

MINUTES OF THE MEETING OF THE HOUSE STATE ADMINISTRATION COMMITTEE
January 11, 1983

CHAIRMAN JOE BRAND called the meeting to order at 9 a.m. in Room 129 of the Capitol. All members were present.

HOUSE BILL 79

Chairman Brand opened the hearing on House Bill 79 by calling on its chief sponsor, REP. KEN NORDTVEDT, who explained that the bill would establish a new way of handling the matter of salary levels for elected officials. Rep. Nordtvedt said he would use himself as an elected public official, and other elected public officials not as "state employees" as such. He said elected public officials have a special duty to represent the people and as such should not be paid with a concern of being competitive with private industry. But he said that at present, elected public officials' pay levels are set at equal to the pay plan for state employees. His bill, he said, would take elected public officials out of the area of politics by indexing pay only to the "economic welfare" of Montanans through use of a personal income standard factored to reflect a per capita index. He said the bill would refer to the percentage growth that is used for the state spending figure in 1981, and then factored to a per capita expression. "This concept would take the politics out of the process and at the same time be fair to Montanans," Nordtvedt said. "It would measure elected officials salaries against the salaries of Montanans. When their salaries prosper, so do our salaries."

Rep. Nordtvedt stated that the bill needed amendments: (Figure 1) He said it needed to be amended to have the growth percentage in the bill reflect the same growth percentage in state spending used in 1981. He said at present the language of the bill does not factor the equation for a per capita expression. He said the Department of Community Affairs has that method in figure. (Figure 2) He said the bill should make starting salaries consistant. He noted that the bill would have an effective date of July 1, 1985. He stressed that a fair level of starting salaries be adopted because this present time, being a recession, there is no "fairer way to tie the fate of elected officials' salaries to the fate of Montanans."

REP. FRANCIS BARDANOUE spoke as a "neutral proponent." He spoke of a history of experience in elected official salary settings. Rep. Bardanoue said he believes that Rep. Nordtvedt is sincerely seeking a fair method. Rep. Bardanoue said the salary commission recommendations were so high that the Legislature practically ignores them. "We have a real hassle setting salaries," Bardanoue said. He praised the Nordtvedt suggestion as uniform, and one that would get around personal feelings of politics. He commended Rep. Nordtvedt, saying "it may be a fair way of doing it and eliminate a lot of hassle."

MAYNARD OLSON, representing the Office of Public Instruction, stated that Superintendent of Public Instruction, Ed Argenbright supports the proposal.

THERE BEING HEAR NO OPPONENTS, CHAIRMAN BRAND CALLED FOR A CLOSING STATEMENT BY REP. NORDTVEDT.

Rep. Nordtvedt said he was seeking two goals by way of the bill:

(1) to take politics out of the salary process and, (2) to be fair to elected officials, Montanans who pay their salaries. "We'll share good times with them and we'll share the bad times."

Responding to a question by REP. JERRY DRISCOLL, Rep. Nordtvedt said he would seek an effective date of July 1, 1985 for the bill. Rep. Nordtvedt also said that he plans to introduce a bill to abolish the Salary Commission.

REP. CLYDE SMITH asked why the 1985 effective date, and not 1983. Rep. Nordtvedt said there was strong reason, he simply preferred to use the later figure.

REP. JOHN PHILLIPS noted that it would be unconstitutional for the Legislature to set salaries that affected their own this session.

REP. HOLLIDAY asked if the growth in Montana's economy could be reflected in the minus figure. Rep. Nordtvedt said yes, if there was a serious economic recession, it could result in a salary reduction for elected officials.

REP. BILL HAND asked about the proper method of computing growth, whether it was by personal income growth or a percentage growth. Rep. Nordtvedt said he hoped to see a factor that reflected the total change in Montana Personal income that factored for per capita change.

REP. McBRIDE questioned whether the growth factor was the one mentioned in 17-8-106, MCA, or another growth factor. Rep. Nordtvedt said he did not intend to change the existing statute, but intended to change the bill to reflect the statute. He said a bill to abolish the Salary Commission would need a constitutional amendment, and maybe language was needed to clarify that the bill would uncouple the legislators from the pay plan.

Rep. Bardanouve asked if this was an indexing bill. Rep. Nordtvedt said it was.

REP. PAUL PISTORIA asked why the state auditor would be paid less under the Salary Commission proposal. Rep. Bardanouve suggested that in the past, perhaps legislators were not liking someone in office. Rep. Pistoria also questioned why there was an only \$1,000 difference between the Chief Justice and the Associate Justice of the Montana Supreme Court. Rep. Bardanouve said that \$1,000 is an historical pattern. Rep. Pistoria asked if the Appropriations Committee could handle the State Auditor's salary. Rep. Bardanouve said it is not up to Appropriations to handle it but that in the past, Appropriations has sometimes set the salary figures. He said there was no firm procedure for salary setting.

Chairman Brand noted that when he first came to the legislature, the lawmakers' salary was \$10 a day, then it moved to \$15 a day. He said salaries were, after that, tied down to the pay plan in order to avoid any hassle. He asked Rep. Nordtvedt if he believed in what the Salary Commission was doing. Rep. Nordtvedt said that he did believe in what the Salary Commission was doing, but that the Salary Commission recommendations did not reflect the nature of elective officials' positions. He said an elected official is not a state employee but he is a representative of the people and here to protect the peoples' interests. Chairman Brand asked if legislators should be willing to take a decrease when the levels would be set two years from now. Rep. Nordtvedt said all elected officials should share in the gain or loss.

Chairman Brand asked Rep. Nordtvedt whence came the growth figure period. He asked what the current statute said. Rep. Nordtvedt said each session would measure personal income of all Montanans from Federal Department of Commerce figures averaged over three years (of two biennia).

Responding to a question by Rep. Driscoll, Rep. Nordtvedt suggested changing the "personal growth" reference in the bill to "per capita percentage growth."

REP. FRANCIS KOEHNKE asked if the figures would be taken from state income tax records. Rep. Nordtvedt said not, but would be taken from several sources of information, including some sources of income not taxable. He said the bulk of the information would be taken from wages, salaries and private income.

Responding to a question by REP. JOE HAMMOND, Rep. Nordtvedt said the per capita change he recommends would be figured on the basis of "total population." He said that would include those not working.

THERE BEING NO FURTHER QUESTIONS FROM COMMITTEE MEMBERS, CHAIRMAN BRAND CLOSED THE HEARING ON HOUSE BILL 79, AND OPENED THE HEARING ON HOUSE BILL 83 BY CALLING ON ITS CHIEF SPONSOR REP. ANDREA HEMSTAD.

HOUSE BILL 83

REP. HEMSTAD said the measure would result in the polls opening at 7 a.m., not 8 a.m. She called it a "people oriented bill." She said that people who work from 8 to 5 have only 3 hours-- 5 p.m. to 8 p.m.--to vote. She said this bill would allow one additional hour for them to vote before work. She said it would decrease lines in the final hours of polling. She said the plan has proven successful in several other states.

CLIFF CHRISTIANS, speaking for Secretary of State, James Waltermire, praised the bill and listed a number of states with early voting hours: California, Colorado, Nevada, N. Dakota, Utah and Washington. He said the bill would "hopefully alleviate the crunch."

MARGARET DAVIS, representing the League of Women Voters, stated the group's support for the measure. She said it would also work against what she viewed as the negative aspect of television network "exit" polling. She said that exit polling created problems with regard to president Carter in 1980. She said voters "gave up," affecting adversely many local races.

JOE LAMSON, Executive Secretary of the Montana Democratic Party, stated the Party's support for the measure, and further suggested that the bill be amended a 6 a.m. starting time, not 7 a.m. for the opening of polls. He said he was afraid of a crunch during the first hour.

BILL ROMINE, representing the Clerks and Records Association, said that his association did not believe the measure would have a practical affect. He said that "nobody likes to get up an hour earlier." He said that people get to the polls one hour earlier anyway and the pollworkers have long hours and hard work during the day already.

THERE BEING NO OPPONENTS TO HOUSE BILL 83 BEING HEARD, CHAIRMAN BRAND CALLED FOR QUESTIONS FROM COMMITTEE MEMBERS.

REP. GLENN MUELLER asked if there were any statistics available from other states that adopted this method. Rep. Hemstad said that she was unaware of any, and further, the statistics probably differed across the country.

REP. JOHN RYAN asked if the bill would allow polls to stay open until midnight. Rep. Hemstad said no. Romine said the bill would allow the polls to be closed early if all voters registered at the precinct have voted.

Rep. Pistoria asked if the bill would exclude school elections. Christians said he did not know but would check. Rep. Pistoria said the bill should affect all elections. Romine said the bill probably would not refer to school elections, because school elections are provided for elsewhere in the statutes.

THERE BEING NO MORE QUESTIONS FROM COMMITTEE MEMBERS, CHAIRMAN BRAND CLOSED THE HEARING ON HOUSE BILL 83.

CHAIRMAN BRAND OPENED THE HEARING ON HOUSE BILL 107 BY CALLING ON ITS SPONSOR, REP. WALTER SALES.

HOUSE BILL 107

REP. SALES said House Bill 107 would correct a defect in the current law regarding ballot issues and the filing of arguments and rebuttal arguments. He said nothing in the law now states what happens if proponents do not get arguments in on time. He said the measure would set deadlines and clarify what the Secretary of State is to do.

Cliff Christians, representing Secretary of State, James Waltermire, stated that Waltermire is strongly behind the bill. He said that during the last election, Waltermire's office had to hold up the printers and incur extra cost because of late submission of arguments. He said the Secretary of State's office would like to have statutory authority to let factions know what happens if they miss deadlines.

Bill Romine, representing the Clerks and Recorders Association, said the association supports the bill because of an indirect result; he said it would lengthen time between the receiving of ballots and the election by 5 days.

THERE BEING NO OPPONENTS TO HOUSE BILL 107 BEING HEARD, CHAIRMAN JOE BRAND CALLED FOR QUESTIONS BY COMMITTEE MEMBERS.

CHAIRMAN BRAND ADVISED COMMITTEE MEMBERS THAT THE HEARING ON HOUSE BILL 112 WOULD BE CONDUCTED FRIDAY, JANUARY 14. Rep. John Phillips asked if House Bill 112 was not an appropriation measure. Chairman Brand stated that first, the committee would review the idea of the bill and then perhaps send it to appropriations.

EXECUTIVE SESSION

CHAIRMAN JOE BRAND CALLED THE COMMITTEE INTO EXECUTIVE SESSION, AND CALLED FOR A MOTION ON HOUSE BILL 79.

Rep. Sales stated the concept of House Bill 79 was good and that it was poorly written. He asked for creation of a subcommittee to work over the bill and review informational problems. He so MOVED: REP. SMITH SECONDED.

The question was called and the motion was CARRIED by a unanimous voice vote.

Chairman Brand appointed Rep. McBride Chairman of the subcommittee, and Representatives Sales and Driscoll as subcommittee members.

HOUSE BILL 83

REP. HELEN O'CONNELL MOVED DO PASS, REP. HAND SECONDED.

Questions were raised about the possible fiscal effect of House Bill 83.

Legislative Researcher, LOIS MENZIES, stated that the bill probably would not affect school elections, as another statute specifies that polls during school elections shall open no earlier than 8 a.m.

The question was called and the motion CARRIED by voice vote, Rep. Sales voting "no".

HOUSE BILL 107

REP. O'CONNELL MOVED DO PASS.

Chairman Brand stated he was still concerned with the possible deliberate omission of argument in referenda.

REP. O'CONNELL WITHDREW hew motion.

Chairman Brand stated he preferred to have a subcommittee appointed to work with Cliff Christians on the measure. Rep. O'Connell stated that Chairman Brand should be on that subcommittee. Chairman Brand suggested that the Secretary of State should write an argument if supporters did not provide an argument; otherwise, he said, voters would be uninformed.


Rep. Mueller questioned Chairman Brand about his concern. Chairman Brand said that he was fearful of a deliberate attempt to leave the public uninformed. Rep. Smith agreed that was an important concern.

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Rep. O'Connell MOVED creation of a subcommittee. Chairman Brand asked for suggestions as to membership and Rep. O'Connell suggested the Chairman, Rep. Hand, and Rep. Sales.

The meeting was declared ADJOURNED.



REPRESENTATIVE JOE BRAND, Chairman

STANDING COMMITTEE REPORT

January 11,

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MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE

Bill No. 83

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"AN ACT TO AMEND SECTION 13-1-106, MCA, TO REQUIRE THAT ELECTION
POLLS OPEN AT 7 A.M."

Respectfully report as follows: That HOUSE

Bill No. 83

DO PASS

House State Administration Committee

Bill Summaries

Tuesday, January 11, 1983

- HB 79 (Nordtvedt): Currently salaries for elected officials, including judges and legislators, are set each session by the legislature. HB 79 would eliminate the need for the legislature to set these salaries by providing an automatic salary adjustment based on the growth percentage. The growth percentage is the percentage difference between the average Montana total personal income for the three calendar years immediately preceding the next biennium and the average Montana total personal income for the three calendar years immediately preceding the current biennium.
- HB 83 (Hemstad): With a few exceptions, the law now requires that election polls be open from 8 a.m. to 8 p.m. Requested by the Secretary of State, HB 83 requires the polls to open one hour earlier at 7 a.m.
- HB 107 (Sales): Requested by the Secretary of State, HB 107 revises the law concerning filing ballot issue arguments and rebuttal arguments. The bill requires an argument advocating approval or rejection of a ballot issue to be filed with the Secretary of State no later than 5 p.m. on the 90th day before the election at which the issue will be voted on by the people. Rebuttal arguments must be filed no later than 5 p.m. on the 10th day after the deadline for filing the original arguments. Failure to meet these deadlines means that the agreements will not be included in the voter information pamphlet.
- HB 112 (Donaldson): Currently the maximum amount of general fund money that the Governor may expend when he declares an emergency or disaster is \$750,000. Requested by the Department of Military Affairs, HB 112 permits the Governor to expend a maximum amount of \$1,500,000.

NAME: W. L. Romine DATE: 1-18-83

ADDRESS: Helena

PHONE: 442-2220

REPRESENTING WHOM? Clerks & Recorders

APPEARING ON WHICH PROPOSAL: H.B. 107

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: the clerks & Recorders support, generally, any legislative
which will have the effect of lengthening the time between the
actual receipt, by the election administrator, of the ballots and
the election date. Although this bill may not directly increase this
time span, it should help speed up the certification process,
and thereby indirectly increase the time available in getting
ballots printed.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.