

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON STATE ADMINISTRATION

Call to Order: By DICK SIMPKINS, CHAIRMAN, on March 3, 1993, at 9:07 a.m.

#### ROLL CALL

##### Members Present:

Rep. Dick Simpkins, Chairman (R)  
Rep. Wilbur Spring, Vice Chairman (R)  
Rep. Ervin Davis, Vice Chairman (D)  
Rep. Beverly Barnhart (D)  
Rep. Pat Galvin (D)  
Rep. Bob Gervais (D)  
Rep. Harriet Hayne (R)  
Rep. Gary Mason (R)  
Rep. Brad Molnar (R)  
Rep. Bill Rehbein (R)  
Rep. Sheila Rice (D)  
Rep. Sam Rose (R)  
Rep. Dore Schwinden (D)  
Rep. Carolyn Squires (D)  
Rep. Jay Stovall (R)  
Rep. Norm Wallin (R)

Members Excused: None.

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Council  
Dorothy Poulsen, Committee Secretary

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

##### Committee Business Summary:

Hearing: SB 142; SB 147; SJR 12  
Executive Action: SB 84; SB 142; SB 147; SJR 12

#### HEARING ON SJR 12

##### Opening Statement by Sponsor:

SEN. BOB BROWN, Senate District 2, Whitefish, introduced SJR 12 to rename the Labor and Industry Building the "Walt Sullivan Building" in recognition of the dedicated service of Walt

Sullivan on behalf of the Montana business community. **SEN. BROWN** reported Walt Sullivan had been murdered in 1989 while performing his duties as a field representative of the Audit Bureau of the Department of Labor and Industry.

**Proponents' Testimony:**

**Tom Schneider, Montana Public Employees' Association**, stated SJR 12 came at the request of the employees of the Department of Labor and Industry. He stated the Association supports the resolution and reported employees were willing to donate the funds necessary for plaques or signs renaming the building.

**Jim Zahdra, Department of Labor and Industry**, said he had known Walt Sullivan and described him as a very dedicated employee who was concerned about employees and employers.

**Sue Mohr, Job Training Program, Department of Labor and Industry**, explained field representatives viewed themselves as facilitators for the various employment programs and helped employers in dealing with bureaucratic procedures. She said Walt Sullivan was the epitome of field representatives and prided himself in giving good service to Montana employers. She reported Mr. Sullivan was stationed in Great Falls and working in the Shelby area at the time of his death. She said he was the only non-law enforcement state employee to have been murdered during the performance of his job. She noted his murder had not been solved. **Ms. Mohr** said neither the department nor the state had recognized Mr. Sullivan's death, perhaps due to embarrassment. She said as a result, many hurt, grieved people had not had a productive way to resolve their grief. She said having Mr. Sullivan's murder unsolved was a crime, and having his death go unrecognized by the state of Montana was a second crime. **Ms. Mohr** described Mr. Sullivan as a wonderful human being who would probably be embarrassed to have a building named after him. She said, however, no one wanted to forget what happened to him; and renaming the building would help retain his memory.

**Ms. Mohr** read testimony from **Diane Bianchi, Billings**, in support of SJR 12. **EXHIBIT 1**

**Bob Mullen, Deputy Director, Department of Labor and Industry**, reported several employees had testified for the bill during the Senate hearing. He said on behalf of employees of the department, he urged the committee's concurrence on the resolution.

**Opponents' Testimony:** None.

**Informational Testimony:** None.

Questions From Committee Members and Responses:

REP. MOLNAR asked SEN. BROWN whether the building would still be identified as labor and industry after it is renamed. SEN. BROWN said he did not know.

REP. SIMPKINS asked SEN. BROWN whether the state had a policy on naming buildings after people. SEN. BROWN responded there was no policy.

SEN. SQUIRES referred to REP. MOLNAR'S concern that the public be able to find the department and asked Mr. Mullen how the building would be labelled. Mr. Mullen said he was unsure how the building would be labelled and deferred the question to Deborah Fulton, General Services Division, Department of Administration. Ms. Fulton reported the state did not have a naming plan; she said buildings were named in accordance with the wishes of the agencies.

REP. ROSE asked Ms. Fulton whether changes to the Capitol complex were required to be approved by a grounds committee. Ms. Fulton said there was no committee for the Capitol complex; she said changes to the Capitol building had to be approved.

Tom Schneider, Montana Public Employees' Association, reported the last building to be named had been named through resolution.

REP. SIMPKINS asked SEN. BROWN whether he would object to two amendments which would allow private donations to be accepted and would include labor and industry on the building sign. SEN. BROWN replied he had no objection.

Closing by Sponsor:

SEN. BROWN said Walt Sullivan was a highly regarded and respected public employee. He said the resolution was a fitting tribute to him and other department employees. He asked the committee to pass the resolution.

HEARING ON SB 147Opening Statement by Sponsor:

SEN. BOB BROWN, Senate District 2, Whitefish, introduced SB 147 which would require the secretary of state to compile and maintain a list of all registered electors in the state and would transfer the responsibility for mailing the voter information pamphlet for ballot issues from county officials to the secretary of state. He explained the fiscal note reflected the cost of mailing the voter information pamphlet. He noted counties currently pay the cost of mailing the pamphlets, and the cost would be transferred to the state. SEN. BROWN explained copies of the list of all registered electors would be sold for \$10,000

each to the major political parties. He reported the bill was the result of an agreement between the two parties who view the list as an important aid to their efforts.

Proponents' Testimony:

**Doug Mitchell, Chief Deputy, Secretary of State**, stated SB 147 resulted from a long process of working with clerks and recorders, election administrators, and both political parties. He said the bill has three objectives: (1) to give equal access to voter information; (2) to protect against voter fraud; and (3) to streamline the process for the voter information pamphlet.

**Mr. Mitchell** reported the bill would not change the voter registration process, and election administrators would continue to create and maintain lists of registered voters. The election administrators would send a copy of the lists to the secretary of state who would compile the lists in a centralized computer file.

**Mr. Mitchell** stated the biggest change with the bill was in the handling of voter information pamphlets. Instead of shipping pamphlets to clerks and recorders for them to address and mail, the Secretary of State's Office would address and mail the pamphlets directly. He contended the secretary of state would be able to mail the pamphlets more economically than counties; however, the state would be paying for the postage rather than the counties. **Mr. Mitchell** asserted the state should pay the postage because the state mandates the pamphlets and because preparing and mailing the pamphlets was very costly to counties.

**Mr. Mitchell** addressed questions he had previously received on the bill. He explained counties currently sell lists of registered voters; in order not to compete with the counties, the secretary of state would sell only multi-county or statewide lists but not individual county lists. He said the secretary of state recognized the busy schedules of clerks and recorders at the close of voter registration and would give them several options to facilitate the transmission of voter lists. He noted removing the requirement of mailing the voter information pamphlets would also ease their busy schedules. **Mr. Mitchell** assured the committee counties would only be required to give voter information which they have available and would not be expected to enter additional data. He said having counties on a common computer network would be an ideal solution, but currently such a network was not economically feasible. He reported 14 states already have centralized voter registration lists.

Finally, **Mr. Mitchell** reported the fiscal impact of the bill was primarily due to postage for the voter information pamphlets. He said other expenses would be recovered through fees. He declared it was time to use technology to make information more readily available and accessible and asked for concurrence.

Greg Ekland, Acting Executive Director, Montana Democratic Party, stated the Democratic party supported SB 147 to give greater access and efficiency to the list of registered voters. He said the bill would facilitate voter registration efforts. He urged concurrence with SB 147.

Marilyn Frazier, Executive Director, Montana Republican Party, urged support of the bill on behalf of the Republic party.

Darrell Holzer, Political Director, Montana AFL-CIO, rose in strong support of SB 147. He said one of his primary projects was to ensure all members of the AFL-CIO were registered. He said statewide voter information was currently difficult to obtain because of the different formats used by counties. He said the bill would make the information equally available to anyone who wanted it. He asked for favorable consideration of SB 147.

Tootie Welker, Montana Alliance for Progressive Policy (MAPP), reported MAPP was active in voter registration projects across the state and believed SB 147 would facilitate those efforts. She said the bill would also help prevent voter fraud. She also expressed support for the state assuming a function, and its cost, from counties. She urged support of the bill.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. BARNHART asked Mr. Mitchell whether the bill prohibited listing statewide races in the voter information pamphlets. Mr. Mitchell responded the bill does not specifically prohibit listing the races but clearly gives the authority to print ballot issue information. He reported that in the past the secretary of state has had room in the pamphlet for other information such as a sample ballot. He suggested if the legislature wanted to expand the pamphlet, then the secretary of state's office would want statutory authority to do so.

REP. ROSE asked Mr. Mitchell whether the bill would prolong the lack of computer compatibility between counties and the state. Mr. Mitchell responded the bill could potentially encourage counties to develop a centralized system. He said county officials have not previously had a demonstration of the feasibility or success of a centralized system, and the bill could provide an example of such a system. He contended the issue of a centralized system was much larger than providing voter registration lists.

REP. STOVALL asked Mr. Mitchell whether anyone could have access to the lists of registered voters. Mr. Mitchell responded every registered voter currently has access to the lists. REP. STOVALL

asked whether there were restrictions on the use of the lists. Mr. Mitchell reported there were restrictions on the commercial use of the lists.

REP. MOLNAR asked Mr. Mitchell asked whether legislative candidates from multi-county districts would be able to access the proposed statewide list of registered voters. Mr. Mitchell responded they would have access, but that most candidates would probably find it more economical and easier to use individual county lists. REP. MOLNAR asked whether the price of the lists could be raised enough to cover the costs of the bill. Mr. Mitchell responded it would be difficult to raise the price sufficiently to cover the postage costs. He suggested another option for paying the postage for the voter information pamphlets would be to apportion the cost back to counties. He maintained counties would still benefit from the state's lower mailing costs.

REP. REHBEIN asked Mr. Mitchell about the cost of additional staff in the secretary of state's office. Mr. Mitchell stated the office would need a 0.5 FTE on a seasonal basis, and the cost of the position would be covered by fees.

REP. SIMPKINS asked Mr. Mitchell to confirm political parties would be charged for the lists of registered voters. Mr. Mitchell said anyone who buys the list would be charged. REP. SIMPKINS asked Mr. Mitchell whether the secretary of state's office already incurred the cost of mailing the voter information pamphlets. Mr. Mitchell responded currently pamphlets are shipped to counties which must then address and mail them at their own expense. REP. SIMPKINS asked Mr. Mitchell whether counties would be required to provide telephone numbers for the lists of registered voters even though they do not currently keep that information. Mr. Mitchell responded counties would not be required to provide information they do not currently keep on file. He said they would be asked for information which is available. REP. SIMPKINS referred Mr. Mitchell to line 13, page 2, which states "when possible" and asserted "where available" was not the same as "when possible." Mr. Mitchell stated the intent is to ask for information available on computer. He said he would have no objection to changing the language to "where available in electronic format." REP. SIMPKINS asked Mr. Mitchell whether \$15,000 was enough to purchase all the equipment listed on the fiscal note. Mr. Mitchell responded it was amazing how much computer equipment costs have decreased.

Closing by Sponsor:

SEN. BROWN stated voter registration information is available but not easily accessible. He suggested that currently the two major political parties were the only groups with sufficient time and resources to compile the information. He said SB 147 would make the lists available at lower costs to the major political parties and more accessible to everyone else. He acknowledged the fiscal

note was a problem and suggested the committee might want to change the bill to have counties share the costs.

### HEARING ON SB 142

#### Opening Statement by Sponsor:

SEN. GARY AKLESTAD, Senate District 6, Galata, introduced SB 142 which changes the time frame for the governor to sign bills during and after the legislative session. He reported the governor agrees the time frame in the bill would be more workable. He described the changes proposed in the bill. The governor would have ten rather than five days to sign bills during the legislative session, and ten days rather than 25 days after the legislature adjourns. He suggested the increase during the legislative session would be helpful to the governor and the decrease after adjournment would be helpful to legislators.

#### Proponents' Testimony:

Greg Petesch, Legal Director, Legislative Council, stated the bill was introduced at the request of the Legislative Council. He said both the prior and current administrations had worked on the bill. He described the bill as a compromise aimed at benefitting the legislative process. He contended the governor had more options with bills during the legislative session and could use the extra five days to consider those options. He said five days was also too short to consider complex bills; thus, the additional five days would be a major benefit to the governor. Mr. Petesch said the benefit for the legislature was the shorter time period for signing after adjournment. He reported the increasing practice by governors has been to wait 25 days after adjournment before vetoing bills which had passed the legislature by a two-thirds vote. This practice had necessitated polling legislators to overturn the veto which delayed determining the outcome of legislation for at least two months. He explained the Legislative Council's publication schedule was halted until the final outcome of all legislation was known. Mr. Petesch contended improvements in the bill status system would allow the proposed time frame to work effectively because everyone could know instantly the status of a bill. He suggested the bill would eliminate the shenanigans of the past, such as governors closing their offices so that legislation could not be delivered. He concluded the bill would help the governor, Legislative Council, and legislators, and eliminate shenanigans.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. WALLIN asked Mr. Petesch whether the bill needed to be a constitutional amendment. Mr. Petesch said the bill was a constitutional amendment and would be submitted to the electorate.

REP. SPRING asked Mr. Petesch whether the ten days would be calendar days or working days. Mr. Petesch stated they would be calendar days.

Closing by Sponsor:

Sen. Aklestad stated the changes would make the process more efficient and was helpful to both the governor and legislature. He noted the bill was a bipartisan issue to improve the legislative process.

EXECUTIVE ACTION ON SB 147Discussion:

REP. SIMPKINS asked Mr. Petesch whether there was a problem with listing the statewide races in the voter information pamphlet. Mr. Petesch reported Secretary of State Waltermire had been criticized for including a sample ballot in the voter information pamphlet because the names on the ballot were presented alphabetically in order to save printing costs.

REP. BARNHART asked Mr. Petesch whether there had been criticism of including candidates' biographies and pictures. Mr. Petesch said he did not recall any criticism.

REP. SIMPKINS asked Mr. Petesch whether the bill's content would be inconsistent with the title if the committee amended the bill to include information on statewide candidates. Mr. Petesch responded the amendment would be reasonably germane to the bill and would not change the original purpose of the bill.

REP. SIMPKINS asked Mr. Petesch whether "when possible" could be confused with "when available" on line 13, page 2. Mr. Petesch responded the language was a legitimate concern.

REP. SIMPKINS suggested "when possible" should be amended to "when already available in the electronic format" and REP. BARNHART should draft her amendments before considering SB 147 further.

EXECUTIVE ACTION ON SJR 12

Motion: REP. SCHWINDEN MOVED SJR 12 BE CONCURRED IN.



Discussion:

REP. SIMPKINS asked the committee whether members wanted amendments which would allow private donations to be accepted and would include labor and industry on the building sign. The committee agreed to draft an amendment allowing private donations, not to draft an amendment regarding the signing of the building, and to postpone action on the bill.

REP. SCHWINDEN withdrew his motion.

EXECUTIVE ACTION ON SB 142

Motion: REP. SPRING MOVED SB 142 BE CONCURRED IN.

Discussion:

REP. SIMPKINS stated one disadvantage to decreasing the number of days for the governor to sign bills at the end of the legislative session was the large number of bills which would require action.

REP. DAVIS contended the governor already had a large number of bills and five days was insufficient during the legislative session. REP. SIMPKINS agreed with REP. DAVIS, but insisted ten days was a limited time for the number of bills the governor received after the session. REP. SCHWINDEN expressed his desire to hear from someone in the governor's office. He said the only problem he had heard of was in terms of new governors having difficulty setting up a system for incoming legislation. He said increasing the time during the session should help with that problem. He suggested by the end of the session the governor has an effective system and knows what legislation to expect. REP. SIMPKINS suggested the biggest problem was with appropriations bills and determining the legislature's actions in the last few days of the session.

REP. BARNHART suggested action be postponed and the governor's office be contacted.

REP. SPRING withdrew his motion.

EXECUTIVE ACTION ON SB 84Discussion:

Garth Jacobson, Chief Legal Counsel, Secretary of State, reported he had talked to SEN. KEATING and had prepared amendments for SB 84 which would provide reciprocity agreements with neighboring states. EXHIBIT 2

REP. SIMPKINS recommended action be postponed until the proposed amendments were coordinated.

ADJOURNMENT

Adjournment: 10:35 a.m.

  
DICK SIMPKINS, Chair

  
DOROTHY POULSEN, Secretary

DS/DP

**HOUSE OF REPRESENTATIVES**  
**STATE ADMINISTRATION** \_\_\_\_\_ **COMMITTEE**

**ROLL CALL**

**DATE** 3/3/93

NAME	PRESENT	ABSENT	EXCUSED
REP. DICK SIMPKINS, CHAIR	✓		
REP. WILBUR SPRING, VICE CHAIR	✓		
REP. ERVIN DAVIS, VICE CHAIR	✓		
REP. BEVERLY BARNHART	✓		
REP. PAT GALVIN	✓		
REP. BOB GERVAIS	✓		
REP. HARRIET HAYNE	✓		
REP. GARY MASON	✓		
REP. BRAD MOLNAR	✓		
REP. BILL REHBEIN	✓		
REP. SHEILA RICE	✓		
REP. SAM ROSE	✓		
REP. DORE SCHWINDEN	✓		
REP. CAROLYN SQUIRES	✓		
REP. JAY STOVALL	✓		
REP. NORM WALLIN	✓		

March 2, 1993

Greetings Honorable Members of the House,

My name is Diane Bianchi. While I was Walt Sullivan's immediate supervisor for the two years before his death, I was his friend for thirteen years. I am writing to urge you to vote in favor of renaming the Labor Building the Walt Sullivan Building.

When I started with Unemployment Insurance in 1976, Walt worked as a computer programmer. I quickly learned Walt approached life with enthusiasm, humor and joy. Walt became a Field Rep in 1978. He was tickled about the promotion since he would be working with people instead of numbers.

For over ten years, Walt helped employers register for Unemployment Insurance coverage, audited employers, and collected delinquent taxes and quarterly reports. He was a champion of the Unemployment Insurance and Workers Compensation programs since they helped both employers and workers.

If employer's needed help with Montana's employment laws, Walt became their champion and helped them navigate the System. If he knew an employer was endangering employees by failing to carry Workers Compensation, Walt did everything possible to bring the employer into compliance. Walt also felt every employer should pay their fair share of taxes.

When I was promoted to the Field in 1979, Walt trained me how to be a Field Representative. He tried to teach me to be fair, patient, and understanding. Walt said I should believe employers would do as they promised unless the employer, by word or deed, showed they couldn't be trusted.

Walt was murdered while working to protect the rights of Montana workers and employers. Please consider the renaming of the Labor Building as an acknowledgment of Walt's sacrifice and vote in favor of this resolution.

Thank you for allowing me to testify about Walt Sullivan and his service to the citizens of Montana.

EXHIBIT 1  
DATE 3/3/93

# SECRETARY OF STATE

STATE OF MONTANA



Mike Cooney  
Secretary of State

Montana State Capitol  
Helena, MT 59620

## Memo

DATE: March 3, 1993

SUBJECT: Border State Reciprocity Amendments to SB 84

FROM: Garth Jacobson, Chief Legal Counsel

TO: Senator Keating and Senator Halligan,

The following are amendments that would permit notary publics commissioned in ND, Wyo, and ID to perform notarial acts in Montana, providing those other states permit Montana notary publics the same authority in their state. I believe these amendments would meet the concerns of Senator Keating and still protect the integrity of SB 84.

### Amendments to SB 84

#### Amendment 1.

Amend: Section 4., Page 5, Line 10

Insert: new subsection (2)

Add: Notarial acts performed within this state under the neighboring state authority as provided in [section \_\_] have the effect as if performed by a notarial officer of this state.

Renumber subsequent subsections.

#### Amendment 2.

NEW SECTION Notarial acts under other state's authority. (1) A notarial act has the same effect under the law of this state as if performed by a notarial officer of this state if it is performed anywhere in Montana by a notarial officer of a state bordering Montana if that state grants Montana's notarial officers similar authority in its state.

EXHIBIT 2  
DATE 3/3/93  
HB SB 84

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

State Administration COMMITTEE BILL NO. SJR 12  
DATE 3/3/93 SPONSOR(S) Sen. Brown

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Tom Schneider	IMPERA	X	
Cameron Noble	<del>IMPERA</del> HMS	X	
Chris Corne	HMS		X
Curt McKay			
Bob Mullen	D.L.I.	X	
<del>Debra Fulton</del>	<del>Dept. of Administration</del>	<del>X</del>	
Debra Fulton	Dept. of Administration		
Sue Mohr		X	
Diane Bianchi		X	
Jim Zakra		X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS  
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

State Administration

COMMITTEE

BILL NO. SB 142

DATE 3/3/93

SPONSOR(S) Sen. Aklestad

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Gavin Feiger 542 Baarson	<del>MPOA</del> H/MS	X	
Casex McNellis	H/MS	X	
Ryan Williams	H/MS		X
Alex Swanson	H/MS	/	
Dmy Patesch	Leg. Council	/	

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HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

State Administration COMMITTEE BILL NO. SB 147  
DATE 3/3/93 SPONSOR(S) Sen. Brown

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<i>Tom Schneider</i>	<i>MPEA</i>	<i>X</i>	<i>SR 12</i>
<i>Harrell Holzer</i>	<i>Mt. St. AFL-CIO</i>	<i>X</i>	
<i>Tookie Walker</i>	<i>MAPP</i>	<i>X</i>	
<i>Maureen Frazier</i>	<i>Exec Dir Mt. Republican Party</i>	<i>X</i>	
<i>Dee Chlun</i>	<i>Mt. Demo Party</i>	<i>X</i>	

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