



STATE ADMINISTRATION AND VETERANS' AFFAIRS INTERIM COMMITTEE

68th Montana Legislature

SENATE MEMBERS

Mike Cuffe
Janet Ellis
Douglas (Doug) Kary
Edith (Edie) McClafferty

HOUSE MEMBERS

Marta Bertoglio
Julie Dooling
Jessica Karjala
Kelly Kortum
Wendy McKamey
Marvin Weatherwax

COMMITTEE STAFF

K.V. Aldrich - Attorney
Alexis Newcomer - Secretary
Rebecca Power - Research Analyst

MINUTES LOG

August 11, 2022

Room 137

Helena, Montana

Please note: This document is a Minutes Log and provides annotation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video recording of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of the meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <https://leg.mt.gov>. From the home page, select the "Committees" drop down menu at the top, then select Administrative or Interim, and the appropriate committee. The written minutes log can be located by expanding the accordion menu for the date of the meeting. Links to the audio/video files can be located by selecting the Video/Audio button on the same page, then the "past/current recordings" button. From there, use the calendar to select the date of the meeting you wish to view/listen to. The written Minutes Log, along with links to the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the Exhibits is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed. Please contact the Legislative Services Division at 406-444-3064 for more information.

MEMBERS PRESENT:

Sen. Janet Ellis, Chair (D)
Rep. Marta Bertoglio, Vice Chair (R)
Sen. Mike Cuffe (R)
Rep. Julie Dooling (R)
Sen. Douglas (Doug) Kary (R)
Rep. Kelly Kortum (D)
Sen. Edith (Edie) McClafferty (D)
Rep. Wendy McKamey (R)
Rep. Marvin Weatherwax (D)

MEMBERS EXCUSED:

Rep. Jessica Karjala (D)

MEMBERS ABSENT:

STAFF PRESENT:

K.V. Aldrich, Attorney
Alexis Newcomer, Secretary
Rebecca Power, Research
Analyst

AGENDA ([Attachment 1](#))

VISITORS' LIST ([Attachment 2](#))

COMMITTEE ACTION

CALL TO ORDER/ROLL CALL

09:01:38 Sen. Janet Ellis called the meeting to order at 9:01 AM. The committee secretary took roll.

ELECTION UPDATES

Parallel Testing during June 7, 2022, Primary Election

09:03:04 Stuart Fuller, Election Services Manager, Secretary of State

09:11:36 Rep. Kortum asked Mr. Fuller about plans to parallel test.

09:12:00 Sen. Cuffe asked Mr. Fuller about the results of parallel testing.

Parallel Testing during June 7, 2022, Primary Election

09:14:35 Linda Sajor, Clerk Recorder, Butte Silver Bow County

Overview of Post-Election Audit Process

09:16:40 Stuart Fuller, Election and Voter Services Manager, Office of the Secretary of State ([Exhibit 1](#)) ([Exhibit 2](#))

Committee Questions & Discussion

09:26:37 Sen. Kary asked Mr. Fuller about dice casting process.

09:27:12 Sen. Kary asked Mr. Fuller about the time-frame post dice cast.

09:28:23 Rep. Kortum asked Mr. Fuller to describe the canvas process.

09:29:06 Rep. Dooling asked Mr. Fuller about counties comparing tabulators.

09:29:50 Sen. Ellis asked Mr. Fuller about the audit timeline.

Public Comment on Parallel Testing & Post-Election Audit Process

09:32:02 Jeff Mangan, Office of the Commissioner of Political Practices

Additional Committee Discussion, Potential Committee Action, & Instructions to Staff

09:33:58 Sen. Ellis commented on upcoming election information presentation.

09:35:12 Rep. McKamey commented on the topic.

Agency Bill Draft Proposals – Commissioner of Political Practices

09:38:01 Jeff Mangan, Commissioner of Political Practices ([Exhibit 3](#))

Committee Questions & Discussion

09:40:49 Sen. Cuffe asked Commissioner Mangan for a summary of issues regarding disclosure laws.

09:42:44 Sen. Cuffe asked Commissioner Mangan if the law referenced has been applied since passing.

09:47:56 Rep. McKamey asked Commissioner Mangan about redundancy within the statute.

Public Comment on Agency Bill Draft Proposals

None.

Motion:

09:54:42 Rep. McKamey motioned to accept the proposed legislation.

Vote:

09:54:42 Carried unanimously by voice vote.

BREAK (reconvene at 10:15:00)

BALLOT ISSUES – COMMITTEE BILL DRAFTS

Bill Drafts

10:15:26 Ginger Aldrich, Committee Staff ([Exhibit 4](#))

Committee Questions & Discussion

10:17:13 Sen. Kary asked Ms. Aldrich about county lines when counting districts.
10:18:30 Sen. Kary asked Ms. Aldrich about county size impacting districts.
10:19:28 Sen. Kary commented on the referred statute.
10:20:40 Sen. Ellis asked Sen. Kary if he opposed the referred statute.
10:20:51 Sen. Kary commented on the topic being found unconstitutional.
10:21:15 Sen. Cuffe asked Ms. Aldrich about the origin of the ballot issue.
10:22:50 Sen. Ellis asked Ms. Aldrich about information being submitted to the Secretary of State regarding ballots.
10:25:13 Rep. McKamey commented on Sen. Ellis's question.
10:25:38 Rep. Dooling requested information on districts spanning multiple counties.
10:26:02 Sen. Cuffe asked for clarification on elector requirements.
10:26:24 Sen. Ellis responded to Sen. Cuffe's question.
10:27:15 Sen. Kary commented on ballot counts from multiple counties.
10:27:42 Sen. Ellis responded to Sen. Kary's comment.
10:28:06 Rep. Dooling commented on precincts outnumbering the rest of their district.
10:29:06 Sen. Ellis asked Ms. Aldrich about required details when passing legislation.
10:30:14 Rep. Bertoglio asked Ms. Aldrich about when statute language was changed to reflect counties.
10:32:58 Sen. Kary asked Ms. Aldrich about federal regulations regarding state elections.
10:34:14 Sen. Cuffe commented on the topic.

Public Comment on Committee Bill Draft Proposals

None.

Motion:

10:35:47 Rep. McKamey moved to proceed with PD001.

Vote:

10:35:47 Carried unanimously by voice vote.

Committee Questions & Discussion

10:36:39 The committee discussed who will carry the bill.

Bill Drafts

10:38:26 Ginger Aldrich, Committee Staff ([Exhibit 5](#))

Committee Questions & Discussion

10:42:50 Sen. Kary asked Ms. Aldrich about the selected time frame.
10:44:05 Sen. Ellis asked Ms. Aldrich about the timeline for gathering signatures.
10:45:56 Rep. McKamey commented on the proposed timeline.
10:47:14 Sen. Ellis asked Ms. Aldrich about a motion of PD0003 passing, negating PD0002
10:47:20 Rep. McKamey commented on consolidating bills.

Public Comment on Committee Bill Draft Proposals

None.

Committee Questions & Discussion

10:49:38 Sen. Kary asked Ms. Aldrich about differences between PD0002 and

Bill Drafts

10:50:15 PD0003. Ginger Aldrich, Committee Staff ([Exhibit 6](#))

Committee Questions & Discussion

11:11:30 Sen. Cuffe asked Ms. Aldrich about residency requirements regarding signatures.
11:12:50 Rep. McKamey asked Ms. Aldrich about requirements for signature gatherer payment.
11:13:41 Sen. Kary asked Ms. Aldrich about ballot initiatives being brought by state residents versus non-state residents.
11:14:47 Sen. Kary commented on non-state residents bringing initiatives to Montana.
11:15:30 Sen. Ellis commented on the topic.
11:15:57 Sen. Kary commented on states' rights.
11:17:05 Rep. McKamey commented on Sen. Kary's comment.
11:19:29 Sen. Cuffe commented on out-of-state residents petitioning.
11:31:08 Sen. Cuffe asked Ms. Aldrich about the opinions from Montana Supreme Court Judges.
11:31:56 Sen. Cuffe asked Ms. Aldrich a follow-up question.
11:32:54 Sen. Cuffe commented on repealing changes.
11:34:11 Sen. Cuffe commented on the change.
11:35:41 Rep. McKamey commented on suggested changes to repealing.
11:38:40 Rep. Bertoglio commented on HB651 intent.
11:46:53 Sen. Ellis asked Ms. Aldrich what would happen if the measures were not passed.
11:47:50 Sen. Ellis asked Ms. Aldrich about current language regarding proxies.
11:48:05 Sen. Ellis asked Ms. Aldrich about timeline details.
11:48:33 Sen. Ellis asked Ms. Aldrich about proxies.
11:49:39 Sen. Ellis asked Ms. Aldrich about the 9th Circuit Court ruling.
11:52:38 Sen. Ellis asked Ms. Aldrich about general revisions.

11:54:38 Rep. McKamey commented on the bill draft.

Additional Committee Discussion, Potential Committee Action, & Instructions to Staff

11:56:43 The committee discussed possible committee action.

Public Comment on Agency Bill Draft Proposals

None.

11:57:21 Rep. Weatherwax has arrived

LUNCH (reconvene at 13:05:09)

13:05:25 Rep. Garner joined the meeting.

PENSIONS – COMMITTEE BILL DRAFTS

13:06:30 Rep. Garner, House District 7, Kalispell

13:15:59 Sen. Ellis asked if the committee would proceed with Rep. Garner's bills.

Bill Drafts

13:18:23 Rebecca Power, Committee Staff ([Exhibit 7](#))

Committee Questions & Discussion

13:22:18 Sen. Cuffe asked Rep. Garner about budget figures.

13:26:41 Sen. Ellis commented cash infusions and the possibility of a surplus.

13:29:58 Rep. McKamey asked Rep. Garner about employer contributions in this fund compared to others.

13:32:55 Rep. McKamey commented on employer contributions.

13:34:30 Sen. Kary asked Rep. Garner for the budgets for the three programs.

13:35:32 Sen. Kary asked Rep. Garner about employer contribution rates throughout counties.

13:36:51 Ms. Power presented on green sheets. ([Exhibit 8](#))

13:37:48 Sen. Ellis asked the committee about next steps on the topic.

13:38:28 Rep. Bertoglio commented on the budget for the topic and commented on options provided.

13:39:06 Rep. McKamey recommended a tentative bill draft.

13:40:46 Rep. Garner commented on Rep. McKamey's recommendation.

13:41:52 Sen. Ellis asked for the consensus of the committee on a pension bill.

13:43:41 Rep. McKamey asked Ms. Aldrich about public comment and timeline requirements.

13:44:33 Rep. Kortum asked Ms. Power about committee action at a previous committee meeting.

13:45:31 Sen. Ellis asked Ms. Power about general fund versus surplus fund money.

13:46:43 Sen Cuffe provided input on the topic.

13:47:03 Rep. McKamey asked Rep. Garner about funding sources.

13:48:09 Sen. Ellis commented on bill draft requests.

13:50:52 Rep. Kortum recommended a series of bills

13:51:11 Rep. Dooling provided a bill draft recommendation.

13:51:37 Rep. McKamey agreed with Rep. Dooling and provided recommendations.

13:53:57 Sen. Cuffe commented on one-time corrections.

Motion:

13:56:51 Sen. Cuffe moved to draft a bill to be reviewed in an October meeting.

Vote:

13:56:51 Carried unanimously by voice vote.

Public Comment on Committee Bill Draft Proposals

13:57:27 Sarah Piper, Montana Federation of Public Employees

Bill Drafts

13:59:50 Rebecca Power, Committee Staff ([Exhibit 9](#))

Committee Questions & Discussion

14:01:10 Sen. Ellis asked if bill will be jointly studied with the Legislative Finance Committee.

14:02:10 Sen. Ellis asked about percentage figures being entered in the bill draft.

Public Comment on Committee Bill Draft Proposals

14:02:55 Jason Rittal, Montana Association of Counties

14:03:50 Shelby Demars, Montana Police Protective Association

Additional Committee Discussion, Potential Committee Action, & Instructions to Staff

14:05:25 Sen. Cuffe asked about budgetary figures and original recommendations.

14:07:42 Rep. McKamey commented on the reasons for an increase.

14:08:58 Rep. Dooling commented on the bill.

Motion:

14:10:07 Rep. McKamey moved to move forward with PD0005.

Vote:

14:10:07 Carried 8 - 1 by voice vote with Sen. Cuffe, voting no.

Motion:

14:12:34 Rep. Dooling moved to extend the deadline in the referred to study resolution.

Vote:

14:12:34 Carried unanimously by voice vote.

Public Comment on Committee Bill Draft Proposals

14:12:41 Sen. Lynch joined the meeting.

14:15:17 Jason Rittal, Montana Association of Counties

14:17:02 Shelby Demars, Montana Police Protective Association

14:17:26 Sarah Piper, Montana Federation of Public Employees

AGENCY UPDATE – BOARD OF INVESTMENTS**Agency Update**

14:20:44 Dan Villa, Executive Director, Board of Investments ([Exhibit 10](#))

Committee Questions & Discussion

14:29:52 Sen. Cuffe asked Director Villa what agency the largest landlord in Montana is.

14:30:40 Rep. Kortum asked Director Villa about reinvestments.

Public Comment on Agency Bill Draft Proposals

None.

Public Comment* on Any Topic under the Committee's Jurisdiction

None.

BREAK (reconvene at 14:48:27)

Additional Committee Discussion, Potential Committee Action, & Instructions to Staff

14:48:42 Ms. Aldrich

Motion:

14:50:13 Sen. Kary moved PD0003 move forward.

Discussion on the motion:

14:51:01 Rep. Kortum commented on the bill.

14:51:44 Sen. Kary commented on coordinating PD002 and PD003.

14:52:49 Rep. McKamey called a question.

14:54:41 Rep. Kortum asked Ms. Aldrich about a backup for the bill.

14:55:05 The committee discussed who would carry PD0002

Vote:

14:53:25 Carried 5 - 4 by roll call vote with Rep. Kortum, Rep. Weatherwax, Sen. Ellis, Sen. McClafferty, voting no.

HJ 8: Interim Study of MT's Public Pension Systems

14:58:07 Rebecca Power, Committee Staff ([Exhibit 11](#))

Committee Questions & Discussion

15:04:20 Sen. Ellis asked Ms. Power to review the study timeline with the committee.

15:08:14 Rep. Garner suggested recommendations include all action items.

15:10:18 Ms. Power informed the committee that requests before the next meeting could be submitted to her and provided an update on green sheets.

Public Comment* on HJ 8

None.

Additional Committee Discussion, Potential Committee Action, & Instructions to Staff

15:14:20 Sen. Ellis asked if committee members would be interested in assisting Rep. Garner with a bill draft.
15:15:00 The committee discussed a work group.

Motion:

15:20:49 Rep. Dooling moved to provide an extension to the referred bill.

Vote:

15:20:49 Carried unanimously by voice vote.

Public Comment on Committee Bill Draft Proposals

None.

AGENCY BILL DRAFT PROPOSALS – TRS

15:23:21 Shawn Graham, Executive Director, Teachers' Retirement System ([Exhibit 12](#))

Public Comment on Agency Bill Draft Proposals

15:38:59 Rob Watson, School Administrators of Montana
15:41:42 Sarah Piper, Montana Federation of Public Employees

Additional Committee Discussion, Potential Committee Action, & Instructions to Staff

15:44:48 Sen. Cuffe asked Mr. Graham about the service date reduction.

Motion:

15:46:53 Rep. McKamey moved to pre-introduce TRS bills as presented.

Vote:

15:46:53 Carried unanimously by voice vote.

AGENCY BILL DRAFT PROPOSALS – MPERA

15:48:24 Dore Schwinden, Executive Director, MPERA
15:50:31 William Holahan, Deputy Director, MPERA ([Exhibit 13](#))

Committee Questions & Discussion

15:52:34 Sen. Cuffe asked the panelists about the one-time adjustment and if it impacts the drafted bill.
15:53:46 Rep. Dooling asked Mr. Schwinden about the impacts a .1% raise would have.
15:54:58 Rep. Bertoglio asked Mr. Schwinden why the 25-year amount was chosen.

Agency Bill Draft Proposals – MPERA

15:56:05 William Holahan, Deputy Director, MPERA ([Exhibit 14](#))

Committee Questions & Discussion

16:04:12 Sen. Cuffe asked Mr. Holahan about certificate due dates.
16:05:19 Rep. Dooling asked panelists about the referred-to statute.
16:06:15 Sen. Cuffe commented on the topic.

Public Comment on Agency Bill Draft Proposals

None.

Additional Committee Discussion, Potential Committee Action, & Instructions to Staff

16:09:47 Sen. Kary moved to pre-introduce MPERA bills as presented.

Vote:

16:09:47 Carried unanimously by voice vote.

Meeting Wrap Up

16:10:28 The committee discussed the next meeting.

ADJOURNMENT

16:11:43 Sen. Ellis adjourned the meeting at 4:11 PM.