

January 17, 1977

The meeting was called to order by Chairman Brand. Roll was called. Mular absent.

See Attachment #1, Hargesheimer's Summary of bills being considered.

HB 129 - Rep. Keyser, Sponsor, presented amendments. See Attachment #2. They are looking for a complete reduction in red tape in the bureaucracy. I felt it should do something to reduce this. This bill eliminates candidates for county and city government from filing with Campaign Practices, but felt this bill was not worded correctly. The amendment does away with Section 5 and 6. I felt in many of the rural areas these offices have no salary and there may be reimbursement for meetings but these people are still having to file. I think John Hanson has been very conscientious. At this point, the Campaign Practices Office is merely a paper processing office. They had over 7100 statements and reports since 1975. My bill cuts down on the paper work. The salary that these people receive does not warrant their having to file.

Dan Mizner--There are two or three bills in this same field. League of Cities and Towns supports this. We are not in the paper shuffling business in many cities. When you appoint a Treasurer, you have to open a bank account and do all sorts of paper work. This bill cuts down on the paper work. Many candidates refuse to run due to this paper work at a local level.

No opponents. Keyser closes.

Lein--Are first and second class cities under the Campaign Practices Act?

Mizner--Yes, unless you pass this bill.

Feda--Is there an effective date? Keyser recommends effective date upon passage and approval.

Turner--Should first and second class cities be included in this as they involve more money?

Mizner--The purpose of the Campaign Practices Act is to provide for accountability when getting into paying positions. If it is a paying job, then it should come under the Act. Some second class cities the mayor is paid \$200 a month which isn't really pay. You should look at the individual case and let that be the determining factor. Where it is a paying job and money is involved in campaigning. Keyser would be agreeable for Class One cities to be included but not Class Two if you felt that the salaries would be large enough.

Turner--If we pass this and then the bill to abolish the office goes through, what would happen?

Brand--We will hold both bills in abeyance until HB 137 goes through.

O'Connell--When you get to cities like Great Falls, there are large amounts of money spent to get people into office. I understand the Practices Act will be revised--the monies expended to get them elected.

Mizner--Four first class cities and ten second class.

HB 185--Keyser, Sponsor. This excludes all school districts from the Campaign Act. These are voluntary jobs. There usually is no salary. School trustees shall not have to file except in cities of 1500 or greater population. School districts are

-controlled by local school boards, and this bill simply makes this definite.

HB 182--Meloy, Sponsor. Mostly clarification although there are two substantive changes. I should say that two years ago I put a bill in to clarify the expense business. This is kind of a clean-up bill based on the experience by the Department of Administration. (1) A change in the law relating to requiring receipts for meals. The Department says that it costs more money to collect and audit those receipts than to simply pay the amount described in the statute for various meals. We are not changing the amount available but taking out the requirement for a receipt as it costs more than it is worth. (2) On Page 3, pertaining to overnight accommodation, you can't get any money if you stay in a place provided by a government entity (university dorm, institution, etc.,) He said that the rest of the changes were clarifications of unclear language.

O'Connell--This is allowing the same things but just simplifying the language. They don't have to bring in receipts for meals, but receipts are required for lodging?

Meloy--Yes. No department is currently requiring receipts for meals so this just legalizes that. This provides for equality with a flat rate.

Crosser, Director of Department of Administration. See Attachment #3.

"to enforce the law as written now, we should require receipts but it has been so impractical that we have refrained."

Kropp--Concerning the time limit, is this necessary?

Meloy--This is in the present law.

Crosser--The travel claim has a time schedule on it, and the employees are required to file these on time.

Tower--What do you consider state-provided facilities?

Crosser--Where you don't stay in a motel but with acquaintances. This came from the legislators themselves. Even when not staying in a motel, they will have incurred expenses.

Lien--We wrote a request for an allowance of twenty cents per mile for private aircraft because air miles were less than highway miles. I understand the state has been paying highway miles for air miles.

Crosser--There was a conflict when two bills went through least session dealing with the same subject.

Bardanouve--Does this remove the ceiling on the cost of meals?

Meloy--No, the material stricken defines the period of time when a person is considered travel status.

HB 177--Menahan, Sponsor. Basically, what it does is save them from the liability when their job is carried out. One attorney said he was against this because if you give them a notice to serve, and they are liable, they will do it. But others say that sometimes there are circumstances when they need to not be liable.

Chairman Brand was called out of the room so Lien took over the chair and the committee went into temporary executive session.

O'Connell moved DO PASS ON HB 182 with Robbins seconding. The motion carried with Ryan and Kropp opposing.

HB 118--Menahan. If we could extend it and check on whether we could extend it to include all elected officeholders. Bardanouve moves DO NOT PASS.
O'Connell seconds.

Meyer--Could this be changed to include the governor and everybody else?

O'Connell--A new bill would have to be drafted.

Menahan--We could table this and have a committee bill drawn up to include all offices. Menahan moves to table HB 118, seconded by Feda. Motion passes with Lien voting no. Menahan: I move we draw up a bill to include all office holders and they must resign. Kropp seconds.

Robbins--Leadership has encouraged committee bills. But as a courtesy to the sponsor, we should notify him. A roll call vote was taken: Yes: Menahan, O'Connell, Robbins, Ryan, Feda, Kropp, Meyer, Smith, Tower. No: Lien, Bardanouve, Kanduch, Turner. Brand and Mular not present to vote. This vote failed due to the ruling calling for a 3/4 majority needed for committee bills. Another 3/4 of a person was needed.

Hearing reopened on HB 177.

HB 177--Tom Dowling, of the Sheriffs and Peace Officers Association, Helena, testified: A similar bill was put in last session but was killed in the Senate. This eliminates liability of sheriffs in carrying out civil actions.

Bardanouve--What will happen if a sheriff fails to carry out his duty?

Dowling--Either he is removed from office or he is sued. They carry a bond for such things.

Lien--Can you ask the District Court to have him perform his services and he is in contempt if he doesn't?

Dowling--Yes.

Turner--What is considered a diligent attempt?

Dowling--This varies.

Kanduch--Would this?

Dowling--If he makes a diligent effort, he cannot be sued. They are afraid of scurilous law suits.

EXECUTIVE SESSION:

O'Connell moves DO PASS on HB 177, Smith seconds.

Menahan--This would allow him to be removed from office but does not allow him to be sued. Motion passes with Ryan and Bardanouve voting no.

HEARING:

HB 179--Rep. Burnett, Sponsor. I met with a number of administrators and they felt

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it necessary that we set up some qualifications for this position. Because a person with this kind of responsibility should have some definite qualifications. The recommendations would be a Class 3 Teacher-Administrative Certificate and this would allow them to step into any school in the state and take charge. I think it is justifiable.

OPPOONENTS--Alve Thomas, Office of Superintendent of Public Instruction. I don't think any elective office should be restricted to such things. Over a number of years we have had state superintendents...they should have an administrative certificate. If we do, then next it would be the governor. Menahan testified as a private citizen and school teacher. "We have had this before. I am a school teacher and qualified for a Class 3 certificate and could run but I think if the person has a college degree, then that's enough. I think this will solve nothing and that it is discrimination. You know, a thermometer has degrees and where do we put them?"

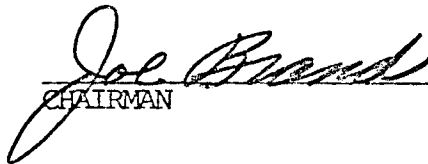
Burnett--Most elective offices have requirements such as state attorney so that they are qualified. He closes.

O'Connell moves DO NOT PASS on HB 179 with Meanhan seconding. A roll call vote was taken. YES: Lien, Kanduch, Menahan, O'Connell, Robbins, Ryan and Smith.

NO: Bardanouve, Feda, Kropp, Meyer, Tower and Turner. The motion carried.

The meeting was adjourned at 11:30 A. M.

(The Committee was later asked to hold HB 182 for further consideration.)


CHAIRMAN


Secretary