

January 31, 1977

The meeting was called to order at 9:05 a.m. by Chairman Brand, all members were present.

Dick Hargesheimer presented his summary, see attachment #1.

HJR 29-Rep. Harper, sponsor--This bill addresses a problem peculiar to Montana. Due to the advent of single member districts, Malmstrom Air Force Base composes a whole district. On the base, the commanding officer has control of elections. I feel we should keep personalities out of it when considering this bill, because there is a problem.

JAMES ZION, ACLU--The problem we have is that the legislative district is the base. The base commander has discretion as to what he lets happen. This bill asks the Secretary of Defense or Congress to make rules for elections. The commander prohibited campaigning on the base; and for this many people to not be able to participate in the political process is absurd. Anybody can go on the base except political candidates. This asks that campaigning either be allowed or rules governing it be established.

TURNER--Why do you make this exclusive to Malmstrom? ZION-Malmstrom is a large residential area. Perhaps if there are other areas, we should include them. BRAND--Why not have a resolution that all military bases have political campaigns on them?

ZION--Because Malmstrom is the only residential base in the state with this problem.

BRAND--Shouldn't this be directed to all military bases in the U.S.? TOWER--Right now, I understand that there is a law suit being brought about this. KROPP--There seems to be some question as to who has authority. ZION--This just asks the Secretary of Defense or the Congress to promulgate some rules. RYAN--Was there a complaint filed with ACLU about this? ZION--No, our organization believes there should be free political participation. I don't believe this bill would have any effect on a court case. MULAR--Do you feel Montana has the right to request rules for other states? ZION--We could request it, because this is simply a state concern. RYAN--Would this have an impact on Indian reservations? ZION--No, there are no restrictions on the reservations or any other federal enclaves.

HB 414--Rep. Lynch, sponsor--This simply clears up some language about the Department of Administration.

DICK HARGESHEIMER--In the 1975 session, there was a bill in to change it from the Department of Administration to the Budget Director. Instead of the Department of Administration, it is now called the Budget Director. This gives him some control of positions, etc.

RYAN--Is the Budget Director in the Department of Administration? HARGESHEIMER--He is attached to the Governor's office.

HJR 27--Rep. Feda, sponsor--This is an anti-gun control resolution, and I close.

MULAR--Is this just for hand guns? FEDA--It covers everything except machine guns.

MULAR--I think we should put machine guns in - District 4 uses machine guns.

#### EXECUTIVE SESSION

HB 211-(see attachment #2 for subcommittee report) We feel this could be better dealt with in Local Government or Taxation, and the sponsor concurs in this. We recommend that this be transferred to Local Government.

MULAR-There are provisions for interlocal agreements in HB 122, and so the Local Government committee could better deal with this. The 3% thing is included in 122.

Ryan moved that HB 211 be transferred to Local Government, Kropp seconded, and the motion carried with Robbins, O'Connell and Feda voting no.

HB 230-KANDUCH-We met with Crosser, and came up with these amendments. (see attachment #3) This spells out the duties of the two departments. Since the department was set up in 1975, they have been organizing, and are now ready to go into production; and to do so, they have to raise \$10,000,000. They also have to invest this money. So, there would be one department who can raise the money, and one department to invest the money. We recommend adoption of these amendments and a DO PASS recommendation.

Robbins moved AS AMENDED DO PASS, Meyer seconded, and the motion carried unanimously.

HJR 27-Robbins moved DO PASS, Ryan seconded, and the motion carried with Kanduch voting no, and Menahan saluting.

HJR 29-Turner moved DO NOT PASS. Menahan made a substitute motion of DO PASS, with Mular seconding. O'Connell proposed an amendment to include "all military installations in the state of Montana". RYAN-I asked a couple of questions intentionally to see if this was a nation wide problem, and he couldn't answer - I don't think we are cognizant of the problems of a military base. MENAHAN-Either we should keep this alive, and ask them to put two districts on there or something. Geraldine got 18 votes, and the man this year got 65 votes - and as far as the military base, I don't want a colonel telling me who can come talk to me about how to vote. MULAR-I feel we are addressing a specific problem, and to amend would change the intent of the bill. RYAN-I believe there were 206 votes cast here. I think this is special interest legislation. TURNER-This is class legislation, and I don't think we have the right to spend the money on the resolution. It is hard to say what the Secretary of Defense would do with this. KROPP-They have as much right to vote on that base as anywhere.

O'Connell withdrew her amendment motion.

BARDANOUE-Two years ago I made remarks about the situation in Cascade County as bad. Anytime an election is decided by an handful of people, it is dangerous, and could eventually be a corrupt situation. This base should be open to campaigning. I think we should have the military base open to campaigning from both sides. If they don't vote, we can't do anything; but it should be open to campaigning. MULAR-I too feel that if the commander has the political establishment in his hands, it is unfair. This resolution may be the forerunner of the redistricting of that base. This is not just special legislation, it applies to the political mechanism of the base. SMITH-If these people want to vote, there's nothing to keep them from it, and this won't help. TURNER-Why didn't you bring up the point of applying it to all military bases? BARDANOUE-I wasn't allowed to vote on the amendment Mr. Turner, due to hostility in the committee. O'CONNELL-There were no lists of registered voters provided for the candidates. So, the candidates had no way of canvassing. The people who work on the base live in a number of places in Great Falls. I think when we look at the vote here, very few who vote there live on the base. HARGESHEIMER-What Mrs. O'Connell referred to happens quite often; but after a point, you are required to

register and vote in the same district. MEYER-These precinct lists were all late in Gréat Falls. MULAR-I feel that if a military commander can be a political boss, that government has really come to a bad point. RYAN-I move that this be put in a subcommittee for amendments and examination. Lien seconded, and added that the subcommittee should inquire if all military installations in the state are so structured. MENAHAN-The candidate who filed first went to Malmstrom to campaign and was denied that right; so he withdrew, went and campaigned, and then re-entered the election. Ryan withdrew his motion of a subcommittee.

Mular moved HJR 29 DO PASS, motion failed with Bardanouve, Kanduch, Menahan, Mular, O'Connell, and Robbins voting yes. Robbins moved that the bill be put in a subcommittee, Mular seconded. ROBBINS-The problem is the base. I'm not arguing the right to vote - this is the right to campaign. MULAR-This base happens to be a special case, because the commander has made a discriminatory move. We are not in a state of war. Robbins' motion to put the bill in subcommittee passed, with Kropp, Smith, Tower and Turner voting no.

HB 414-Bardanouve moved DO PASS, Fedra seconded, and the motion carried unanimously.

#### EXECUTIVE SESSION CLOSED

SB 63-Senator Murphy, sponsor--This was introduced at the request of the Department of Livestock. The need for the bill--their funds are invested by the Board of Investments in interest bearing areas; and this requires that the interest be returned to the department. Otherwise, their funds are returned to the general fund. These funds are not tax money, and should not be in the general fund. They are all producers' monies, and should be credited back to the department

LES GRAHAM-(this man left abruptly without filling out a witness statement, which prevents proper identification)This bill will mean no changes in what is currently being done. Wheat money, and hail monies have not ever gone to the general fund until January 1, 1977. We feel this could cost the Department of Livestock an estimated 50 - 75 thousand dollars a year. We are talking in terms of \$52,000 in interest; and so far, \$42,000 for last year. The situation developed when the fiscal auditor noticed a fiscal irregularity.

REP. JACK GUNDERSON-I have dealt with the Wheat Research & Marketing Committee. These are growers funds that they put in for research and marketing. They are happy to invest it through the state; but these are all growers funds, and they should be entitled to the interest. 2% of the funds go to the counties for hail damage. If these funds went to the general fund, they would have to raise hail insurance rates. All of the surplus interest will go to the fund. So, I ask for your favorable consideration.

#### NO OPPONENTS

MULAR-This is mainly a consumer bill. If we invest this then possibly there would be a decrease in the rate. GUNDERSON-Yes. MURPHY-We discussed putting in an immediate effective date, and decided against it. As long as the bill passes, the intent would be clear.


Smith moved DO PASS, Bardanouve seconded, and the motion carried.


The chairman assigned Rep. Smith to carry the bill on the House floor.

O'Connell stated that the subcommittee on HB's 302 and 249 had been unable to meet thus far, and were scheduled to get together Friday, February 4, 1977.

Mular moved that the meeting be adjourned,

MEETING ADJOURNED - 11:45

  
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Joe Brand, Chairman

  
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Anita C. Sierke, Secretary