

MINUTES OF THE MEETING OF THE HOUSE STATE ADMINISTRATION COMMITTEE  
January 7, 1983

The meeting was called to order at 9 a.m. in Room 129 of the Capitol by CHAIRMAN JOE BRAND. All members were present.

HOUSE BILL 57

Chairman Brand opened discussion of bills in committee with HOUSE BILL 57, introduced by REPRESENTATIVE BOB PAVLOVICH, who said the bill would permit Veterans of World War II and the Korean and the Vietnam conflicts to receive free service credits in the Public Employees' Retirement System for their time served in the military. Representative Pavlovich said the measure was designed to extend the same consideration to PERS members as members of the Teachers' Retirement System received from the 1981 session. (See Representative Pavlovich's written statement, attached.) He noted the consideration would be extended only to those people who served in the military during periods of armed conflict.

Chairman Brand called for PROPONENTS to speak for the measure, and Bob Durkee of Helena VFW endorsed the bill as "fair treatment" for veterans.

DAN ANTONIETTI of the U.S. Department of Labor, Veterans' Employment, urged the Committee to approve the bill and "correct this oversight" that resulted in these veterans not being eligible at present. (See written statement, attached.)

Others voicing "full support" for the measure were TONY CUMMINGS of the American Legion, Helena, and BILL WILSON, Helena VFW.

GREG GROEPPER, who identified himself as a state employee on leave to testify, said the present situation is unfair to veterans, and urged support of the bill. (See written statement, attached.)

ROBERT BOTTERBUSH, another state employee on leave, supported the bill. (See written statement, attached.)

DON GIES, another state employee on leave, spoke in support of the bill, saying "Montana has an obligation to treat all veterans equally." (See written statement, attached.)

JIM HORNE, another state employee on leave, said the bill should be approved because "a lot of vets got behind by serving" in the military while other workers stayed home and worked to accrue credits. They should be compensated," Horne said.

LARRY NACHTSHEIM, Administrator of PERS, appeared to speak about the bill as a neutral. Nachtsheim said that of 26,879 eligible public employees, 6,000 would be eligible to benefit from the bill.

They have an average service time of 2.5 years. The cost would be roughly equal to 1/10 of the 1 percent of each thousand. For the state, that would amount to \$2.3 million in the first biennium. The total cost would be \$5.175 million for the biennium. Nachtsheim said funding would amount to 6/10 of 1 percent for forty years.

NO OPPONENTS APPEARED TO TESTIFY ON HOUSE BILL 57.

In closing, Representative Pavlovich said the bill would make sense because the PERS may be merged with the Teacher's Retirement System soon, and this would facilitate merger.

Chairman Brand opened the bill to questions by the Committee members, and REPRESENTATIVE WALTER SALES questioned Nachtsheim, who stated the bill would mean that anyone who had purchased service credits to qualify their military service under PERS would get a refund.

Nachtsheim said teachers pay 6.125 percent to retirement, and public employees pay 6 percent. The measure would not affect the Highway Patrol.

REPRESENTATIVE BARDANOUVE asked if this would not set a precedent for other retirement funds. Nachtsheim said that at present, only one system - the sheriffs' - does not have a military buy-back option.

Chairman Brand asked Nachtsheim if "buy-back" meant that the employees paid to get into the system. Nachtsheim directed the Chairman to Sections 19-4-404, and subsections (1), (2), MCA. Within the PERS, he said, "our people" pay only the employee's share. "This bill is opening up all the time during armed conflict," Nachtsheim said. "In teachers', only Vietnam time counts."

Chairman Brand asked if, in the case of a veteran who wanted his time to count, would the individual pay for the extra credit or would the PERS? Nachtsheim said the bill would refund payments to those veterans who have purchased their military time for service credits in the PERS. Nachtsheim confirmed to Chairman Brand the bill would cost \$5 million over two biennia and it would raise the cost to the state by 6/10 of 1 percent. He confirmed that money would be given back to those who had purchased into the system.

Chairman Brand asked if the bill could be amended to allow for the consideration to the eligible veterans without costing the state \$5 million. Nachtsheim said it would be unfair and amount to "possible discrimination" to the affected class.

THERE BEING NO MORE QUESTIONS FROM COMMITTEE MEMBERS, CHAIRMAN BRAND CLOSED THE HEARING ON HOUSE BILL 57. (See Visitor's Register attached.

HOUSE BILL 43

CHAIRMAN BRAND OPENED THE HEARING ON HOUSE BILL 43, SPONSORED BY REPRESENTATIVE JAMES SCHULTZ.

REPRESENTATIVE SCHULTZ said the measure would vest discretion in election judges to give voters paper ballots. Representative Schultz said he introduced the bill at the request of the County Commissioners of Fergus County. He said it was a means of "trying to control the costs of elections" by eliminating a duplicative expense. Schultz introduced BOB BARBER, a Fergus County Commissioner, who stated that the Votomatic automated voting system "worked flawlessly" in the last election in his county. Barber said it cost his county \$2,000 to get paper ballots printed for those voters who might demand them (at present voters may demand and must receive paper ballots) and most of those were not used. "It shouldn't be allowed," Barber said, "but left to the discretion of local officials."

BILL ROMINE, a Helena lawyer representing county clerks and recorders, spoke in support of the measure. "Having to provide paper ballots doesn't make a lot of sense," Romine said. He endorsed the bill, saying it provides "flexibility". He said officials would honor public demand for paper ballots because "if voters are upset, the officials will not be re-elected."

NO OTHER PROPONENTS APPEARED FOR HOUSE BILL 43 AND CHAIRMAN BRAND CALLED FOR OPPONENT'S TESTIMONY.

ROSE SKOOG of Helena, who said she poll-watched for the last election, said there were many problems with the 1982 general election in Lewis and Clark County; Skoog said "the last thing voters want is flexibility in their voting system." Skoog said problems she observed included instances in which election judges "just didn't do their jobs." "Here the Clerk and Recorder trained people to discourage people from using paper ballots," she said. "I saw flexibility and it scared the hell out of me. Officials were telling people there were none (paper ballots), but were holding them under their arms." Skoog said the bill would "totally eliminate this right to a paper ballot." She questioned whether the allowance of discretion at the local level could result in "any consistency" in the election process.

REPRESENTATIVE STEVE WALDRON, from Missoula, spoke against the bill, citing the experience that Missoula County has had with the system. He said the Votomatic System was not necessarily bad, provided "you have a very strict administration." Otherwise, Waldron said "you get massive problems. All it takes is a little mistake and it can turn out massive discrepancies."

Waldron spoke at length about the Votomatic System. He said "if you allow the voters a paper ballot, you have a means of checking" against possible Votomatic errors.

JOE LAMSON, Executive Secretary of the Montana Democratic Party, said his party's "biggest single complaint" about the latest election was "people saying they had a hard time getting paper ballots or were denied altogether." Lamson asserted the bill would "eliminate" the paper ballot "because the election judges, who have to count them, will deny paper ballots." Lamson said this would contribute to voter apathy and poor turnout.

MARGARET DAVIS, speaking for the Montana League of Women Voters, agreed with Lamson's testimony. Davis said discretion should not be at the local level. "Suffrage rights are basic and serve everyone across the state in a fair way," she said. She said problems in the 1982 general election resulted from poor training by election officials. (See witness statement, attached.)

CLIFF CHRISTIANS, representing Secretary of State James Waltermire, said Waltermire opposes HOUSE BILL 43. But he said Waltermire would not oppose making the paper ballots discretionary if the bill were amended to set forth rules and regulations to govern officials' discretion.

BEN EVANS of Helena, representing himself, said he opposed the bill because "this is a restriction on the voters and contrary to American principles." He said it would aggravate poor voter turnout. (See witness statement, attached.)

VOLA BARRETT of Helena spoke in opposition. She said the law should guarantee the right to paper ballots, not limit it. (See witness statement, attached.)

ROSEMARY RODGERS of Helena spoke in opposition, saying she saw several elderly people leave the polling places without voting because they were unable to get paper ballots. She said the bill could also result in increased use of absentee ballots because people would want to avoid using Votomatics. (See witness statement, attached.)

DENNIS BERGVALL of the Montana Republican Party said the Party opposes the measure for two reasons: 1. There would be a substantial question of uniformity should discretion be vested at the local level; 2. "any means to limit voting would hurt the democratic process."

BEVERLY GLUECKERT of Helena spoke against the bill, citing what she called "ridiculous problems" in Helena elections. She called the bill "a giant step in disenfranchisement" of the voter. (See witness statement, attached.)

DON JUDGE, representing the Montana State AFL-CIO, spoke against the bill. He submitted written testimony. (See witness statement, attached, and its attached prepared statement.

NO OTHER OPPONENTS WERE HEARD, AND CHAIRMAN BRAND CALLED FOR A CLOSING STATEMENT BY REPRESENTATIVE SCHULTZ.

In closing, Representative Schultz said "we didn't have any problems in Fergus County. We're not trying to cheat anybody, we're just trying to make the process more effective."

In response to call for questions from Committee members by Chairman Brand, REPRESENTATIVE McBRIDE asked Representative Schultz how "discretion" was to be exercised. Representative Schultz deferred by Barber, who said the governing body would decide. "Fergus County doesn't want to print the ballots," Barber said.

On questioning by Representative Bardanoue and Chairman Brand, Barber said Fergus County Commissioners would not print paper ballots if the bill was made into law. He said absentees would use a special Votomatic ballot. He said the election judges, who would have "discretion" not to give out paper ballots, would in fact not have discretion because they would not have any paper ballots to distribute. He said the Votomatic System costs \$7,000 for the election, apart from the capital cost of about \$40,000. He said the unit cost - the Votomatic versus the paper ballots - is roughly the same. He said Votomatic ballots are prepared by an out-of-state Votomatic company, while paper ballots are printed locally.

Representative Bardanoue suggested that if discretion is vested in election judges to grant or deny paper ballots, but the county does not provide paper ballots, "aren't we risking a lawsuit?" Barber said, "maybe the bill should be amended to let the governing body decide."

REPRESENTATIVE SOLBERG asked if the unit cost between the Votomatic and the paper ballots was the same. Barber confirmed that it was, and said the bill would allow governing bodies a choice. "If they want to use paper ballots, fine," he said.

Chairman Brand asked Barber if the bill would allow local officials to change the philosophy about how a voter votes. Barber confirmed that it would. Brand questioned whether such a bill would be constitutional. Barber said the Votomatic is "simple" to take care of problems, and his county experienced no problems with the system and older voters. "Don't saddle us with another \$2,000 expense," he concluded.

THERE BEING NO MORE QUESTIONS FROM THE COMMITTEE, CHAIRMAN BRAND CLOSED THE HEARING ON HOUSE BILL 43.

HOUSE BILL 46

CHAIRMAN BRAND OPENED THE HEARING ON HOUSE BILL 46 BY CALLING FOR REMARKS BY ITS SPONSOR, REPRESENTATIVE CHRIS STOBIE.

REPRESENTATIVE STOBIE said HOUSE BILL 46 would eliminate the requirement that state agencies report to the Administrative Code Committee prior to each legislative session to indicate recommendations for legislation to clarify, grant or eliminate statutory authority to adopt rules. Representative Stobie said the requirement has not proven to be productive and the reports were costly to prepare, "I'm interested in saving a nickel if that's what it takes," Representative Stobie said. He said the requirement "serves no useful purpose" for either the agency or the Committee.

THERE BEING NO OPPONENTS TO THE BILL AND NO CLOSING REMARKS BY REPRESENTATIVE STOBIE, CHAIRMAN BRAND OPENED THE HEARING TO QUESTIONS BY COMMITTEE MEMBERS.

Responding to an inquiry by REPRESENTATIVE HAND, Representative Stobie said the bill would result in less, not more, volume to the Administrative codes.

Responding to an inquiry by Representative McBride, Representative Stobie said the sole practical purpose of the requirement is "just to give a head start to eight legislators (who serve on the committee)."

Chairman Brand asked if some agencies were not honoring the requirement and Representative Stobie confirmed some were not. Representative Stobie introduced REPRESENTATIVE HAL HARPER, a member of the Legislative Administrative Code Committee, who agreed with Representative Stobie's remarks, stating, "this bill just relieves agencies of a duty they don't perform." Harper said this was an opportunity for the House State Administration Committee to reduce the volume of the administrative codes.

THERE BEING NO FURTHER QUESTIONS FROM COMMITTEE MEMBERS, CHAIRMAN BRAND CLOSED THE HEARING ON HOUSE BILL 46.

HOUSE BILL 59

CHAIRMAN BRAND OPENED THE HEARING ON HOUSE BILL 59 BY CALLING ON ITS SPONSOR, REPRESENTATIVE HAL HARPER.

Representative Harper said the bill would require administrative rules enacted prior to the Montana Administrative Procedure Act to be reviewed by the Legislative Administrative Code Committee to ensure that the rules are consonant with the MAPA. "We need to review those rules to see that they are there" Representative Harper said. "Basically this is an inventory."

THERE BEING NO FURTHER TESTIMONY FROM PROPONENTS OF THE BILL AND NO OPPONENTS, CHAIRMAN BRAND OPENED THE HEARING TO QUESTIONS FROM COMMITTEE MEMBERS.

Chairman Brand asked Representative Harper to explain the need for the measure. "Can't you go back now?" he asked. Representative Harper said MAPA does not grant the Committee the authority to review rules promulgated prior to the effective date of MAPA.

THERE BEING NO FURTHER QUESTIONS FROM COMMITTEE MEMBERS, CHAIRMAN BRAND CLOSED THE HEARING ON HOUSE BILL 59.

Representative O'Connell MOVED, Representative Mueller SECONDED, that the meeting be adjourned. Members unanimously approved the motion by voice vote and Chairman Brand declared the meeting adjourned.

  
\_\_\_\_\_  
REPRESENTATIVE JOE BRAND, Chairman

## STATE OF MONTANA

REQUEST NO. 049-83

## FISCAL NOTE

Form BD-15

In compliance with a written request received January 6, 19 83, there is hereby submitted a Fiscal Note for House Bill 57 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 57 is a proposal to provide free military service credit in the PERS for veterans of World War II and the Korean and Vietnam conflicts.

ASSUMPTIONS:

(From 1982 PERS Actuarial Valuation adjusted by consulting actuary):

- 1) 26,879 members.
  - 2) Cost assumes 6,000 members will be eligible with average of 2½ years military service.
  - 3) Two accounting technicians will be required for a two year period to process refunds from current to proposed military service processing plus processing of new applications.
- Funding will extend forty years requiring 6% of total PERS salaries for each year.

FISCAL IMPACT:Proposed Employer Contributions To Pers Trust Fund

		<u>FY 84</u>	<u>FY 85</u>	<u>Biennium</u>
State	(45%)	\$13,070,828	\$13,789,724	\$26,860,552
Political Subdivisions	(55%)	15,975,456	16,854,107	32,829,563
TOTAL	(100%)	\$29,046,284	\$30,643,831	\$59,690,115

Less Current Level:

State	(45%)	\$11,937,519	\$12,594,083	\$24,531,602
Political Subdivisions	(55%)	14,590,301	15,392,768	29,983,069
TOTAL	(100%)	\$26,527,820	\$27,986,851	\$54,514,671

Increase:

State	(45%)	\$ 1,133,309	\$ 1,195,641	\$ 2,328,950
Political Subdivisions	(55%)	1,385,155	1,461,339	2,846,494
TOTAL		\$ 2,518,464	\$ 2,656,980	\$ 5,175,444

Additional (2) FTE

Continued

BUDGET DIRECTOR

Office of Budget and Program Planning

Date:

*David M. Lewis*  
1-11-83



-2-

	<u>FY 84</u>	<u>FY 85</u>	<u>Biennium</u>
Personal Services	\$ 34,916	\$ 36,661	\$ 73,077
Equipment	1,500		1,500
TOTAL	<u>\$ 36,416</u>	<u>\$ 36,661</u>	<u>\$ 74,577</u>

FISCAL NOTE 3:I/2

HOUSE BILL 57

In 1981 the Legislature enacted House Bill 637 and provided veterans of the Vietnam Conflict Era service credits in the Teachers' Retirement System. These service credits were similar to credits previously granted veterans of World War II and the Korean Conflict. There was no opposition to this bill.

The Teachers' Retirement System, in addition to covering teachers in the various school districts of Montana covers Vocational Technical School teachers, the Montana University System, the Office of the Superintendent of Public Instruction, the Board of Public Instruction staff, Montana School for the Deaf and Blind and teachers in any state institution.

These agencies are funded by state general fund money in total or, in the case of local school districts, in part. All are funded with public tax dollars.

The situation that has existed for some time is a qualified veteran teacher in the Department of Institutions receives free retirement credit for up to four years while a nurse aide with identical veteran status and employed by the same state agency must purchase his military retirement credit.

Veterans of the Vietnam Conflict Era, Korean Conflict and World War II who are also members of the Public Employees' Retirement System are

asking only for the same treatment as similar Veterans in public jobs funded by the same source - state general fund tax dollars.

This bill is introduced to correct an oversight, and provide veterans in the Public Employees' Retirement System similar benefits to its sister retirement system, the Teachers' Retirement System. The Bill is only granting service credits to veterans that served during periods of armed conflict. These men and women frequently risked their life for their country while those that did not serve were earning additional seniority at home. Passage of this bill is a way of saying thanks to these loyal Americans and also treating them equally in the eyes of both state retirement systems.

WITNESS STATEMENT

NAME DAN ANTONIETTI BILL No. 57

ADDRESS 5 WOOD COURT, HELENA DATE 1-7-83

WHOM DO YOU REPRESENT VETERANS EMPLOYMENT - U.S.D.L.

SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

REQUESTED to appear by REPRESENTATIVE  
ROBERT J. PAVLOVICH, SPONSOR OF  
THE BILL.

WITNESS STATEMENT

NAME Gregg Hooper BILL No. H13-57  
ADDRESS 1501 Adam Kelano DATE 1/7/83  
WHOM DO YOU REPRESENT self  
SUPPORT X OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME Robert F. Butterbusch BILL No. HB 57  
ADDRESS 215 Washington St, Helena, MT DATE Jan. 7, 1982  
WHOM DO YOU REPRESENT Myself - State Veteran employee  
SUPPORT Yes OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: Ask for equitable treatment with that  
given to teachers.

WITNESS STATEMENT

NAME Gregg Hooper BILL No. HB-57  
ADDRESS 501 Adams Kilam DATE 1/7/83  
WHOM DO YOU REPRESENT self  
SUPPORT X OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME DAN ANTONIETTI BILL No. 57  
ADDRESS 5 WOOD COURT, HELENA DATE 1-7-83  
WHOM DO YOU REPRESENT VETERANS EMPLOYMENT - U.S.D.L.  
SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

REQUESTED to appear by REPRESENTATIVE  
ROBERT J. PAVLOVICH, SPONSOR OF  
THE BILL.



WITNESS STATEMENT

NAME DON R. GIES BILL No. HB-57  
ADDRESS 3580 WYLLIE DR, HELENA DATE 1-7-83  
WHOM DO YOU REPRESENT Self - Vets  
SUPPORT X OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

*We only ask for equal  
treatment under MONTANA LAW!*

WITNESS STATEMENT

NAME Mark Wessit, Frederick John BILL No. 57

ADDRESS 6370 Birdseye Road, Helena DATE 4/7/83

WHOM DO YOU REPRESENT DISABLED AMERICAN VETERANS - DEPT OF MONTANA

SUPPORT ✓ OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME Willis H. Wilson BILL No. 57  
ADDRESS 3000 VILLARD LOT #2 HELENA DATE \_\_\_\_\_  
WHOM DO YOU REPRESENT VETERANS OF FOREIGN WARS  
SUPPORT ✓ OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

## HOUSE

COMMITTEE

BILL

HB 57

Date \_\_\_\_\_

1-7-83

SPONSOR

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HOUSE BILL NO. 57

PAVLOVICH

INTRODUCED BY

1 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE VETERANS OF  
 2 WORLD WAR II AND THE KOREAN AND VIETNAM CONFLICTS SERVICE  
 3 CREDITS FOR THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM  
 4 COMPARABLE TO CREDIT GRANTED FOR MILITARY SERVICE UNDER THE  
 5 TEACHERS' RETIREMENT SYSTEM; PROVIDING FUNDING FOR THESE  
 6 CREDITS THROUGH EMPLOYER CONTRIBUTIONS; AMENDING SECTIONS  
 7 19-3-503 AND 19-3-801, MCA; AND PROVIDING AN EFFECTIVE  
 8 DATE."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 19-3-503, MCA, is amended to read:  
 11 "19-3-503. Election to qualify military service for  
 12 full credit. (1) If a member has 5 years or more of  
 13 creditable service in the retirement system, he may receive  
 14 up to 4 years of creditable service without cost for active  
 15 service in the armed forces of the United States, which  
 16 includes the army, navy, marine corps, air force, and coast  
 17 guard, during World War II beginning October 1, 1940, and  
 18 ending June 30, 1947; the Korean conflict beginning June 1,  
 19 1950, and ending January 31, 1955; and the Vietnam conflict  
 20 beginning August 5, 1964, and ending May 7, 1975. To qualify  
 21 this service, a member shall submit to the board at any time

1 prior to retirement a completed application form and proper  
 2 certification of his military service.

3 (a) A member with 10 years or more of state  
 4 service qualified under this chapter may, at any time prior  
 5 to retirement, make a written election with the board to  
 6 qualify all or any portion of his active service in the  
 7 armed forces of the United States for the purpose of  
 8 calculating retirement benefits, up to a maximum of 5 years,  
 9 if he is not otherwise eligible to receive credit for this  
 10 same service pursuant to 19-3-502 or subsection (1) of this  
 11 section.

12 (b) To qualify this service he must contribute to the  
 13 retirement fund the amount determined by the board to be due  
 14 based on his compensation and normal contribution rate as of  
 15 his 11th year and as many succeeding years as are required  
 16 to qualify this service, with interest from the date he  
 17 becomes eligible for this benefit to the date he so  
 18 contributes. He may not qualify more of this service than he  
 19 has state service in excess of 10 years.

20 (c) If a member has retired from active duty in the  
 21 armed forces of the United States with a normal service  
 22 retirement benefit, he may not qualify his military service  
 23 under subsection (1) or (2) of this section. However, a  
 24 member who is serving or has served in the military reserves  
 25 with the expectation of receiving a military service pension

-2- INTRODUCED BILL

HB 57

1 may qualify his active military service under subsection (1)  
 2 of (2) of this section if his active duty in the armed  
 3 forces of the United States is not more than 25% of the  
 4 total sum of all years of military service including reserve  
 5 and active duty time."

6 Section 2. Section 19-3-801, MCA, is amended to read:  
 7 "19-3-801. Employer contribution rates -- actuarial  
 8 determination. (1) Each employer shall contribute to the  
 9 cost of benefits under the system. The amount of the  
 10 employer contributions shall be computed by applying to  
 11 member's compensation the sum of the current service  
 12 contribution rate and the unfunded liability contribution  
 13 rate. The sum of these rates shall be 6.32% [ ] from July  
 14 1, 1981 1983, and thereafter.

15 (2) The actuary shall determine the current service  
 16 contribution rate to be that level percentage of the present  
 17 value of the future compensation of the average new member  
 18 entering the system which equals the then present value of  
 19 the excess of all prospective benefits in respect of such  
 20 member over the member's own normal contributions.

21 (3) The actuary shall determine the minimum unfunded  
 22 liability contribution rate to be that level percentage of  
 23 the present value of the prospective compensation of all  
 24 members for the 40-year period following the date of the  
 25 determination which is equal to the unfunded liability on

1 that date. The unfunded liability at any time is the excess  
 2 of the present value of all future benefits payable in  
 3 respect of all persons then entitled to benefits under the  
 4 system over the sum of the retirement fund and the present  
 5 values of the future current service contributions and  
 6 normal contributions payable in respect of all such  
 7 persons."

8 NEW SECTION. Section 3. Effective date. This act is  
 9 effective July 1, 1983.

-End-

WITNESS STATEMENT

NAME Margaret J Davis BILL No. HB 43  
ADDRESS 917 Harrison DATE 7 Jan 83  
WHOM DO YOU REPRESENT League of Women Voters of MT  
SUPPORT \_\_\_\_\_ OPPOSE X AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Voting is a fundamental right and the discretion of election judges is not to be encouraged in the law.

Elections are for citizens to exercise their constitutional suffrage rights. The League believes those rights should not be obstructed or confused by the actions of election workers. Election laws should be clear & uniform.

Delays on voting day are NOT caused by paper ballots. Instead, they are due to an inadequate number of machines for voting, precincts that are too large, complex ballots and factors attributable in most part to inadequate preparations for the election.

Don't penalize the voter for problems caused by others.

WITNESS STATEMENT

NAME Ben G. Evans BILL No. 43

ADDRESS 2050 Raleigh DATE 1-7-83

WHOM DO YOU REPRESENT Self

SUPPORT \_\_\_\_\_ OPPOSE ☒ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I am opposed to this bill as I feel it infringes on the rights of voters to vote in the way of their choice. Although machine voting is expeditious the voter should be able to vote in the way that is most comfortable to them. All candidates campaign to get out the vote but there are voters who will only vote by paper ballot and they should have that right. This is in accord with American principles.



WITNESS STATEMENT

NAME Vola Barrett BILL No. 43  
ADDRESS 900 Highland DATE Jan. 7, 1983  
WHOM DO YOU REPRESENT \_\_\_\_\_  
SUPPORT \_\_\_\_\_ OPPOSE ✓ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I feel this bill would take away the rights of each individual to be able to vote in the manner he feels most comfortable with. Especially older citizens still hesitate to use the voting machines. This bill is in violation of that right to vote in the manner we should feel is the easiest and best for us personally.

WITNESS STATEMENT

NAME Rose Mary Rodgers BILL No. HB 43  
ADDRESS 1517 Glenview DATE Jan 7/83  
WHOM DO YOU REPRESENT Myself  
SUPPORT \_\_\_\_\_ OPPOSE X AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I strongly object to election judges controlling dispersal of paper ballots. If we learned anything this year at the Nov. election it was that we should return to the tried and true paper ballot.

Many elderly were utterly confused and I noticed several giving up in disgust on the Votamatic.

It should remain our constitutional option to have the simpler paper ballot without being embarrassed.

I asked for a paper ballot and was told I'd have to go to the court house to get one. Needless to say I was angry at the indifference and my denial of my constitutional right had been infringed.

Thankyou,

Rose Mary Rodgers

NAME: William L. Rovine DATE: 1-7-82

ADDRESS: Helena

PHONE: 442-2220

REPRESENTING WHOM? CLerk & RECORDERS

APPEARING ON WHICH PROPOSAL: H.B. 43

DO YOU: SUPPORT? X AMEND?        OPPOSE?       

COMMENTS: this Bill wld give the Election Judges some flexibility.  
As it now stands, paper ballots must be supplied at each  
Poll, even though The Judges know that certain  
precincts never use them. Under this bill, the Judges  
could decide to not have paper ballots at some  
precincts, thereby saving some money for the counties.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

WITNESS STATEMENT

NAME

Rose Skoog

BILL No. \_\_\_\_\_

ADDRESS

1517 Stuart Helena

DATE

1-7-83

WHOM DO YOU REPRESENT

myself

SUPPORT \_\_\_\_\_

OPPOSE

X

AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

# FERGUS COUNTY

## STATE OF MONTANA

*Lewistown, Montana 59457*

January 6, 1982

To Whom it May Concern:

The Board of Fergus County Commissioners would like to go on record in support of House Bill No. 43.

Fergus County installed a C.E.S. Punch Card voting system in 1982. This system was used in the Primary and General Elections of 1982 and the system worked flawlessly.


Fergus County believes that when a County furnishes a system such as this one, we should not be required to furnish an alternate system for voters pleasure.

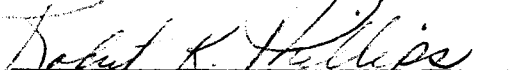
There is considerable expense and time involved in printing and supplying the printed paper ballots.

We believe the decision to supply the paper ballots should be left for the local governing body to decide.

Local government believes in managing an efficient and economical government for their people. We feel that this is an additional expense imposed upon us that we can better manage at the local level.

BOARD OF COUNTY COMMISSIONERS  
OF FERGUS COUNTY, MONTANA

  
Robert T. Barber, Chairman

  
Robert K. Phillips, Commissioner

WITNESS STATEMENT

NAME Mrs. Beverly Bluebeck BILL No. 4-3  
ADDRESS 1529 Chateau St. DATE Jan. 1, 1983  
WHOM DO YOU REPRESENT myself, a Helena housewife, taxpayer, mother  
SUPPORT 1 OPPOSE Oppose AMEND \_\_\_\_\_  
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Having used the paper ballot for most of my voting life with no problem why the need now at this time of even more automation?

I hear no citizen outcry to destroy our right to a paper ballot - indeed the opposite <sup>is true</sup> with the ridiculous entangling experience here in Helena during the last election in the move to electronic balloting the people avowed even more strongly in favor of the paper ballot.

This bill constitutes no slow erosion of citizens' rights - it's a giant step in the wrong direction.

L.R. Dec 1-83

general election until this year, but I tried.

I work out of town so I drove 30 miles in to vote, stood in line 1½ hours; there was still 30 people ahead of me at the end of that time. Since the successful voters were coming out at the rate of about 15 an hour, that meant I would be there for some time longer and I had to be back at work in an hour, which was just a little over the time I needed to drive that 30 miles. So I gave up on voting and left.

Yes, I was disgruntled in fact down right angry and I felt my right to vote had been violated by the county not having adequate voting area. Next time I'll have sense enough to vote absentee ballot.

Mable Redfield

## A voter who couldn't

Tell Mr. Nance of Snowshoe Road his gripe was not unique. At least he got to vote.

I've voted longer than he has and never missed a

WITNESS STATEMENT

NAME JOE LAMSON BILL No. HB 43

ADDRESS Box 802 DATE 1/7/83

WHOM DO YOU REPRESENT MT. DEMOCRATIC PARTY

SUPPORT \_\_\_\_\_ OPPOSE X AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:



WITNESS STATEMENT

NAME Evelyn B Joppa BILL No. HB 43  
ADDRESS 7993 Hwy 12 W DATE 1-7-83  
WHOM DO YOU REPRESENT Self  
SUPPORT \_\_\_\_\_ OPPOSE X AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I oppose this bill. It is important to keep the paper ballots so that the voter has the right to chose wether to use voting machines or devices. I prefer to use the paper ballot. I will continue the use of such.  
Thank you.

*E. Joppa*

WITNESS STATEMENT

NAME Don Judge BILL No. HB 43

ADDRESS PO Box 1176 Helena DATE 1/7/83

WHOM DO YOU REPRESENT Montana State AFL-CIO

SUPPORT \_\_\_\_\_ OPPOSE HB 43 AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

*Prepared comments left with committee*



Box 1176, Helena, Montana

JAMES W. MURRY  
EXECUTIVE SECRETARY

ZIP CODE 59624  
406/442-1708

TESTIMONY OF DON JUDGE ON HOUSE BILL 43, BEFORE THE HOUSE STATE ADMINISTRATION COMMITTEE, JANUARY 7, 1983

I am Don Judge and I'm here today representing the Montana State AFL-CIO to oppose House Bill 43. This bill would give election judges discretion in providing paper ballots to electors.

The current law, Section 13-17-305, MCA, provides that "Where voting machines or devices are used, an elector may request to vote by paper ballot instead of using the machine or device. Paper ballots shall be cast and counted by the election judges in the manner provided by law."

That law works and works well. Many voters are confused and uncomfortable when faced with a voting machine or votomatic. Many of them simply do not trust any method of voting other than by paper ballot. If this bill should pass, there are certain voters who would just stay away from the polls, for fear the election judge would not grant their request for a paper ballot.

Even though the current law states that an election judge shall provide a paper ballot, we had serious problems with requests for paper ballots in Yellowstone and Lewis and Clark Counties during the 1982 election. In Lewis and Clark County, Votomatics were in use for the first time, and a large number of people requested paper ballots. The County Clerk and Recorder had failed to provide an adequate number of paper ballots at the polls and some people were unable to obtain one. Some left without voting at all. In some precincts, election judges ran off copies of paper ballots to meet the requests. Others did not. That is what can happen when the matter is left up to the discretion of the election judges.

The Montana State AFL-CIO opposes this and any other measure which makes voting more difficult for the people of this state. This bill restricts voters' rights and is totally unnecessary. We urge you to vote against it.

Thank you.

## VISITORS' REGISTER

HOUSE State Ad

COMMITTEE

BILL H3 43Date 1-7-83

SPONSOR \_\_\_\_\_

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
William Remise	Helena	Clerks & Records	X	
W. H. Stene Walther	Missoula			X
Rose Spang	Helena			X
Ninnette Sharris	Helena	League of Women Voters		X HB4
DAVID NISS	Helena	AOL		
Bernard Evans	Helena	Self		X
Vola J. Darrett	Helena	myself		X
<del>Robert B. B.</del>				
Rose Mary Rodgers	Helena	self		X
Charles A. Rodgers	Helena	Self		X
Beverly Hueckel	Helena	myself		X
Don Judge	Helena	MT STATE AFL-CIO		X
JOE LANSON	HELENA	MT. DEMOCRATIC PARTY		X

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

1  
2                   HOUSE       BILL NO.   43  
3                   --SCHULTZ--

4           A BILL FOR AN ACT ENTITLED: "AN ACT TO GIVE ELECTION JUDGES  
5   DISCRETION IN PROVIDING PAPER BALLOTS TO ELECTORS; AMENDING  
6   SECTION 13-17-305, MCA."

7  
8   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
9       Section 1. Section 13-17-305, MCA, is amended to read:  
10       "13-17-305. Request to use paper ballots. Where voting  
11   machines or devices are used, an elector may request to vote  
12   by paper ballot instead of using the machine or device. The  
13   election judges--shall judge may at his discretion provide  
14   the elector with a paper ballot when requested. Paper  
15   ballots shall be cast and counted by the election judges in  
16   the manner provided by law."

-End-

INTRODUCED BILL

HB43