

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

April 22, 1981

The Senate State Administration committee was called to order by Senator Pete Story, Chairman, on the above date in room 442 of the State Capitol Building at 9:30 a.m.

ROLL CALL: All members were present, with the exception of Senator Kolstad. Sen. Towe had come in late.

CONSIDERATION ON SENATE JOINT RESOLUTION 36:

...URGING THE ASSIGNMENT TO AN APPROPRIATE INTERIM COMMITTEE OF A STUDY OF MONTANA'S CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES AND ITS ADMINISTRATION AND ENFORCEMENT.

Sen. Dorothy Eck, sponsor, said this is a resolution which provides for and asks for an interim study of our code of ethics. A serious problem has developed--loss of credibility in government. There is more in the state or local levels, but it prevails everywhere. Maintaining and rebuilding the confidence of government need to be addressed. This can be done through the assurance that can be given to our constituents and our fellow legislators in an effective code of ethics. She stated that in the past there was not a code of ethics, but bills were introduced for it. The bill that was passed was Mike Meloy's in 1977, amended, but it provides a basis for a code of ethics. It is not very strong. They had submitted a request to the secretary of state to look into the Anderson affair this session and thought that the code should have been a little broader. It provides that a legislator may ask an opinion of the secretary of state regarding a future action which a legislator may be contemplating. It does not allow for a citizen to come in and ask whether it is appropriate or not. It also does not allow for a legislator to ask in general about appropriate behavior. This would be an advantage, she stated. If this course of action is pursued, he can ask the secretary of state through a series of rules to establish a code of ethics for the legislative body and for state officials. She said this also applies to local officials. A better understood code of ethics would be an advantage to the public official as well as to the public. The scope of the study is well laid out in that they would look at questions as to what kind of consensus exists. There is a need for a vehicle of enforcement. Presently there is in the law that one can bring legal action against another. She wants a resolution to clarify what is appropriate expected behavior of public officials and assure citizens that some remedies will be expected. This resolution is late because they had to wait until the secretary of state gave them a report.

PROPOSERS: Mike Meloy gave two reasons why this resolution should be passed: 1. The present law is so vague and ambiguous this it does not help anybody. It does not help the person accused because there is no concrete code. It does not help the person who is the accuser, and it does not provide any guidance. He said it should be studied, and he maintains that the code of ethics should be either repealed or strengthened. 2. Many bills like this will be introduced in the next five or six years by people who want a tighter bill to cope with political problems.

Senator Towe arrived in the middle of Mr. Meloy's proposal.

Proponent Mike Anderson, Senator, quoted from Helen's newspaper, "The Independent Record", concerning various legislators who acted on bills affecting a group of which they were members. He feels that the code should be clarified. He has looked at the present code of ethics, and he would like to go on record as a supporter of the bill.

There were no opponents, so questions were opened up to the committee. Sen. Hafferman referred to Moses coming down from the mountains and asked if this code would take the place of the ten commandments. Mr. Meloy said it may not take their place but give a better idea if one is involved in a conflict.

Sen. Towe said there is a legitimate questions as to where private interest begins and public interest ends. There might be a conflict if it involves only one person.

Sen. Ryan pointed out inconsistencies. They study ethics but pass bills which effectively condone past violations.

In closing Sen. Eck said this is a request for a study that needs to be done. It will point up a whole area that has never been contemplated.

ACTION ON SENATE JOINT RESOLUTION 36: Sen. Towe moved DO PASS; roll call vote resulted in a DO NOT PASS. Senators Hafferman, Johnson, Ryan, and Hammond were adverse; Senators Story and Towe voted Yes.

Sen. Towe asked his fellow members of the committee to respond why they voted against it. Sen. Hammond said everybody cannot be put into a form because everybody has their own code of ethics. Sen. Towe asked him if they use a measurable standard when they criticize another teacher. The two men discussed this, and Sen. Hammond does not agree with a mold.

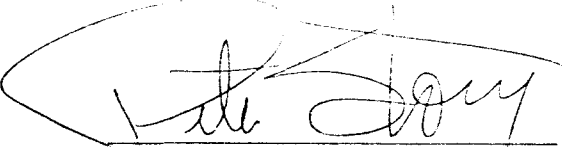
Chairman Story asked if the committee would entertain a motion to reconsider their action on this resolution. The adverse members said No, and Sen. Ryan resented this because the committee had had a controversial appointee for one of the department heads and a controversial bill concerning judges' salaries. There was discussion on this, and Sen. Towe said there should be a standard below what we can criticize someone. A code of ethics would require that he should not be required to vote.

Chairman Story commented there is a two-tier system. There are things that are against the law, but other things are vague and no one should be sent to jail.

Sen. Towe asked if anyone would change their vote, and they all replied No.

Chairman Story asked for a minority report with his and Senator Towe's signatures. A majority report will be signed by Senator Hammond as acting chairman. Sen. Ryan commented on the fear the senators feel. They will not vote against it because of their fear of what it will say in the paper. Sen. Towe remarked that it would stave off unfair criticism and that a standard is needed.

ADJOURNMENT: 9:55.



PETE STORY, CHAIRMAN

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date APRIL 22, 1981 Bill No. SJR 36 Time

NAME	DO PASS	
	YES	NO
Senator Pete Story, Chairman	X	
Senator Allen Kolstad, V. Chairman		
Senator William Hafferman		X
Senator H. W. Hammond		X
Senator Jan Johnson		X
Senator Patrick Ryan		X
Senator Thomas Towe	X	

Barbara Simic
Secretary

Pete Story
Chairman

Motion: Sen. Towe moved the SJR DO PASS; motion failed and resulted
in a DO NOT PASS; both majority and minority reports were filed.

(include enough information on motion—put with yellow copy of
committee report.)

STANDING COMMITTEE REPORT

MAJORITY REPORT

APRIL 22

19 81

MR. PRESIDENT

We, the Majority
your committee on COMMITTEE ON STATE ADMINISTRATION

having had under consideration SENATE JOINT RESOLUTION Bill No. 36

Respectfully report as follows: That SENATE JOINT RESOLUTION Bill No. 36

DO NOT PASS

~~DO NOT PASS~~

WILLIAM HAFFERMAN

PATRICK RYAN

JAN JOHNSON

STANDING COMMITTEE REPORT

MINORITY REPORT

APRIL 22

19 **81**

MR. **PRESIDENT**

the Minority

We, your ~~XXXXXX~~

COMMITTEE ON STATE ADMINISTRATION

having had under consideration **Senate Joint Resolution** Bill No. **36**

Respectfully report as follows: That **SENATE JOINT RESOLUTION** Bill No. **36**


DO PASS

THOMAS TOWE