

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairperson Eleanor Vaughn, on March 11, 1991,
at 10 A.M. in room 331.

ROLL CALL

Members Present:

Eleanor Vaughn, Chairman (D)
Bob Pipinich, Vice Chairman (D)
John Jr. Anderson (R)
Chet Blaylock (D)
James Burnett (R)
Bill Farrell (R)
Harry Fritz (D)
Bob Hockett (D)
Jack Rea (D)

Members Excused: Senator Bernie Swift

Staff Present: David Niss (Legislative Council).

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

Announcements/Discussion: Chairperson Vaughn said that the
Governor has sent another letter dated March 6 with more
Board appointments and she has divided them up among
committee members to work on. (Exhibit 4)

HEARING ON HOUSE BILL 941

Presentation and Opening Statement by Sponsor:

Representative Steve Benedict, House District 64, south of
Hamilton, said House Bill 941 allows members of the Sheriffs'
Retirement System to purchase an additional year of service for
every 5 years of creditable service. It limits the combined
purchase of service to 5 years. The individual has to purchase
that year so their employer wouldn't have any cost or fiscal
impact. This bill won't have any adverse affect on the Sheriffs'
Retirement System.

Proponents' Testimony:

Tom Harrison, representing the Montana Sheriffs' and Peace
Officers' Association, said that some would take advantage of
this opportunity but it would not have any fiscal impact to the

county budgets. It is designed for a person who is dis-elected after a term and wants to remain in the retirement system and add an additional year in order to maximize their retirement benefit. He would appreciate your support.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Blaylock asked Linda King of the PERD about the actuarial soundness of this fund. Linda King said the Sheriffs' Retirement System is the only fund that she administers that has no unfunded liability. The member purchasing the additional time would be responsible for paying the total actuarial cost of buying those years of service.

Senator Vaughn asked if there was a bill recently that would allow sheriffs to retire after 24 years, rather than 25? Representative Benedict said that was true.

Closing by Sponsor:

Representative Benedict said there were no problems with House Bill 941 in the House and he hasn't asked any senator to carry it.

EXECUTIVE ACTION ON HOUSE BILL 941

Motion:

Senator Blaylock moved that we DO CONCUR IN HOUSE BILL 941.

Recommendation and Vote:

The VOTE was UNANIMOUS in favor of concurring in House Bill 941 and Senator Vaughn will carry it to the Senate floor. Senator Blaylock moved to put HB 941 on the Consent Calendar. The VOTE was UNANIMOUS for HB 941 to be put on the Consent Calendar.

HEARING ON HOUSE BILL 158

Presentation and Opening Statement by Sponsor:

Representative David Wanzenried, House District 7, Flathead County, said House Bill 158 will remove limitations on the amounts available that the Retirement Board can invest in short term investments. This was brought to the Board's attention by the legislative auditor. He said on page 2 line 26 there is

presently a \$25,000 limitation on the amount the board can put in short term investments. Of the 8 retirement systems currently administered by the PERD, just 3 of them have a statutory limitation. This will enable short term cash flow without endangering long term investments. This bill brings those 3 systems into compliance with technical auditing requirements recommended by the State Auditor.

Proponents' Testimony:

Linda King, Assistant Administrator of the Public Employees' Retirement Division, read her testimony into the record.
(Exhibit 1)

Opponents' Testimony:

None

Questions From Committee Members:

None

Closing by Sponsor:

Representative Wanzenried said that Senator Hockett has agreed to carry House Bill 158 to the Senate.

EXECUTIVE ACTION ON HOUSE BILL 158

Motion:

Senator Blaylock moved we DO CONCUR IN HOUSE BILL 158.

Recommendation and Vote:

The VOTE was UNANIMOUS to concur in HB 158. Senator Blaylock moved to put House Bill 158 on the Consent Calendar. The VOTE was UNANIMOUS in favor of placing HB 158 on the Consent Calendar. Senator Hockett will carry HB 158 to the Senate floor.

HEARING ON HOUSE BILL 829

Presentation and Opening Statement by Sponsor:

Senator Farrell opened the hearing on House Bill 829 stating that Representative Phillips had talked to him about the bill and since Rep. Phillips couldn't be found he would introduce it. It allows for a member of the armed forces on active duty who are absent from the state to register to vote by absentee ballot up to noon on the day before certain elections. It looks as though it follows the federal guidelines.

Proponents' Testimony:

C. B. Pearson, Executive Director of Common Cause/Montana, supports House Bill 829 because it is a good effort to allow citizens to vote. This does single out one particular part of the population.

Tootie Welker, Montana Alliance for Progressive Policy, supports this bill because it enables more people to vote. They have been involved in voter reform and wish this could be extended to more people.

Merrill H. Klundt, Yellowstone County Clerk and Recorder and Chairman of the Montana Clerk and Recorders' Association, said this follows federal guidelines. He supports this bill in it's present form only.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Fritz asked if this discriminates against those not in the military by not allowing them to register this way?

Senator Farrell responded that they are in the state and have the opportunity to register. Senator Fritz said not all are within the state.

Senator Blaylock asked if Peggy Zielie is in favor of this bill? Merrill H. Klundt responded that she had faxed statements to the committee. Senator Vaughn read Peggy Zielie's fax statement. (Exhibits 2 and 3)

Senator Blaylock asked Merrill Klundt if this discriminates against others? Merrill Klundt responded that it is difficult to get the work of the election officials done in time for the election. The problems are the time frames and personnel required to allow voting so close to elections. Many have the right and don't register. With military they don't know where they will be sent.

Senator Vaughn read a statement from Peggy Zielie that said she did not believe that voter turn-out would be substantially increased with election day registration, but the potential for fraudulent voting would be greatly increased. The federal government does have a post card voting registration.

David Niss said we already have in the Code a registration procedure by post card for elector in United States service which includes members of the armed forces in the active service, members of the merchant marines, spouses and dependents, members of religious groups or welfare agencies assisting members of the

SENATE STATE ADMINISTRATION COMMITTEE

March 11, 1991

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armed forces and citizens of the United States temporarily residing outside the territorial limits of the United States. If you enact this bill for just members of the armed forces, you have left all these others subject to the 30 day registration.

Senator Farrell said section 4, the part on exceptions, would get these people out of the 30 day prior registration and put them in compliance with the federal law. He suggests the same description as for fax voting, which is electors in the United States service.

Senator Vaughn asked if they vote up until noon on the federal card and they are overseas and we count our ballots election night, will those ballots arrive in time to be counted?

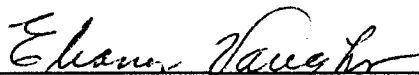
Merrill Klundt responded that late ballots are not counted. They are registered for the next election, not canceled.

Closing by Sponsor:

Senator Farrell said we have defined the problem areas and called attention to Section 4. We will check with Representative Phillips about what his intent really was with this legislation.

ADJOURNMENT

Adjournment At: 10:45 A.M.



ELEANOR VAUGHN, Chairman



DOLORES HARRIS, Secretary

EV/dh

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ROLL CALL

STATE ADMINISTRATION COMMITTEE

DATE March 11, 1991

52 LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SENATOR ELEANOR VAUGHN	X		
SENATOR BOB PIPINICH	X		
SENATOR JOHN ANDERSON	X		
SENATOR CHET BLAYLOCK	X		
SENATOR JAMES BURNETT	X		
SENATOR "BILL" FARRELL	X		
SENATOR HARRY FRITZ	X		
SENATOR BOB HOCKETT	X		
SENATOR JACK "DOC" REA	X		
SENATOR BERNIE SWIFT			<i>excused</i>

Each day attach to minutes.

DATE March 11, 1991

COMMITTEE ON State Administration

HB 158, HB 829, HB 941

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

TESTIMONY OF THE

PUBLIC EMPLOYEES' RETIREMENT BOARD

ON HB 158

Presented by: Linda King,
Ass't Administrator, Public
Employees' Retirement Div.

The Public Employees' Retirement Board, at the recommendation of the Office of the Legislative Auditor, is requesting amendments to the statutes governing investments of the PERS, Highway Patrol Officers', Sheriffs', and Game Wardens' Retirement Systems Trust Funds.

The language governing investments of these four trust funds is archaic, having been drafted and enacted in the days prior to the Montana Board of Investments taking over investment management of these funds. There is no longer a "long-term investment fund" or a "short-term investment fund." And, the implied limit of no more than \$25,000 to be invested in short-term investments is insufficient to meet the monthly cash flow requirements of any retirement system administered by the Board.

This bill recommends standardized language for all four systems, providing that all funds shall be invested in the unified investment fund of the State of Montana by the State Board of Investments.

This bill sets no minimum or maximum dollar amounts for any particular investment vehicle. To do so would not only insure that the retirement board would be back during each succeeding Legislature to request increases in these limits as retirement benefits increased with increasing numbers of retirees, it would also unfairly limit the Board of Investments' ability to respond to changes in financial markets.

On behalf of the Public Employees' Retirement Board, I request your favorable consideration of this bill.

ax Transmittal Memo

To: Eleanor Vaughn, Chairman
 Company: State Admin. Committee - Room 331
 Location: State Capitol Bldg. Helena, MT
 Fax #: 444-4105
 Telephone #: 444-4105
 Comments: Please deliver at once!

7672	No. of Pages: 1	Today's Date: 3/8/91	Time:
From: P.J. Zielie, Election Admin.	Company: Yellowstone County	Location: Billings, MT	Dept. Charge:
Fax #: 256-2736	Telephone #: 256-2743	Original Disposition:	<input type="checkbox"/> Destroy <input checked="" type="checkbox"/> Return <input type="checkbox"/> Call for pickup

SENATE STATE ADMIN.
 EXHIBIT NO. 2
 DATE 3-11-91
 BILL NO. 413829

County of Yellowstone



ELECTION ADMINISTRATOR

P.O. Box 35002
 Billings, Montana 59107

TO: Senator Eleanor Vaughn, Chairperson
 Senate State Administration Committee-Room 331

FROM: Peggy J. Zielie, Election Administrator

DATE: March 6, 1991

SUBJECT: House Bill 829 - Military Late Registration & Voting

There is currently a rumor circulating that there will be an attempt to amend this Bill with language allowing for either a 20 day Close of Registration and/or Election Day Registration

As the bill now exists, I can fully support it, as I believe the military are often disenfranchised due to circumstances beyond their control. However, if this Bill is amended, I would urge your opposition.

As A former Clerk & Recorder, I know that you are well aware of the numerous problems changing the deadline for registration would cause. It may well be impossible for the larger counties to complete the forms in time to properly prepare for elections. It would also cost thousands of dollars state-wide for the extra personnel and possible computer upgrading required to handle the situation.

In regards to Election Day registration - I do not believe that the voter turn-out would be substantially increased, but I do believe

that the potential for fraudulent voting would be greatly increased. If potential voters are unable to exercise their rights on election day due to failure to register in time, maybe it's time they become informed, concerned citizens. Registration is a simple, convenient process for those who care enough to seek out the information!

Again, I urge your opposition to any amendments to House Bill 829.

Flex Transmittal Memo

7872

No. of Pages 1

Today's Date

3/8/91

Time

To: Senator Eleanor Vaughn
Senate State Admin. Committee Room 331
State Capitol Bldg. Helena, MT
Telephone # 444 4105

From: Merrill H Klundt
Company: Yellowstone County
Location: Billings, MT
Dept. Charge
Fax #
Telephone #

Comments: Please deliver at once

Original Disposition: ☐ Destroy ☒ Return ☐ Call for pickup

Attach Document: SENATE STATE ADMIN.

EXHIBIT NO. 3

DATE 3-11-91

BILL NO. HB 829

County of Yellowstone

MERRILL H. KLUNDT
CLERK AND RECORDER



(406) 256-2787

P.O. BOX 36001
BILLINGS, MONTANA 59107

TO: Senator Eleanor Vaughn, Chairperson
Senate State Administration Committee-Room 331

FROM: Merrill H. Klundt, Chairman, MACR Legislative Committee

DATE: March 6, 1991

SUBJECT: House Bill 829 - Military Late Registration & Voting

Recently, at a meeting of the Legislative Committee of the Montana Association of Clerk & Recorders, it was brought to our attention that there may be an attempt to amend House Bill 829. We have been informed that the amendments will deal with Election Day registration and/or a 20 day Close of Registration.

We, as a body, are not in favor of any amendment being added to this Bill. House Bill 829 will have our full support as it now exists, but we will oppose any amendments.

You and I have visited previously on the many ramifications of both the 20 day close and Election Day registration. The system now operates with a great deal of efficiency and guards the purity of the vote while allowing us to perform our jobs in a timely manner. Why "fix" a system that's not broke?!

Your assistance in opposing any amendments to House Bill 829 would be appreciated.

Board Assignments to Committee Members - March 11, 1991

SENATOR ANDERSON	Coal Board, Private Security Patrol
SENATOR BLAYLOCK	Hard Rock Mining
SENATOR BURNETT	Personnel Appeals, Board of Regents
SENATOR FARRELL	Investments, Milk Control
SENATOR FRITZ	Historical Society, Public Education
SENATOR HOCKETT	Dentistry, Highway Commission
SENATOR PIPINICH	Horse Racing, State Tax Appeal, Physical Therapy,
SENATOR REA	Livestock, Oil and Gas
SENATOR SWIFT	Aeronautics

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 11, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 941 (third reading copy -- blue), respectfully report that House Bill No. 941 be concurred in and unanimously recommend that it be placed on the Consent Calendar.

Signed: Eleanor Vaughn

Eleanor Vaughn, Chairman

3/11/91
Asst. Coord.

Sec. of Senate

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SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 11, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 158 (third reading copy -- blue), respectfully report that House Bill No. 158 be concurred in and unanimously recommend that it be placed on the Consent Calendar.

Signed: Eleanor Vaughn
Eleanor Vaughn, Chairman

191 2/11/91
Amd. Coord.

SB 2/11 12:31
Sec. of Senate