of Montana

SUPPORT _____ OPPOSE ✓ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

The League sympathizes with the efforts of the oversight committee to try to make sure the Executive Branch moves in the right direction during the interim, but we oppose the type of legislation to handle the problem.

If a committee feels something is in need of immediate action, then they have the option of being the Legislature to call a special session. Or better yet, maybe we should rethink an annual session structure. We believe this could solve some of the problems which occur during a 21-month interim.

VISITORS' REGISTER

HOUSE _____ COMMITTEE _____

BILL HB 233

Date _____

SPONSOR _____

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPOSE
<i>Jay Burch</i>	<i>Helena</i>	<i>WV of Mont.</i>		✓

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE _____ COMMITTEE _____

BILL HB 264
SPONSOR _____

Date _____

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPOS
Sp. F. Kasperman	Helena	AFSCMC	X	
Larry Nachtsheim	Helena	PERS	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE _____

COMMITTEE _____

BILL H.B. 231

Date 1-23-81

SPONSOR Winslow

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPOS
William L. Romine	Helena Mont. Clerks & Records	Mont. Clerks & Records		X
David J. Halland	Billings		X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.